

### Application for Project Review Garden City, Utah

This application must be accompanied with the necessary and appropriate materials, as stated on the project checklist, before it will be accepted for processing. The date upon which the project will appear on an agenda is determined by the notification schedule required by the State of Utah. The project will be scheduled for the next meeting for which a legal notice has not yet been prepared, after an application is accepted as complete by the Town Staff.

Type of Application (check all that apply):	Ordinance Reference:
<input type="checkbox"/> Annexation	11A-301
<input type="checkbox"/> Appeal	11B-400
<input type="checkbox"/> Conditional Use Permit	11C-500
<input type="checkbox"/> Condominium/Townhouse	11E-524 or 11E-525
<input type="checkbox"/> Encumbrance	
<input type="checkbox"/> Extension of Time	Subdivision 11E-503/PUD or PRUD
	11F-107-A-2
<input type="checkbox"/> Lot Split/Lot Line Adjustment	11E-506
<input type="checkbox"/> PUD Conceptual	11C-1950, 11E-100, and 11F-100
<input type="checkbox"/> PUD Phase Approval/Preliminary or Final	11C-1950, 11E-100, and 11F-100
<input type="checkbox"/> PRUD Conceptual	11C-1950, 11E-100, and 11F-100
<input type="checkbox"/> PRUD Phase Approval/Preliminary or Final	11C-1950, 11E-100, and 11F-100
<input checked="" type="checkbox"/> Subdivision	11E-100
<input type="checkbox"/> Vacation of Subdivision	11E-523
<input type="checkbox"/> Variance	11B-308
<input type="checkbox"/> Water Transfer	13A-1300
<input type="checkbox"/> Zone Change	
<input type="checkbox"/> Other Land Use Permit _____	

Project Name: Cottonwood Sub. Current Zone: R1 Proposed Zone: R1

Property Address: 159350 Bearlake Blvd

Parcel # 91-33-00-132

Contact Person: Rulon Crosby Phone #: 801 231 8570

E-mail address: ruloncrosby@msn.com

Mailing Address: 510 Lacey Way No. Salt Lake UT 84054

Applicant (if different): \_\_\_\_\_ Phone #: \_\_\_\_\_

Mailing Address: 510 Lacey Way No Salt Lake Ut. 84054

Property Owner of Record (if different): \_\_\_\_\_ Phone #: 801/231 8570

Mailing Address: \_\_\_\_\_

Project Start date: \_\_\_\_\_ Completion date: \_\_\_\_\_

Describe the proposed project as it should be presented to the hearing body and in the public notices.

A six lot subdivision Three lots sized  
.35 acres each and one lot sized .4 acres  
The road will be a gravel + roadbase to City  
Spec.

Lot Size in acres or square feet: 28 acres Number of dwellings or lots: 6

Non-residential building size: NA

I certify that the information contained in this application and supporting materials is correct and accurate.

Rulon Crosby  
Signature of Applicant

I certify that I am the Owner of Record of the subject property and that I consent to the submittal of this application. **Owner of Record MUST sign the application prior to submitting to Garden City.**

Rulon Crosby  
Signature of Owner of Record

\_\_\_\_\_  
Signature of Owner of Record

\_\_\_\_\_  
Signature of Owner of Record

Office Use Only	
Date Received:	<u>11-17-15</u>
Fee:	<u>3560.00</u>
By:	<u>SCM</u>

Cottonwood Subdivision  
Comments from Debbie Ames  
4-28-16

The Digital plans and the paper plans have different names of adjacent homeowners.  
Owner names not right.

- Why is storm water retention on its own lot?
- How can cul de sac be on a lot?
- Surveyor has not signed the Surveyor's Certificate.
- Name of Engineering Company is on the plans, but no Engineer is listed.

She won't be addressing any of these lots until it's closer to being done.

Garden City Planning Commission

Commissioners,

This is the third time I have presented a plat and proposal to you for the Cottonwood Subdivision.

This time I have had extensive discussions with the City Engineer, in an effort to answer all the pertinent questions and address all mentioned concerns.

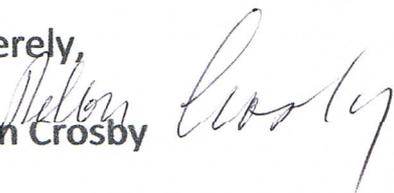
I have provided an analysis of the side lot setback provisions, which I hope you will agree with. I have accompanied this analysis with a letter from Robert Cummings, an experienced Salt Lake City real estate attorney, which supports my interpretation of the code.

