

## Rachelle Conner

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**From:** Dan Boles  
**Sent:** Monday, August 04, 2014 11:20 AM  
**To:** Rachelle Conner  
**Subject:** FW: Rezoning of Osborne property, 700 W

Hi Rachelle. Here is another email regarding the Osborne property rezone.

Dan Boles  
Senior Planner  
Draper City

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**From:** [mickb@woodsidehomes.com](mailto:mickb@woodsidehomes.com) [<mailto:mickb@woodsidehomes.com>]  
**Sent:** Monday, August 4, 2014 10:45 AM  
**To:** Dan Boles  
**Subject:** Rezoning of Osborne property, 700 W

Dan,

I will be out of town and thus unable to attend the City Council meeting on August 8th where the rezoning of this property will be discussed. I live at 11832 S. 700 W. and have the following comments on this issue.

1. I do not object to the rezoning of this property provided the development provide some open space to preserve and protect the river corridor and provided it conforms well with the current topography of the land.
2. People talk about R3 zoning as 1/3 acre lots, but given the need for roads and possible open space, most likely none these lots will be 1/3 acre, but will be closer to 1/4 acre. We need everyone to understand the truth about these lots and not assume that they will be 1/3 acre or better. Again, I am OK with that provided the development is similar to the one Ivory Homes is currently developing.
3. Because I live on 700 West I am concerned about the impact over 70 homes will have on this street. There is another 15 plus home development also going before the planning commission this month. These two developments will make this already busy and narrow street very unsafe, particularly for the children that live on 700 West.
4. We all know that the Jensen farm is also up for sale. This development would also dramatically increase the traffic on 700 West.
5. Given the impact these developments will have on the existing residents along 700 West, I respectfully request that, even if the property is rezoned, that developments not be allowed to go forward until after 700 West is improved. My understanding is that it is slated to be a three lane road (one lane each direction with a turning lane) with 10 foot parking strips on each side. It would also be good if there could be a biking lane. The speed limit should remain at 35 mph or less.
6. I understand that a commitment to improve the road before development will cost the taxpayers. This money, however, could be recovered by assessing the new developments based on 700 West frontage.
7. In your efforts to allow property owners to do as they wish with their property and in you efforts to increase the tax base of our city, I plead with you to not sacrifice the safety and well being of the current residences; especially where there is a solution for meeting the needs of all.
- 8.

Following is my information in case you wish to contact me. I will be out of town from noon on August 7th thru August 10th.

Mick Breitling  
11832 S. 700 W.  
Draper, UT 84020  
Home phone: 801-523-2703  
Work phone: 801-813-8083

Thank you for your time and consideration.

Mick Breitling

August 5, 2014

Draper City Counsel Meeting

Re: Osborn farm rezoning application

I am Rick Taylor, residing at 11443 S. 700 W. Draper, Utah 84020, concerned resident of this great city.

Even though we now live next to a 5 lane highway with the traffic noise and headlights of Soccer City being a constant pesterence, I truly do love what's left of my rural lifestyle.

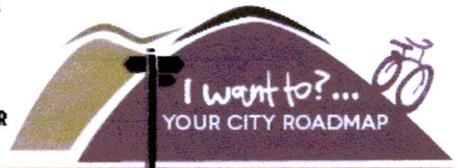
I'm here tonight not only to ask your help to preserve what my community enjoys, but also looking forward to ask you to help us find neighbors with like values & ethics, the commonality that helps a community be harmonious, not contentious! My neighbors and I do not want to hold back the hands of time, we are alright with development, we only ask that you help us uphold the Master Plan that was created by these residents and former city councils. I have and enjoy horses, many of my neighbors have and enjoy large animal rights. Others just appreciate the open space. We ALL purchased properties specifically for the rural atmosphere that has been encroached upon by recent poorly matched development.

