



## STAFF REPORT

**To:** Summit County Council  
**From:** Sean Lewis, County Planner  
**Date of Meeting:** July 13, 2016  
**Type of Item:** Child Ridgeline Development Special Exception  
Public Hearing, Possible Action  
**Process:** Legislative Review

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### Recommendation:

Staff recommends the Summit County Council (SCC) consider the Special Exception request for the placement of a home on Parcel NS-32-A-1 in a location that extends into the skyline as described in Section 11-2-4.H of the Eastern Summit County Development Code. Staff further recommends the SCC consider staff's analysis, and provide Staff and the applicant direction regarding potential Findings of Fact and Conclusions of Law.

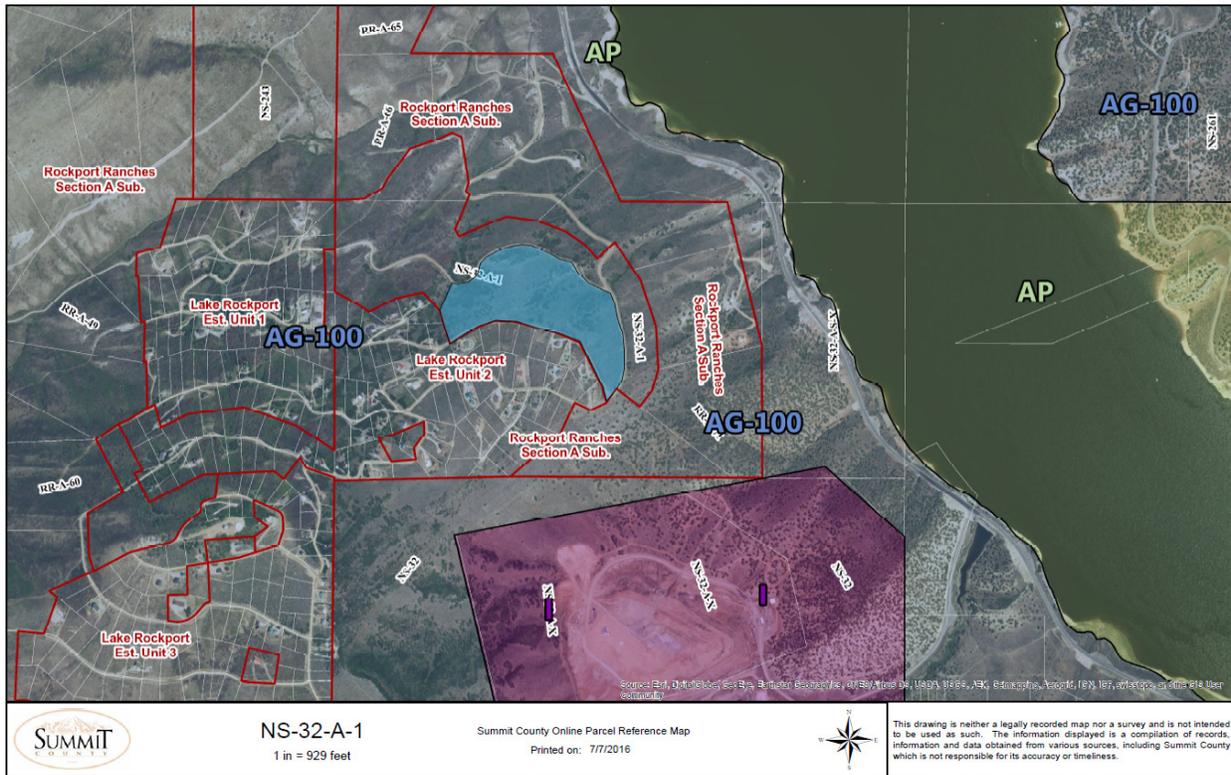
### Project Description:

**Project Name:** Child Ridgeline Development Special Exception  
**Applicant(s):** Brenda Child, owner  
**Property Owner(s):** Jeff and Brenda Child  
**Location:** 5420 Cove Hollow Lane  
**Zone District:** Agriculture Grazing 100 (AG-100)  
**Parcel Number and Size:** NS-32-A-1, 25.39 acres  
**Type of Process:** Special Exception  
**Final Land Use Authority:** Summit County Council

### Proposal:

The applicant is proposing to construct a single family dwelling on parcel NS-32-A-1. The applicant requests that the Summit County Council grant a Special Exception from Eastern Summit County Development Code Section 11-2-4.H that prohibits development "on any hillside or ridge top in a manner that causes any portion of a structure to extend into the skyline as viewed from public roadways when the roadway is located below the ground elevation of the structure."

## Vicinity Map:



## Background:

The applicant is the owner of parcel NS-32-A-1 which is a lot of record. Parcel NS-32-A-1 is located at 419 East Rockport Aspen Drive.

- Parcel NS-32-A-1 was most recently amended to its current size and boundary configuration via a lot line adjustment process in February 2016.
- Parcel NS-32-A-1 is 25.39 acres in size.
- There are no existing improvements on the site.
- The applicant proposes construction of a single family home with an approximate gross square footage of 2,685 square feet of living area with approximately 1,000 additional square feet of garage space.

Staff has performed pole testing on the site to determine if there are areas where a house could be built that would either not extend into the ridgeline, or that would reduce the amount of structure that would extend into the ridgeline. Staff has identified two areas on the parcel that could be potential building sites, however, further analysis regarding slope, and other environmental and engineering factors would need to be considered before determining if the sites are viable for a home.

## **Analysis and Findings:**

The SCC may approve, approve with conditions, or deny a Special Exception based upon written findings of fact according to each of the following standards. It is the responsibility of the applicant to provide written and graphic evidence demonstrating compliance.

**Standard 1:** The special exception is not detrimental to the public health, safety and welfare;  
**DISCUSSION REQUESTED**

**Analysis:** There are at least two locations on the parcel that staff has confirmed via pole testing, could be suitable locations for a single family home. Staff has not conducted analysis to determine what, if any, potential impacts to health, safety, or welfare would occur at either of these locations.

**Standard 2:** The intent of the development code and general plan will be met;  
**DISCUSSION REQUESTED**

**Analysis:** The Summit County Council has adopted both the Eastern Summit County General Plan and the Eastern Summit County Development Code. Goal 5.1.A of the General Plan adopted August 13, 2013 states: "Ensure that development occurs in a manner and location that protects natural resources, including but not limited to pollution prevention, erosion prevention, national forests, crucial wildlife habitat and corridors, agricultural lands, fisheries, water quality, wetlands, scenic view sheds, riparian areas, wildlife and clean air."

Section 11-2-4.H of the Eastern Summit County Development Code also specifically prohibits structures that encroach into the skyline.

**Standard 3:** The applicant does not reasonably qualify for any other equitable processes provided through the provisions of the Code; **COMPLIES**

**Analysis:** The applicant was originally instructed to apply for a variance from The Board of Adjustment "BOA". However, it was later determined that the Eastern Summit County Development Code specifically only allows the BOA to consider variances from Chapter 3 of the Eastern Summit County Development Code. Therefore, the remaining equitable process for the proposal is a Special Exception.

**Standard 4:** There are equitable claims or unique circumstances warranting the special exception; **DISCUSSION REQUESTED**

**Analysis:** Parcel NS-32-A-1 is significantly larger than properties within the immediately adjacent Lake Rockport Estates Subdivision which have a mean size of 0.97 acres. This

size discrepancy allows for more potential compliant areas for a single family home to be placed than what is found on adjacent properties.

The information provided by the applicant indicates that there is only one potential location for the home. Staff requests that the applicant provide information regarding the viability of the locations identified by Staff prior to a decision by the SCC.