A letter from Doug Thompson, the owner of the south home at the front of the proposed subdivision, expressing his approval of the project is also included.

The city code is not completely explicit on all the points in question. It is open to interpretation by the planning commission and by the city council. Garden City's economy is very dependent on recreational development and tourism. I assert that the proposed Cottonwood subdivision would serve to improve the city's economy and other interests. I hope you keep this in mind, when interpreting the pertinent provisions of the city code.

Sincerely,

Rulon Crosby



**ROBERT C. CUMMINGS**  
*Attorney at law*  
**225 SOUTH SECOND EAST, SUITE 150**  
**SALT LAKE CITY, UTAH 84111**

Telephone  
(801) 322-1141

Fax  
(801) 322-4089

January 5, 2016

Mr. Rulon Crosby  
North Salt Lake  
Fax No. 801-383-6044

Re: Zoning issue in Garden City, Utah

Dear Rulon:

You have asked for my opinion regarding the interpretation of Sections 11C- 1205 and 1206A of the Garden City Code.

I am informed that the lot size of your subject lots are under 9000 square feet. According to Section 1205, the side yards for lots that size are 8 feet and 10 feet.

Section 1206A provides as follows:

“Side Setbacks. Main buildings other than dwellings shall have a minimum side setback of 20 feet and the total of the two side setbacks shall be 40 feet. Private garages and other accessory buildings located a least 10 feet behind the main buildings may have a side setback of ten (10) feet, except that the street side setback of a corner lot shall be a minimum of 20 feet for main and accessory buildings.”

The paragraph consists of two sentences, and the first sentence makes it clear that the set back requirements set out in that sentence do not apply to “dwellings.” Since “dwellings” are excluded from the 20 foot/40 foot requirement set out in the first sentence, it appears clear that the set backs for dwellings are those set out in Section 1205, and for your lots are therefore 8 and 10 feet.

The second sentence refers to “main” buildings in two places, but nowhere suggests that dwellings which have been excluded in the first sentence are now to be included for purposes of the second sentence. Having excluded dwellings from the meaning of the word “main” buildings, it appears clear that the exclusion continues until the exclusion is expressly removed. That never happens. If the exclusion of dwellings were not intended to apply to the second sentence, the framers of the section when they refer to “main” buildings would have said “main

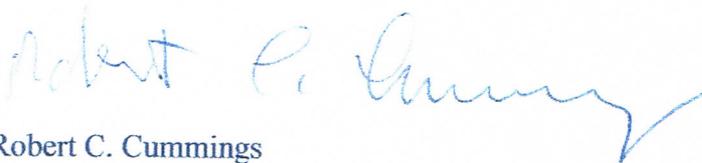
buildings including dwellings” or words to the effect. They did not do so. This conclusion is supported by the decision of the Utah Supreme Court held in *Spring Canyon Coal Co. v. Ind. Commission of Utah*, 74 Utah 103, 277 P. 206, 211 (1929) which stated:

“Prima facie, the same meaning will be given to a word or phrase used in a different part of a statute.”

Also, Section 11G-401 suggests an alternative approach that would permit your project to proceed as proposed. However, what is stated above should resolve the issue.

Practicing law for over 50 years, much of it connected one way or the other with real estate, has taught me that planning commissions and boards and committee that deal with real estate approvals are often not so much concerned with the law as they are with their own opinions, and that to prevail in these matters you may have to be prepared to follow the appeal route as far as necessary to vindicate your position. In other words don't be discouraged. The people on these commissions are generally very good citizens doing the best they can, but they often don't get the vision at first, so you must be willing to persevere and do whatever it takes to establish the validity of your position.

Sincerely,

A handwritten signature in blue ink that reads "Robert C. Cummings". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Robert C. Cummings

Encs.

Garden City Planning Commission,

Commissioners,

**A proper interpretation of the city code Area Setback Regulations, shown below, affect the approval of the Cottonwood Subdivision.**

The two houses at the front of the subdivision, are located on lots of greater than 6000 and less than 8000 square feet, so they qualify for R-1-6 zoning, which specifies 8 & 10 foot side lot setbacks, which the proposed Cottonwood Subdivision meets.

11C-1206-A provides modifying regulations. This provision makes a clear distinction between dwellings, with 8 & 10 foot side lot setback requirements, and other so called main buildings, with 20 foot side lot setback requirements. The main buildings, in question, are dwellings, so the 20 foot setback does not apply.

