

## **ORDINANCE 2025-O-09**

**Ordinance No. 2025-O-09**

**Date: August 26, 2025**

### **AN ORDINANCE OF THE EMIGRATION CANYON CITY COUNCIL AMENDING THE ZONING MAP TO CHANGE THE ZONING OF THE 0.88 ACRES OF THE PROPERTY AT APPROXIMATELY 4180 EMIGRATION CANYON ROAD FROM R-M (RESIDENTIAL MULTI-FAMILY) TO FR-20 (FORESTRY RECREATION)**

#### **RECITALS**

**WHEREAS**, the Emigration Canyon City is a municipality and has authority to regulate Zoning in general pursuant to Utah Code Ann. Subsection 10-3c-103 (2); and

**WHEREAS**, Emigration Canyon City has authority to adopt zoning ordinances, including a zoning map pursuant to Utah Code Ann. § 10-9a-501 in accordance with the Municipal Land Use, Development, and Management Act, ("MLUDMA"), Title 10, Section 9a, Utah Code, to establish zones within the city; and

**WHEREAS**, Emigration Canyon Planning Commission have discussed the need for Multi-Family zoning in Emigration Canyon and have reached a consensus that this type of zoning is not appropriate for the canyon; and

**WHEREAS**, the Emigration Canyon Planning Commission proposes the elimination of the Residential Multi-Family (R-M) zoning district; and

**WHEREAS**, in order to eliminate the Residential Multi-Family (R-M) zoning district, that zone must not be applied to any property within the jurisdiction; and

**WHEREAS**, the only parcel zoned Residential Multi-Family (R-M) is 0.88 acres, is owned by Salt Lake City, and is currently used for commercial parking; and

**WHEREAS**, Salt Lake City has not indicated any interest in using the subject parcel for any use other than those that exist.; and

**WHEREAS**, the amendment is compatible with the Adopted General Plan; and

**WHEREAS**, the Emigration Canyon Planning Commission held a public hearing on June 17, 2024, to consider a zoning map amendment for the 0.88 acres of land located at approximately 4180 Emigration Canyon Road; and

**WHEREAS**, the Emigration Canyon Planning Commission has recommended that the Council amend the zoning map for the 0.88 acres of land located at approximately 4180

Emigration Canyon Road from R-M (Residential Multi-Family) to FR-20 (Forestry Recreation) for the protection and preservation of the public health, safety and general welfare.

**BE IT ORDAINED BY THE EMIGRATION CANYON CITY COUNCIL** as follows:

1. The Zoning Map of Emigration Canyon City is hereby amended as follows:

The 0.88 acres located at approximately 4180 Emigration Canyon Road that is zoned R-M (Residential Multi-Family) is hereby reclassified to the FR-20 (Forestry Recreation) Zone.

The rezoned property is the portion of Parcel #: 16-01-200-005 highlighted in Exhibit A:

2. Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.

3. Effective Date. This Ordinance will take effect immediately upon posting and publication as required by law.

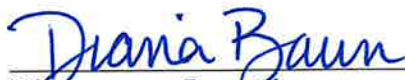
**PASSED AND ADOPTED** this 26<sup>th</sup> day of August 2025.

EMIGRATION CANYON CITY COUNCIL



By: Joe Smolka, Mayor

ATTEST



Diana Baun, Recorder

Voting:

Mayor Smolka	voting	<u>aye</u>
Council Member Hawkes	voting	<u>aye</u>
Council Member Brems	voting	<u>aye</u>
Council Member Harris	voting	<u>aye</u>
Council Member Pinon	voting	<u>aye</u>

*(Complete as Applicable)*

Date ordinance summary was published on the Utah Public Notice Website per Utah Code

§10-3-711: August 29, 2025

Effective date of ordinance: August 29, 2025

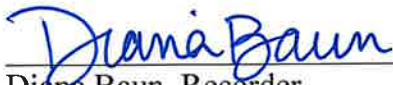
**SUMMARY OF**  
**EMIGRATION CANYON CITY**  
**ORDINANCE NO. 2025-O-09**

On August 26, 2025, the Emigration Canyon City Council Enacted Ordinance No. 2025-O-09, amending its zoning map on property located at approximately 4180 Emigration Canyon Road from R-M (Residential Multi-Family) to FR-20 (Forestry Recreational) Zone.