### **Recommendation:**

Staff recommends the Summit County Council consider the Special Exception request for the placement of a home on Parcel NS-32-A-1 in a location that extends into the skyline as described in Section 11-2-4.H of the Eastern Summit County Development Code. Staff further recommends the SCC consider staff's analysis, and provide Staff and the applicant direction regarding potential Findings of Fact and Conclusions of Law.

### **Public Notice, Meetings and Comments**

This item was publicly noticed as a public hearing with possible action by the Summit County Council. Notice of the public hearing was published in the July 1, 2016 issue of *The Summit County News*. Courtesy postcards were mailed to all property owners within 1,000 feet of the subject parcel.

### **Attachment(s)**

Exhibit A – Proposed Site Plan

Exhibit B – Pole Test Analysis

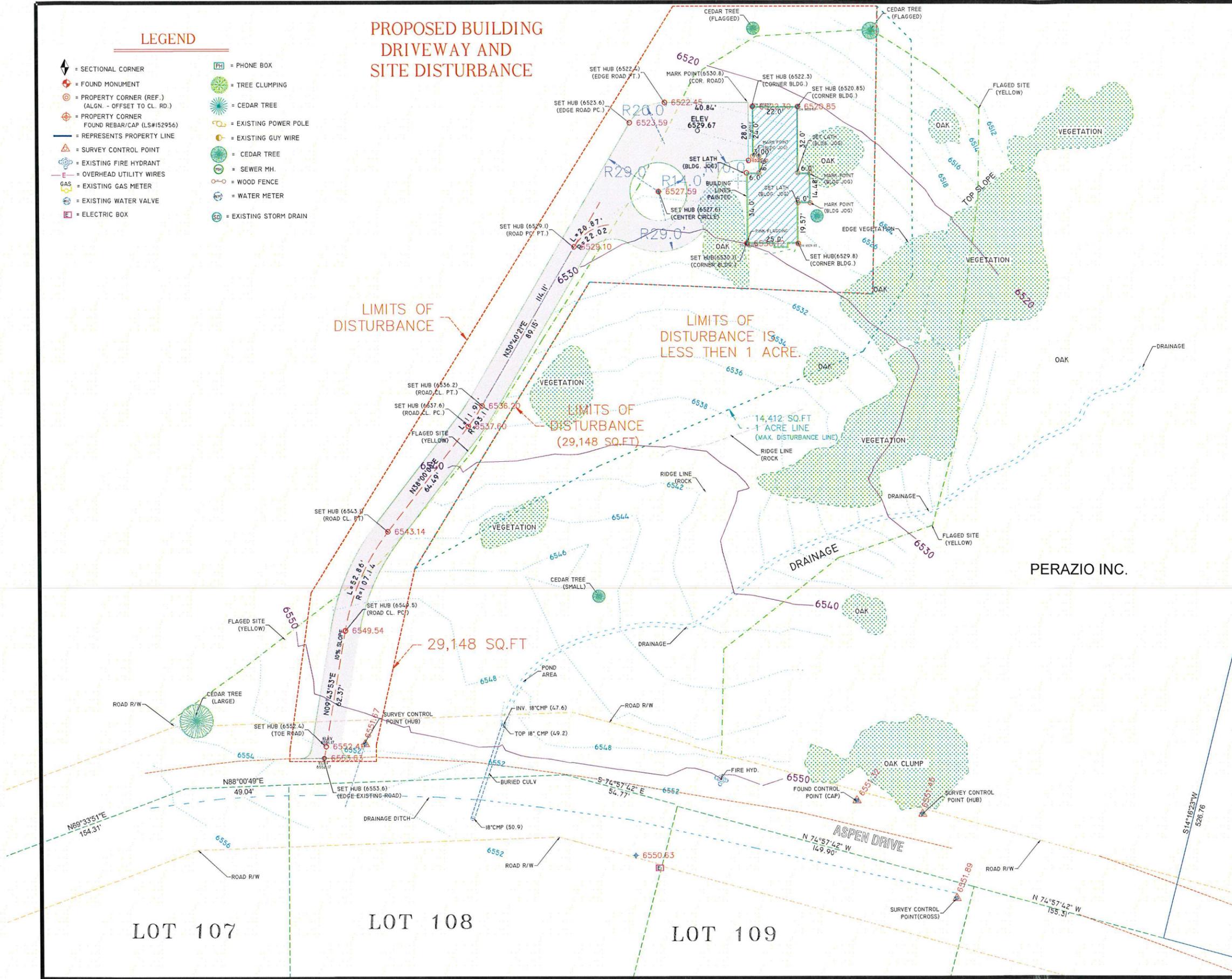
Exhibit C – Applicant Examples of Other Structures that Skyline (representative page of many submitted)