The next sentence states that the street side setback for a corner lot main building should be twenty feet. I believe that the exemption for residences, in the previous sentence, also applies to this sentence, so that the twenty foot setback would apply only to main buildings other than residences.

If the planning commission disagrees with this interpretation, then please consider that the sentence in question specifies a twenty foot set back for the (singular) street side, not a twenty foot setback for both streets. The houses in question have greater than twenty foot setbacks from highway thirty, and therefore they meet this requirement, in the front, and are not required to do so on the side.

The houses in question have been in their present locations, with a gravel lane running between them for fifty years. I am now proposing to extend this gravel lane, as a private roadway, under the cul-de-sac provision, to the west end of my two acre property. The existing buildings are not now on corner lots and the extending of the present lane, would not change this situation.

I propose that the "corner lot" designation referenced in the code applies to lots on the corners of two dedicated paved city streets with sidewalks, curb, and gutter.

Highway thirty is not a dedicated city street. It has no sidewalk, curb, or gutter. Cottonwood lane will have no sidewalks, curb, or gutter and will not be dedicated to the city. When finished, Cottonwood Lane will look just like the aggregate roads, which the Planning Commission approved for the Conestoga development.

The existing two homes in question, with an aggregate lane running between them, do not sit on city defined "corner lots".

The code provision calling for paving of the first 100 feet of a gravel road, extending beyond an existing paved street, does not apply, because the existing lane, to the west side of the existing lots is not now paved. Cottonwood lane is a cu-de-sac, not a heavily trafficked through street,

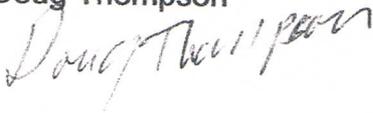
Garden City Planning Commission,

Sirs,

I have reviewed Rulon Crosby's preliminary plat of his proposed Cottonwood subdivision adjacent to my property 1603 Bear Lake blvd Garden City, Utah. As of this date I have no objections to his proposal. Any questions, I can be reached at 801 699 3301.

Sincerely,

Doug Thompson

A handwritten signature in cursive script that reads "Doug Thompson".



J·U·B ENGINEERS, INC.

J-U-B COMPANIES



THE LANGDON GROUP



GATEWAY MAPPING INC.

## MEMORANDUM

DATE: March 16, 2016  
 TO: Garden City Planning Commission  
 CC: Riley Argyle, Bob Petersen  
 FROM: Zan Murray S.E.  
 SUBJECT: Conttonwood Subdivision Preliminary Plat Review

A second submittal of the Cottonwood Subdivision dated January 2016 has been submitted for review. Below are my comments from the review.

### General Comments

The title block for the Owner's Dedication states Providence City, Cache County. There is also cutoff text on the drawings. **Not addressed yet.** The title block should be in accordance with the information provided in the city ordinances. **The Engineer's box should state "I certify that I have reviewed this plat and find it to be in accordance with the information on file in this office."**

The plat name has Garden City misspelled.

The name of the street should be Cottonwood Lane or Cottonwood Street. Both are indicated on the plans.

The street cross section overlaps onto the property to the north. An easement will be required in order to construct the swale as indicated on the cross section.

Elevations on the drainage pipe to the pond should be shown in the final construction drawings.

The new private road will create two corner lots. Zoning for the development is R-1-6. 11C-1205 states that side setbacks should be 8' and 10'. 11C-1206 states that side setbacks from main and accessory buildings is 20 feet. The paragraph leaves some question as to if the dwelling is the same as a main building and if the side street setback applies to private streets. This needs clarified by the commission. It should also be noted that the property to the south of the private street is not owned by the developer and may be impacted by an 8' setback distance.

### City Code

Below is a summary of the code requirements for the Preliminary Plat. I have added comments to each item in **bold**.



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## 11E-402 Preliminary Plat Requirements

