

Land Use Hearing Officer

Public Meeting Agenda

Tuesday, November 10, 2015 1:00 P.M.

LOCATION: SALT LAKE COUNTY GOVERNMENT CENTER

2001 SOUTH STATE STREET, NORTH BUILDING

KEARNS CONFERENCE ROOM, SUITE N3-600

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

The purpose of the Land Use Hearing Officer's Meeting to hear applicant and public comment, as well as agency and staff recommendations, prior to making a decision on applications filed with Salt Lake County.

The Land Use Hearing Officer shall: act as an appeal authority for zoning decisions applying this title as provided in Section 19.92.050 and conditional use decisions by a planning commission; hear and decide the special exceptions to the terms of the zoning ordinance set forth in Section 19.92.060; hear and decide variances from the terms of the zoning ordinance; and, hear and decide applications for the expansion or modification of nonconforming uses.

PUBLIC HEARINGS

29703 – Patrick Hogle is requesting to rebuild a noncomplying structure in FCOZ. The structure is noncomplying to the perennial stream setback of 100 feet. **Location:** 6744 Emigration Canyon Road. **Community Council:** Emigration. **Zone:** FR-0.5. **Planner:** Spencer Hymas

ADJOURN

File # 29703

Land Use Hearing Officer Summary and Recommendation

Public Body: Land Use Hearing Officer

Meeting Date: November 10, 2015

Parcel ID: 10-34-013-012

Current Zone: FR-0.5

Property Address: 6744 Emigration Canyon Road

Request: Noncomplying Rebuild

Community Council: Emigration Canyon

Planner: Spencer Hymas

Planning Staff Recommendation: Approval

Applicant Name: Patrick Hogle

PROJECT DESCRIPTION

The applicant, Patrick Hogle, is requesting a declaration of a noncomplying structure. The noncomplying structure is an existing home that does not comply with the current setbacks from a stream corridor as per 19.72.030 (J). Salt Lake County records show that this house was originally built in 1923.

EXECUTIVE SUMMARY

The application appears to meet the provisions stated in 19.88.150 and staff has given a positive recommendation based upon the evidence.

SITE & VICINITY DESCRIPTION (see attached map)

The surrounding properties are zoned FR-0.5, FR-10 and FR-20. Foothills and canyons overlay zone applies to all properties in this area.

GENERAL PLAN CONSIDERATIONS

Staff has not identified any negative implications to the general plan with the approval of this application.

ISSUES OF CONCERN/PROPOSED MITIGATION

Text goes here.

NEIGHBORHOOD RESPONSE

No response has been received from the neighborhood at the time of this report 11/2/15.

REVIEWING AGENCIES RESPONSE

AGENCY: Health Dept.

DATE: 10/28/15

RECOMMENDATION: Because they are building a new structure there could potentially be some problems with the septic system. The main issue we may see is whether or not the septic system they currently have is going to be sized big enough for the number of bedrooms the new structure has. I do see there was a pump receipt of the old septic tank, but I can't really tell if the company inspected the rest of the septic system to determine how the system is functioning. This may be a step that we require to make sure the system is in good working condition. From the plans you sent it looks as if the rebuild is going to be a small 2 bedroom cabin? How many bedrooms in the current home on the property? If the bedroom count remains the same it is likely the drainfield will work but we will need to have it inspected. Also, in the event of the drainfield failing we will want it shown on plans that there is adequate space for a replacement drainfield.

AGENCY: Grading Specialist

DATE: 10/28/15

RECOMMENDATION:

- 1- A SWPPP and NOI required
- 2- Design run-off system to act as 50' riparian buffer
- 3- Proper depth of the footings H/2 from slope and proper depth for frost
- 4- Provide site BMPs for construction and post construction
- 5- Footing excavations shall be inspected and approved by a qualified Geotechnical Engineer, prior to concrete placement.
- 6- Per FCOZ, a maximum foot print of 250 SqFt is permitted to be constructed within 50 feet of the creek.

AGENCY: Flood Control Engineer

DATE: 10/28/15

RECOMMENDATION: If the construction affects the wall along the creek, the Flood Control permit will need to be modified. This would include if the deck is modified in any way. If the plan includes modifications or the replacement of the wall along the creek, the project would have to be built to current standards. This may include the need for a hydraulic model and the obtaining of a "Certificate of No Rise" from a licensed, professional engineer in the State of Utah since the wall is located in the floodway of the creek. Also, a Stream Alteration Permit may need to be obtained from the Utah Division of Water Rights.

AGENCY: Salt Lake City Public Utilities

DATE: 10/28/15

RECOMMENDATION: Certification of water has been requested in the Emigration area. Salt Lake City has determined that this area is not within its service area and therefore cannot certify water in this area. It appears this area may be served by a private water company or an individual water right. The property is also not located within the Salt Lake City Watershed Boundary.

AGENCY: Building Department

DATE: 10/28/15

RECOMMENDATION: A demo permit is required to take down the existing home.

1. A building permit is required for the construction of the new home.
 - a. At time of building permit application, provide complete building plans showing compliance with current building code.

- b. At time of building permit application, provide fire flow verification for the nearest fire hydrant and show how compliance is going to be made with any Unified Fire District Guidelines.
- c. Home is being constructed in a Wildland Urban Interface Area. Please fill out "Fire Hazard Severity Form" for the property and submit to Unified Fire Authority for verification. At time of building permit application, will need to submit this form approved by UFA. Plans will also need to show how the construction requirements of the Wildland Urban Interface Code are being met based on the outcome of the assessment and the type of ignition resistant construction required based on the assessment.

Compliance with current building, construction, engineering, fire, health, landscape and safety standards will be verified prior to final approval.

PLANNING STAFF ANALYSIS

19.88.150 – Application to have a structure declared a noncomplying structure.

Whenever a structure is in violation of the height or setback provisions of this title, the owner may file an application with the director or director's designee to have the structure declared noncomplying. The director or director's designee shall approve the application when the evidence clearly establishes the following:

- a. The structure has existed at its currently location, with the same size, height and setbacks for at least ten years;
- b. The structure is found by the county building official or designee to pose no threat to the health or safety of persons in or around the structure, and;
- c. Salt Lake County has not taken enforcement action for the violation for a period exceeding five consecutive years during which the violation existed.

Salt Lake County has assessed the age of the building to date back to 1923, which satisfies item (a.) and predates the ordinance that it is noncomplying to.

It is the intent of the owner to rebuild within the same footprint of the existing structure. Staff believes that rebuilding the existing structure, executed in compliance with the new building code, would be a safer alternative than remodeling the interior; however, Salt Lake County has granted a remodeling permit of the existing structure and does not believe it poses a threat to the health or safety of persons in or around the structure.

There is no evidence of Salt Lake County taking any enforcement action on this property.

PLANNING STAFF RECOMMENDATION

Staff has recommended approval of this application based upon the application meeting the provisions within the ordinance.