Exhibit D – Applicant Response to Approval Criteria

**LEGEND**

- ◆ = SECTIONAL CORNER
- ⊕ = FOUND MONUMENT
- ⊙ = PROPERTY CORNER (REF.) (ALGN. - OFFSET TO CL. RD.)
- ⊕ = PROPERTY CORNER FOUND REBAR/CAP (LS#152956)
- = REPRESENTS PROPERTY LINE
- △ = SURVEY CONTROL POINT
- ⊕ = EXISTING FIRE HYDRANT
- = OVERHEAD UTILITY WIRES
- ⊕ = EXISTING GAS METER
- ⊕ = EXISTING WATER VALVE
- ⊕ = ELECTRIC BOX
- ☎ = PHONE BOX
- ☎ = TREE CLUMPING
- 🌲 = CEDAR TREE
- ⚡ = EXISTING POWER POLE
- ⊕ = EXISTING GUY WIRE
- 🌲 = CEDAR TREE
- ⊕ = SEWER MH.
- ⊕ = WOOD FENCE
- ⊕ = WATER METER
- ⊕ = EXISTING STORM DRAIN

**PROPOSED BUILDING DRIVEWAY AND SITE DISTURBANCE**



**TOPOGRAPHIC SURVEY**

SUMMIT COUNTY, UTAH  
 LOCATED IN THE SOUTHWEST ONE QUARTER  
 OF SECTION 05, TOWNSHIP 1 SOUTH,  
 RANGE 5 EAST, S.L.B.&M.



**SURVEYORS NARRATIVE**

THIS SURVEY WAS PERFORMED AT REQUEST OF BRENDI CHILDS FOR THE PURPOSE OF PERFORMING A TOPOGRAPHIC SURVEY OF THE SHOWN PROPERTY. THE BASIS OF BEARING WAS DERIVED FROM THE FOUND PROPERTY CORNERS PREVIOUS SET (REBAR/CAP).

**TOPOGRAPHIC LEGEND**

1' CONTOURS ARE SHOWN AT 1' CONTOUR AND HIGHLIGHTED AT A 2' INTERVAL. THE PROJECT BENCH MARK IS A SURVEY CONTROL POINT APPROXIMATELY 50' EAST OF THE FIRE HYDRANT AT THE FRONT OF THE PROPERTY. (EL.: 6551.52)