### A. Contents of Preliminary Plat.

1. The preliminary plat, together with all application forms, title insurance report, deeds, maps, and other documents reasonably required, shall constitute a complete subdivision application. The preliminary plat shall show the following (unless otherwise indicated):
2. Five (5) copies 24" x 36" copies and two (2) 11" x 17" copies of the preliminary plat and all required information shall be filed with the Garden City Clerk. – **To be verified by the Clerk.**
3. Five (5) sets of preliminary engineering plans (not meant to be cross sections or detailed designs) for streets, water, sewers, sidewalks and other required public improvements. – **To be verified by the Clerk.**
4. One (1) electronic copy of the preliminary plat and preliminary engineering plans. – **To be verified by the Clerk.**
5. Vicinity Map. An 8-1/2" x 11" vicinity map, suitable for public presentation drawn to a scale of 1" = 300' or larger (i.e., 1" = 200', etc.) which includes the proposed development and sufficient area around it to provide adequate orientation and landmark identification for someone unfamiliar with the vicinity. All the following elements are to be included:
  - a. A minimum distance of 600' beyond all boundaries of the proposed development. – **Not provided**
  - b. A north point. - **Provided**
  - c. Location and names of all streets and roadways, including the nearest collector or arterial in both north/south and east/west directions. **Show and label Hodges Canyon Road on the plat. The future street on the west of the development should be 100 West. This is labeled 300 West at certain points on the submittal.**
  - d. Clear identification of the boundary of the proposed development and its proposed road way alignments labeled with proposed street names. – **The name of the street is not consistent in the details or cross sections.**
6. Legal description of the area platted. **Provided, however the boundary has not been checked for survey accuracy yet. The basis of bearing in the boundary description is not correct.**
7. Lot area of each lot. **Provided**
8. Description. In a title block located in the lower right hand corner of the sheet shall appear the following:
  - a. The proposed name of the subdivision, which shall not be the same or confusing with the name of any other subdivision in Garden City or Rich County, Utah. **Provided**
  - b. The location of the subdivision including the address and the section, township and range. - **Provided**
  - c. The names and addresses of the owner of, subdivider if other than the owner, and the engineer or designer of the subdivision. – **Provided.**
  - d. Date of preparation, scale (minimum of 1" = 100 ft. in standards subdivisions and 1" = 200 ft. in recreational subdivisions), and north point. – **Provided**

### B. Documentation. The preliminary plat application shall include copies of the following documents:

1. A current title report shall be provided at the time that the preliminary plat is filed with the Clerk together with a copy of the owner's recorded deed to said property. – **To be verified by the Clerk.**
2. Verification that all outstanding taxes and assessments levied by political subdivisions have been paid on the property included in the application. – **To be verified by the Clerk.**

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3. Any other information determined by the Town to be necessary for review of the preliminary plat application. – **To be verified by the Clerk.**
  4. A statement of the intended use of the proposed subdivision. – **To be verified by the Clerk.**
- C. Existing Conditions. The plat shall show:
1. Existing zoning of the tract. – **Provided.**
  2. A list of the owners of the properties within three hundred (300) feet of the exterior boundaries of the proposed project. The owners list shall include the name of all owners, their addresses, and a general description of the property owned by each. –**Provided**
  3. The names and the intersection boundary lines of adjoining subdivisions and parcels of property. – **Provided**
  4. The approximate location of existing buildings with approximate distances shown to proposed property lines, water bodies or courses. – **Provided**
  5. The boundaries of the floodplain and/or floodways shall also be clearly delineated and marked on the preliminary plat. – **Not applicable**
  6. Approximate location and identification of known (to either the applicant or his representatives or the reviewing agency) potentially dangerous areas, including geologically hazardous areas, areas subject to inundations, or flood hazard, and areas of high groundwater. – **Not verified.**
  7. The location of the nearest benchmark or monument. – **Provided, correct the information in the Boundary Description.**
  8. The boundary of the proposed subdivision and the acreage included. - **Provided**
  9. Boundary description and the area of the tract. - **Provided**
  10. All property under the control of the subdivider, even though only a portion is being subdivided. Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective street system of the unplatted parts of the subdividers' land shall be submitted, and the street system of the part submitted shall be considered in the light of existing master street plans or other Planning Commission studies. – **Provided.**
  11. The location, width and names of all existing streets within two hundred (200) feet of the subdivision and of all prior platted streets or other public ways, and utility right-of-ways, parks, and other public open spaces, permanent buildings and structures, houses or permanent easements and section and corporation lines, within adjacent to the tract. – **The street detail shows a 10' PUE on the north of the subdivision boundary. A PUE should be provided on the north side of the property. This will account for the power poles. Does the Sewer Easement extend along the entire length of the property? It is not clear on the plan.**
  12. The location of all wells, proposed, active and abandoned, and of all reservoirs within the tract and to a distance of at least one hundred (100) feet beyond the tract boundaries. – **None exist that I am aware of.**
  13. Existing sewers, water mains, culverts or other underground facilities within the tract and to a distance of at least one hundred (100) feet beyond the tract boundaries, indicating pipe sizes, grades, manholes and exact location. – **Existing sewer along SR-30 is not shown sufficiently with manhole elevations. The waterline size on SR-30 is ashown.**
  14. The location, size, and type of sanitary and storm sewers, water mains, culverts and other surface or subsurface structures existing within or immediately adjacent to the proposed sanitary or storm sewers (a minimum distance of one hundred (100) feet), water mains, and storage facilities, street improvements, street lighting, curbs, and gutters, and all proposed utilities (may be shown only on the engineering plans). – **Existing utility line sizes are not**



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shown on the plans. Sewer does not extend past the driveway to the next manhole.  
Elevations are not shown on the plans.