By: Joe Smolka, Mayor

ATTEST



Diana Baun, Recorder

Voting:

Mayor Smolka	voting <u>aye</u>
Council Member Hawkes	voting <u>aye</u>
Council Member Brems	voting <u>aye</u>
Council Member Harris	voting <u>aye</u>
Council Member Pinon	voting <u>aye</u>

A complete copy of Ordinance No. 2025-O-09 is available in the office of the Emigration Canyon Recorder, 860 Levoy Drive, Suite 300 Taylorsville, UT 84123.

## Exhibit A



**Meeting Body:** Emigration Canyon Council

**Meeting Date:** August 26, 2025

**Planner:** Brian Tucker, Planning Manager

**File Number:** REZ2024-001197

**Project Type:**

- Re-Zone / Map Revision

**Areas Affected:** This re-zone would apply to the portion of parcel #16-01-200-005 currently zoned R-M.

**Key Findings:**

- Staff propose the elimination of the Residential Multi-Family (R-M) zoning district.
- In order to eliminate the Residential Multi-Family (R-M) zoning district, that zone must not be applied to any property within the jurisdiction.

**Staff Recommendation:** Staff recommends that the Council re-zone the subject parcel, consistent with the analysis presented herein.

**Planning Commission Recommendation:** The Planning Commission Recommended that the Council rezone the subject parcel from R-M to FR-20.



**Municipal Services District**

**SUMMARY**

The MSD Planning Staff are working with the Emigration Canyon Planning Commission to repeal and replace Emigration Canyon's Zoning Ordinance. Only one small portion of one parcel is zoned Residential Multi-Family (R-M). This small portion does not have any residential use and is used for a parking lot, garbage and sewage facilities for adjacent commercial uses. Residential Multi-Family (R-M) uses are not envisioned to be part of the proposed ordinance. The R-M can only be eliminated if no parcels within the jurisdiction have that zone applied to them. Rezoning the property to Forestry Recreation (FR-20), the zone applied to the majority of the parcel would facilitate the elimination of the R-M zone from the proposed Emigration Canyon Zoning Ordinance.

**ATTACHMENTS**

The following attachments are included as supplementary materials to the end of this staff report:

1. Emigration Canyon Code, Ch. 19.88 Nonconforming Uses and Noncomplying Structures.

**BACKGROUND**

The MSD Planning Staff are working with the Emigration Canyon Planning Commission to repeal and replace Emigration Canyon's Zoning Ordinance. When it was incorporated, Emigration Canyon adopted a very slightly altered version of Salt Lake County's Zoning Ordinance. Emigration Canyon. As part of this effort to repeal the existing ordinance and replace it with an ordinance built for Emigration Canyon, the City is evaluating which zones to keep, which zones to eliminate, and which zones to create in order to better serve the community and its long term vision.

Parcel #16-01-200-005, owned by Salt Lake City and located at approximately 4180 W Emigration Canyon Road, has two zones applied to it. The majority of the parcel, the 25.13 acres occupied by Camp Kostopulos, is zoned Forestry Recreation (FR-20). A small portion of the property (0.88 acres), part of the parking lot adjacent to Emigration Brewery, is zoned Residential Multi-Family

(R-M). This small portion of the subject parcel is the only property in Emigration Canyon zoned R-M.



### PROPOSED MAP AMENDMENT

The Planning Staff and Planning Commission have discussed eliminating the R-M zone from the proposed zoning ordinance, which is only possible if the R-M Zone is not applied to any property in the City. The R-M zone was applied to this property only to accommodate the parking, trash and sewage needs for the adjacent commercial establishments. These uses are established and would become legal, nonconforming uses. In Emigration Canyon, a legal, nonconforming use can be maintained, and a noncomplying structure can be enlarged and even moved under certain circumstances.

These nonconforming parking, garbage and sewage facilities are not intended to stay nonconforming in the long term. As part of the repeal and replace effort, the Staff and Planning Commission have been reviewing a proposed Parks and Recreation zone and Public Facilities and Institution zones. In the long term Staff would propose that the entire Camp K parcel be rezoned to either the Parks and Recreation or Public Facilities and Institution zones. As those don't exist in the current ordinance, this proposed FR-20 rezone is an interim step to eliminate the R-M zone. Any future zone change would be subject to the legislative process and the public hearings and meetings associate with that process.