I have randomly spoken to 2 real estate agents this week that tell me there are still many inquiries for horse property and large acreages. One specifically mentioning the Promontory subdivision in Park City where the equestrian lifestyle is catered to much like the sport of golf. I firmly believe while they may not sell as quick, they are still marketable and lucrative.

I wish to present a few factual documents & articles that Our City has adopted into building codes & bylaws: I believe in The title 9 Land Use & Development code for Draper City there are 6 specific contradictions – section 9-1-030 purpose. Items B, C, G, H, J, and K. all of which point to the importance of the General plan and consideration of current surrounding development and prevention of overcrowding land and congestion of streets. I have also included one of many previous recommendations to deny zone change, this one for ½ acre lots – again stating inconsistantcy to surrounding community structure and character.

I ask you in closing to respect and uphold the 20 yr. master plan, help us find neighbors like us, like the Osbornes that will still live here on larger acreages, so that they too can continue to enjoy our lifestyle. Please protect the sensitive river overlay! Please uphold ½ acre minimum development, if you cannot deny this zoning change, at least postpone or continue the decision so that we may gather more factual information in order to convince this council that small lots should and have only been allowed as "BUFFER" from the new roadway to the current ½ acre minimum zone.

Respectful thanks, Rick Taylor



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Chapter 9-1 General City Provisions

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### Chapter 9-1 Purpose and Applicability

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it as established by Utah common law. This Title authorized by the Utah Municipal Land Use

Sign In

Chapter 4-4 Small City Duplication

Chapter 4-5 Utilities and Employees

Chapter 5-1 City of Park and Rec Tax

Chapter 5-2 Telephone Service

Chapter 5-3 City of Park and Rec

Chapter 5-4 Business and Professions

Chapter 5-5 Tax Assessment and Property Taxes

**Section 9-1-030 Purpose.** This Title and the regulations and restrictions contained herein are adopted and enacted for the following purposes:

- (a) To promote the health, safety, convenience, and general welfare of present and future inhabitants of the City;
- (b) To encourage and facilitate the orderly growth and development of the City, and to implement the goals and policies of the General Plan;
- (c) To provide adequate open space for light and air, to prevent overcrowding of the land and to lessen congestion on the streets;
- (d) To secure economy in municipal expenditures and to encourage adequate provisions for transportation, water, sewage, schools, parks, and other public facilities and services;
- (e) To increase the security of home life and to preserve and create a more favorable environment for citizens and visitors to the City;

- (f) To insure safety from fire and other dangers;
- (g) To stabilize and improve property values and to place compatible uses together in the City;
- (h) To enhance the economic and cultural well being of the inhabitants of the City;
- (i) To promote the development of a more wholesome, serviceable, and attractive City resulting from an orderly, planned use of resources;
- (j) To establish proper zoning regulations, insure the suitability of the land for particular uses, conserve the value of buildings, and encourage the most appropriate use of land throughout the City; and
- (k) To further the purposes of this Title and promote the qualities of the respective zones.

**Section 9-1-040 Scope.** This Title shall apply to all property within the corporate limits of the City except property expressly exempted there from by the provisions of this Title or other lawful exemption.

**Section 9-1-050 Applicable Provisions Not in This Title.** Draper Municipal Code provisions not found in this Title which are applicable to the use and development of land include,

Chapter 5-6 Public City Fees, Fines, and Penalties

Chapter 5-7 Amusement and Recreational Activities

Chapter 5-8 General City Fees

Chapter 5-9 Park Commission - Rental Fees

Chapter 5-10 Rental of City Property

Chapter 5-11 Water Service Fees

Chapter 5-12 Waste Removal Fees

Chapter 5-13 Public Utility Franchise Fee

Chapter 5-14 Energy Sales and Use Tax

Chapter 5-15

## **STAFF RECOMMENDATION:**

Staff recommends forwarding a negative recommendation to the City Council regarding the application by Prince Development, application JS-2004-0576, for a zoning map amendment.