15. Existing ditches, canals, natural drainage channels and open waterways, and proposed realignments. – **Not provided. There are likely irrigation ditches along the property lines.**
  16. The location of all drainage canals and structures, the proposed method of disposing of runoff water, and the location and size of all drainage easements relating thereto, whether they are located within or outside of the proposed plat. The approximate location, size and type of all irrigation ditches, channels, pipes, structures within and immediately adjacent, a minimum distance of one hundred (100) feet, to the proposed subdivision (may be shown only on the engineering plans). – **Final plans will require elevations of the pipe and pond to verify that there is sufficient slope and capacity.**
  17. Boundary lines of adjacent tracts of un-subdivided land, showing ownership where possible. - **Provided**
  18. Contours at vertical intervals of not more than two (2) feet in standard subdivisions and not more than ten (10) feet in recreational subdivisions. High-water levels of all water courses, if any, shall be indicated in the same datum for contour elevations. – **Provided.**
- D. Proposed Plan. The subdivision plan shall show:
1. The layout of streets, showing location, widths and other dimensions of (designated by actual or proposed names and numbers) proposed streets, crosswalks, alleys and easements. – **The power line easement is not shown on the plat. Is there one that exists? How will power be provided to the lots? Will there be a public utility easement?**
  2. A minimum of two (2) entrances/exits required for each subdivision. All roadways shall have recorded easements. (Roadways shall be designed to incorporate the overall roadway plan for Garden City) – **100 West is a future access. This must be decided by the Planning Commission. A 96' diameter turnaround is required on the end of the private road. It should be dimensioned on the plan.**
  3. The layout, numbers and typical dimensions of lots. - **Provided**
  4. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision. – **Provided.**
  5. The location, approximate size, and proposed use of all land intended to be dedicated for public use or for common use of all future property owners within the proposed subdivision. – **No public use areas are shown on the plans.**
  6. Building setback lines -including showing dimensions where required by the Planning Commission. – **Setback lines are not labeled in the Legend (it appears as a concrete curb line).**
  7. Easements for water, sewers, drainage, utility lines and other purposes, if required by the Planning Commission. – **Power line easement required on the plat. Public utility easements are required.**
  8. The boundaries of record of the tract, area of the tract, the proposed location, approximate grade, right-of-way width and pavement width of streets and alleys, locations of sidewalks; the proposed location and width of easements and setback lines, proposed lot lines, the radii of all curves, lot size and approximate lot dimensions. – **Show ROW and P.U.E. dimensions lines on the plan view.**
  9. A contour map of the subdivision with contour lines and a maximum interval of five feet to show the configuration of the land based upon the United States Geodetic Survey data, or other data approved by the City engineer. **Provided.**



**J-U-B ENGINEERS, INC.**

- 10. Typical street cross-sections and grade of streets where required by the Planning Commission. – **Provided.**
- 11. A tentative plan or method by which the subdivider proposes to handle stormwater drainage for the subdivision. – **Provided.**
- 12. The direction of drainage, flow, and approximate grade of all streets (may be shown only on the engineering plans). – **Contours indicate sufficient information for the preliminary plat.**
- 13. Where necessary, copies of any agreements with adjacent property owners relevant to the proposed subdivision shall be presented to the Planning Commission. **None provided.**
- 14. A plan that ensures that open space areas are adequately maintained. – **None provided.**
- 15. For multi-phase developments, the proposed boundaries of each phase and the sequence of phases to be developed. The phasing sequence used should utilize consistent lot and block numbering patterns. **Not applicable.**
- 16. If a development is constructed in phases, each phase shall have not less than a pro-rata share of the amenities proposed for the entire project. Initial phases of a development shall include not less than a pro-rata share of the entire development’s proposed amenities, with initial phases having priority to such pro-rata share for amenities than subsequent for later phases of the development. – **Not applicable.**