## **STAFF ANALYSIS**

### **General Plan Guidance:**

The Emigration Canyon General Plan, adopted in 2022, is supportive of this rezone. The subject parcel is part of the Main Canyon Corridor Character Area. The vision for this area includes preserving the commercial area adjacent to the subject parcel and Camp Kostopulos. The implementation strategies include preserving the unique canyon ecosystem and scenery and supporting land use and development patterns that incorporate nature scale and use into the built environment and increase public awareness and responsibility toward the natural environment.

The current Residential Multi-Family (R-M) is not an appropriate zone for this area given the vision and strategies in the General Plan. Multi-Family residential development is not part of the heritage or existing development pattern in the canyon. The proposed Forestry Recreation (FR-20) zone is a much more appropriate zone for this area.

### **Potential Zone Analysis:**

The proposed rezone will not affect the operations and future vision of Camp Kostopulos. The rezone will not hamper Salt Lake City's use of the property as the owner of a parcel that has been used for decades as an active recreational use of an open space area. The commercial uses will not be hampered because the existing parking, garbage, and sewage uses will be allowed to continue as they are and have been.

### **Notice:**

Notice has been given in accordance with Utah Code 10-9a-205. Notice was mailed to each affected entity, each property owner within the potential rezone area and each property owner within 300' at least 10 calendar days before the public hearing. Notice was posted on the Utah Public Notice Website.

### **Review Procedure and Criteria:**

The Emigration Canyon Council is the land use authority for zoning map amendments. The Council cannot amend the zoning map without first submitting the amendment to the Emigration Canyon Planning Commission for the Planning Commission's recommendation. The Planning Commission must hold a public hearing and review and recommend an action to the Council. The Council must then hold a public meeting after which they may adopt, adopt with revisions, or reject the zoning map amendment recommended by the Planning Commission.

A rezone can be approved if it is reasonably debatable that the decision could promote the public welfare. It is not necessary to show that the decision actually promotes the public welfare, or is the best alternative, as long as it is reasonably debatable that the public could benefit from the decision. Similarly, a rezone can be denied if it is reasonably debatable that the decision could detrimentally impact the public welfare.

This rezone is being initiated by the Staff, not by the landowner. Salt Lake City and Camp Kostopulos have both been notified of the proposed rezone. The MSD Staff held a meeting with Salt Lake City Public Works and Camp K to discuss the proposed rezone. Both entities will have the opportunity to present at the public hearing if they choose. Where the property owners did not request the rezone, they may file a written protest no later than 10 days after the day of the first public hearing. The written protest does not preclude the Council from rezoning the property.

### **PLANNING COMMISSION RECOMMENDATION**

On June 17, 2024, the Emigration Canyon Planning Commission, after having held a public hearing, recommended that the Council amend the zoning map for the 0.88 acres of land located at approximately 4180 Emigration Canyon Road from R-M (Residential Multi-Family) to FR-20 (Forestry Recreation).

### **STAFF RECOMMENDATION**

Based on the above review and analysis, staff finds that:

1. MSD Planning Staff and Planning Commission have discussed the need for Multi-Family zoning in Emigration Canyon and have reached a consensus that this type of zoning is not appropriate for the canyon.
2. MSD Planning Staff and Planning Commission propose the elimination of the Residential Multi-Family (R-M) zoning district.
3. In order to eliminate the Residential Multi-Family (R-M) zoning district, that zone must not be applied to any property within the jurisdiction.
4. The one parcel zoned Residential Multi-Family (R-M) is owned by a Salt Lake City.
5. The City has not indicated any interest in using the subject parcel for any use other than those that exist.
6. The Forestry Recreation (FR-20) zone is supported by the General Plan for this area.

Therefore MSD Planning Staff recommend that the subject parcel be rezoned to Forestry Recreation (FR-20).

### **POTENTIAL COUNCIL ACTIONS**

The Emigration Canyon Council could take any of the following actions, among others:

- Option 1. Approval the rezone to Forestry Recreation (FR-20).
- Option 2. Deny the rezone request, leaving the property in the Residential Multi-Family (R-M) zone.
- Option 3. Table the matter, requesting more information from the Planning Staff.



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By: Joe Smolka, Mayor

ATTEST

  
Diana Baum, Recorder

Voting:

Mayor Smolka	voting	<u>aye</u>
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