This recommendation is based on the following findings:

1. That the proposed zone change is inconsistent with several of the stated goals and objectives described in the City's General Plan, including that it does not "Promote development patterns and standards that are consistent with the surrounding uses and reinforce an area's character."
2. That the proposed zone change is inconsistent with the patterns of surrounding development and not compatible with the character of the area.
3. That RA-2 zoning designation is too intense for the Sensitive River Overlay Zone
4. That property owners in the area have invested in land with the assumption that the rural character would be maintained.
5. That introducing RA-2 may change that character and may negatively impact property values.
6. That the topography of the area makes it particularly challenging to provide services, including storm water detention and sewerage.
7. Recent action by the City Council on the 700 West area Land Use Study rejected intensification of the area, including the subject property.

## **MODEL MOTION**

Sample Motion for Denial – "I move we forward a negative recommendation to the City Council regarding the request by Prince Development, application JS-2004-0576, based on the findings and conditions listed in the Staff Report dated August 13, 2004:"

1. List any additional findings and conditions....

Sample Motion for Approval – "I move we forward a positive recommendation to the City Council regarding the request by Prince Development, application JS-2004-0576, based on the following findings:"

1. List any additional findings and conditions....

Suellen Riffkin  
11607 South 700 West 4/5/14

The most common argument given for why a City Council approves a development which isn't on the Master Plan, such as Osborne Farm, is because of property rights. The Osbornes and the Douglasses have a right to build homes on their land. One piece of this transaction that we should all remember is that they are being paid money to sell that land. Families who sell land can move elsewhere, retire, etc. But the neighbors who aren't selling also have property rights, and, in many cases they lose money when adjacent land is developed. The neighbors who stay also lose property rights.

Some argue that people now-a-days don't want to live on large lots. I agree they can be a lot of work. But all of the Osborne Farm development neighbors do live on large lots now, and, since they're not moving, probably want to stay on their large lot. Some want to have horses or cows, raise chickens or have big gardens. Others live on a large lot for privacy and peace; the next house isn't very close to yours. Another benefit of large lots is there aren't many families living on the street, so, the ones that are there you know well, and you know all of them. We still wave to people in cars on 700 West because we know many of them.

So, our property rights are not being honored by 79 new neighbors on 1/3 acre lots. Some of us will have new neighbors who complain about the animals, or will let their kids play in our pastures with them. If we irrigate, gopher holes may allow water to flood their manicured yard. Some of us will have a new neighbor who dumps their lawn clippings over their fence into our gardens. Our property rights won't be recognized because there will be people late-night partying 20 yards from our deck or who have dogs that bark all night. None of us are moving or making money when the Osborne Farm develops – but we get many of the bad effects. Our property value will most likely be reduced when we have to share our fence line with 4 to 6 new third acre homes. We'll still be doing all of the work maintaining our larger lots, but we won't have privacy or peace and I doubt we'll be able to learn all of those new neighbors' names.

Finally, we should speak about the property rights of the new homeowners. They trust Draper City government to allow building where it's safe and secure. Draper has been burned, as have many cities, in allowing homes and roads to be built on insecure soils. These new properties are in an earthquake liquefaction zone, the highest risk area in the valley. Some new property owners will be in the Meander corridor – the path the Jordan River takes over its lifetime. That's why our General Plan has land west of the old Galena Canal defined as Riverway Sensitive. And, many of these proposed homes will be in goomba soil where the water table is close to the surface. Draper City is still wrestling with property owners whose homes were built on old field drains and low-lying areas like the Ballard farm. The Osborne Farm is very similar.

Notice that very few of the neighbors will say tonight that the Osbornes and Douglasses should not be allowed to sell to build homes with their property. We agree they have a right to develop. But please be aware that all of us are property owners too, and we believe Draper City should also protect our rights – especially because we're not making any money on this deal and instead will bear all the costs.