**11E-403 Improvements**

- A. The improvements set forth in this section shall be shown on the preliminary plat and installed prior to approval of the final plat unless the conditions of Section C. Guarantee of Completion of Improvements are met. – **No comment.**
- B. Departmental Standards. Standards for design, construction, specifications and inspection of street improvements, curbs, gutters, sidewalks, standards for water distribution, sewage disposal facilities by the Bear River Health Department or the Bear Lake Special Service District, storm drainage, and fire hydrants, all shall be stipulated by ordinance. All subdividers shall comply with the standard established by such departments and agencies. – **Verification of review from impacted agencies shall be required before recording. A bulk meter at the highway will be required since the street will be private.**
- C. Design Standards. The design of the preliminary and final plats of the subdivision in relation to streets, blocks, lots, open spaces and other design factors shall be in harmony with design standards recommended by the Planning Commission and by other departments and agencies. Design standards shall be approved by the Planning Commission as outlined in this ordinance

herewith. **The plat says that there will be sufficient capacity in the pond. This is yet to be determined. It will be required on the final construction drawings. The ordinance states that private roads must meet the design standards of the City. 11E-514.A states minimum street widths are 30 feet. According to paragraph X, Private Streets must be recommended by the Commission and approved by the Council. They must also meet all of the street standards. The definition of Private Street in 11A-200 Paragraph A.151 states that the street must meet fire code, but is not acceptable for dedication to the City. So can it be narrower than 30 feet if it is never dedicated.**



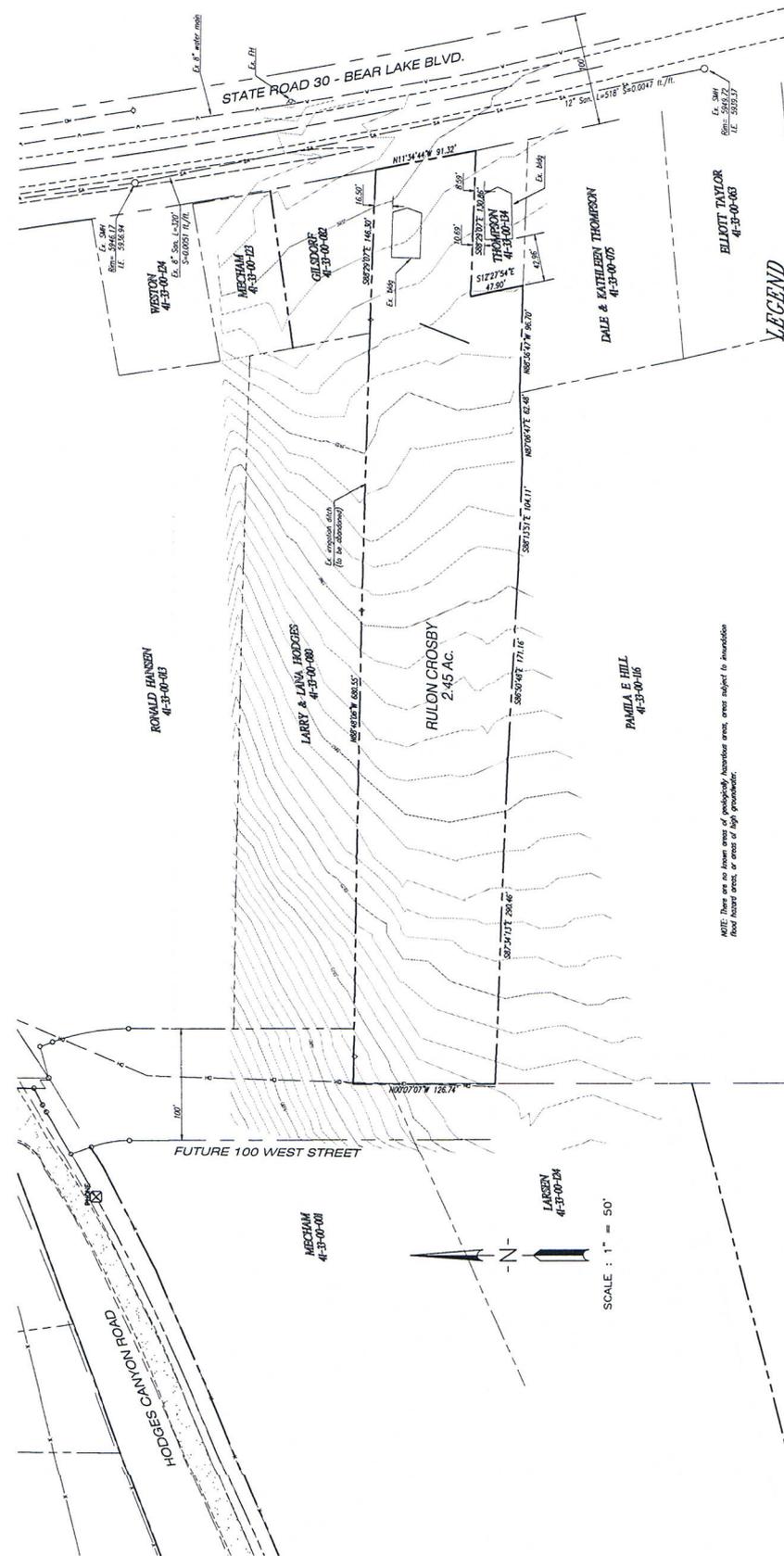


COTTONWOOD SUBDIVISION

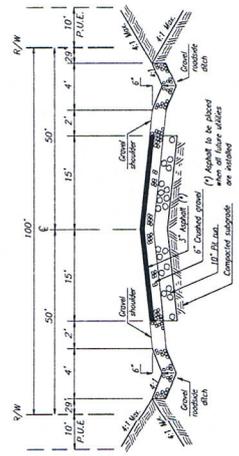
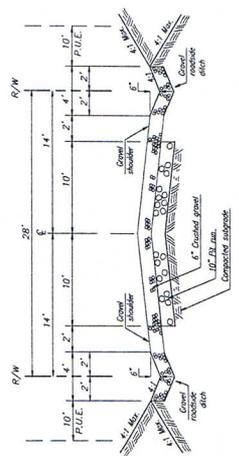
GARDEN CITY, UTAH

EXISTING CONDITIONS

Job Number 15-011  
 Sheet 2 of 2  
 Date March 2016



PROPOSED	EXISTING
SWIMWAY SNIER MANHOLE	○
SWIMWAY CLENDUIT	○
SWIMWAY SNIER	○
STORM MANHOLE	⊙
STORM SNIER	⊙
COMBINATION CURB INLET	⊙
CURB INLET	⊙
FIELD INLET-AREA DRAIN	⊙
WATERMAN & VALVE	⊙
WATER METER & SERVICE	⊙
WATERLINE BLOWOFF	⊙
FIRE HYDRANT	⊙
CONCRETE CURB	⊙
POWER POLE	⊙
PROPOSED GRAMEL	⊙



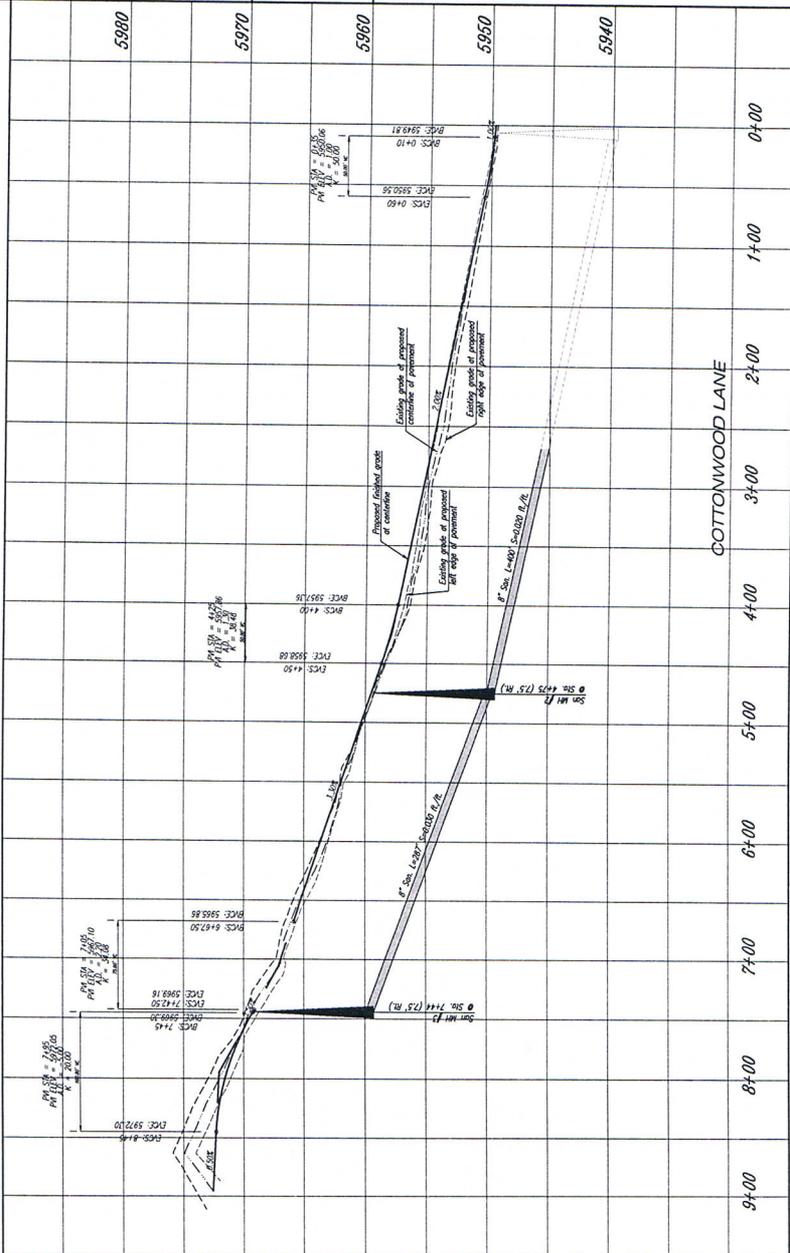
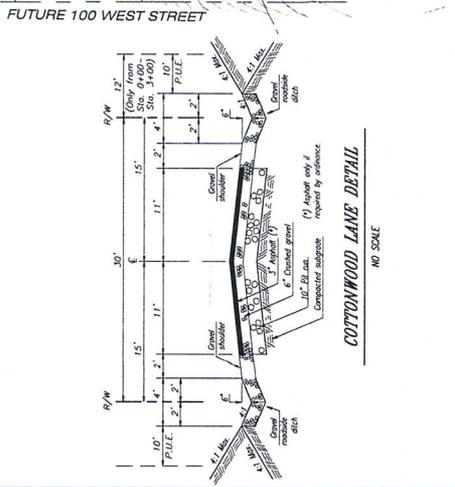
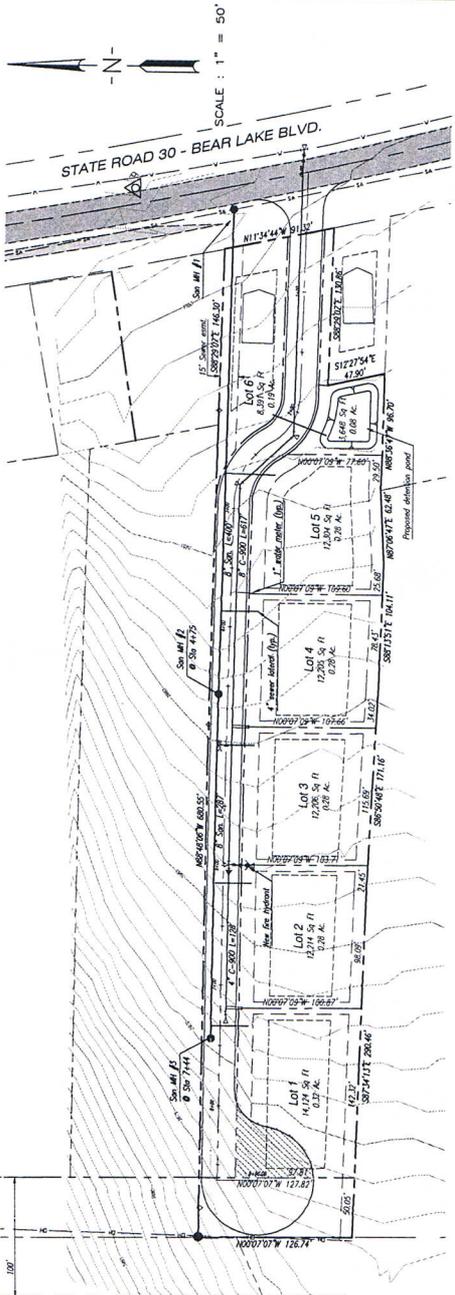
NOTE: There are no known areas of subsidence, abnormal areas, areas subject to inundation, flood hazard areas, or areas of high groundwater.



COTTONWOOD SUBDIVISION

PLAN AND PROFILE

Job Number	15-011
Sheet	1 of 1
Date	March 2016
Scale	1" = 50'
Author	D.L.
Checked by	D.L.
Drawn by	D.L.
Revisions	



Station	0+00	1+00	2+00	3+00	4+00	5+00	6+00	7+00	8+00	9+00
Elevation	5940	5945	5950	5955	5960	5965	5970	5975	5980	5985