**JOHANSON LAND CONSULTANTS**

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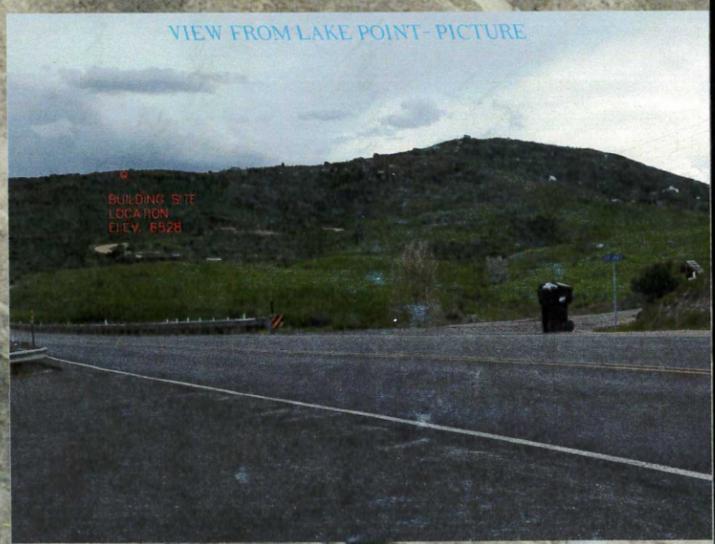
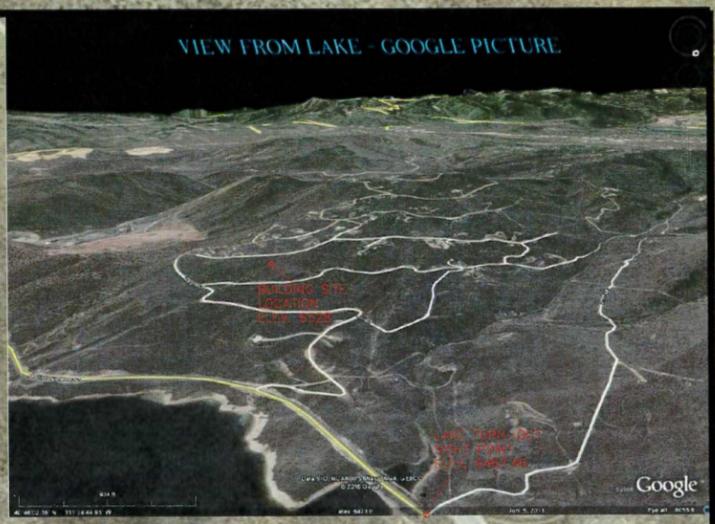


PROJECT NO.	R-16-060
DATE	04/22/2016
DRAWN BY:	R. K. JOHANSON (P.L.S.)
CHKD BY:	
SHEET NUMBER	1 OF 1

PRELIMINARY FOR REVIEW

# SITE VIEW POINT STUDY BUILDING SITE LOCATIONAL SURVEY FOR THE BRENDI PROPERTY

LAKE ROCKPORT ESTATES - WASHPIH UTAH  
LOCATED IN THE NW QUARTER SECTION 5  
TOWNSHIP 1 SOUTH, RANGE 5 EAST  
SALT LAKE BASE AND MERIDIAN  
SUMMIT COUNTY, UTAH



## LEGAL DESCRIPTION BRENDA CHILD'S 25-AC PARCEL (TITLE REPORT)

BEING AND A POINT ON EAST ROCKPORT ASPEN DRIVE BEING THE NORTHWEST CORNER OF LOT 106 IN UNIT 2 OF LAKE ROCKPORT VILLAS, ALLEGED AS ENTERY 1434 IN THE OFFICIAL RECORDS OF SALT LAKE COUNTY, UTAH, SAID POINT ALSO BEING SOUTH 89°11'14" WEST 600 FEET ALONG SECTION LINE AND 80 FEET SOUTH 17°02'21" WEST 1762.9 FEET FROM THE NORTHWEST CORNER OF SECTION 5, TOWNSHIP 1 SOUTH, RANGE 5 EAST SALT LAKE BASE AND MERIDIAN, AND BEING:

THENCE ALONG THE NORTHERN BOUNDARY OF SAID UNIT 2 OF LAKE ROCKPORT VILLAS, NORTH 17°02'21" WEST 1762.9 FEET, THENCE NORTH 89°11'14" WEST 600 FEET OR LESS TO A POINT ON THE SECTION LINE, THENCE EAST ALONG SAID SECTION LINE FOR THE FOLLOWING THIRTEEN COURSES:

1. SOUTH 72°22'17" EAST 249.9 FEET
2. NORTH 89°45'11" EAST 116.6 FEET
3. NORTH 82°08'14" EAST 271.2 FEET
4. NORTH 38°54'12" EAST 84.95 FEET
5. NORTH 27°02'14" EAST 25.0 FEET
6. NORTH 43°50'24" EAST 17.47 FEET
7. NORTH 83°27'39" EAST 20.03 FEET
8. SOUTH 69°17'41" EAST 21.04 FEET
9. SOUTHWEST 1/4" EAST 306.53 FEET
10. SOUTHWEST 1/4" EAST 180 FEET
11. SOUTH 14°11'25" EAST 148.6 FEET
12. SOUTH 89°11'14" WEST 1762.9 FEET
13. SOUTH 72°22'17" EAST 176.29 FEET TO THE INTERSECTION WITH SOUTH ROCKPORT BLVD.

THENCE ALONG SALT LAKE ROCKPORT BLVD THE FOLLOWING FIVE COURSES:

1. SOUTH 72°22'17" EAST 176.29 FEET
2. SOUTHWEST 1/4" EAST 390.0 FEET
3. SOUTH 89°11'14" WEST 249.9 FEET
4. SOUTH 17°02'21" WEST 600.0 FEET
5. SOUTH 72°22'17" EAST 176.29 FEET TO THE NORTHWEST CORNER OF LOT 106 OF ROCKPORT VILLAS, THE SOUTHWEST CORNER OF SAID UNIT 2 OF LAKE ROCKPORT VILLAS, BEING AND ENTERY 1434 IN THE OFFICIAL RECORDS OF SALT LAKE COUNTY, UTAH.

THE AREA ALONG THE BOUNDARY OF SAID LOT 106 SOUTH 17°02'21" WEST 1762.9 FEET TO THE SOUTHWEST CORNER OF LOT 106 OF ROCKPORT VILLAS, BEING AND ENTERY 1434 IN THE OFFICIAL RECORDS OF SALT LAKE COUNTY, UTAH, IS A RIDGE VISIBLE FROM LAKE POINT.

THENCE ALONG THE SOUTHWEST BOUNDARY OF UNIT 2 OF LAKE ROCKPORT VILLAS, THE FOLLOWING SEVEN COURSES:

1. NORTH 43°50'24" WEST 17.47 FEET
2. NORTH 83°27'39" WEST 20.03 FEET
3. NORTH 82°08'14" WEST 271.2 FEET
4. NORTH 89°45'11" WEST 116.6 FEET
5. NORTH 72°22'17" WEST 176.29 FEET
6. SOUTH 72°22'17" WEST 176.29 FEET TO THE NORTHWEST CORNER OF LOT 106, AND THE POINT OF BEGINNING CONTAINS 25.00 ACRES.

Pole Location #2 - Does Not Comply

Pole Location #4 - Does Not Comply

Pole Location #1 - Does Not Comply

Applicant Preferred Location - Does Not Comply

Pole Location #3 - Complies

Pole Location #5 - Complies

### SITE NOTES

THIS SURVEY WAS PREPARED AT THE REQUEST OF BRENDA CHILD TO STUDY THE BEST SITE LOCATION ON HER PROPERTY FOR CONSTRUCTING A CABIN.

THIS SURVEY SHOWS THE VIEW OF THE RIDGES AND VALLEYS OF WHICH HER PROPERTY OCCUPIES, ALSO SHOWN IS THE COUNTY SELECTED VIEW POINT (LAKE TURNOUT) FROM WHICH VIEWS ARE BEING EXAMINED.

NOTE THAT MANY OF THE EXISTING CABIN SITES ARE VISIBLE FROM THE LAKE POINT VANTAGE POINT AND THAT THE DRAINAGES BASICALLY ALIGN TO THE SELECTED LAKE VIEW POINT.

THIS MEANS THAT ONE CAN SEE CONSTRUCTION THAT WOULD BE PLACED IN ANY OF THE DRAINAGES FROM THE LAKE POINT VANTAGE POINT.

IT SHOULD ALSO BE NOTED THAT THE HILL'S SLOPE AWAY FROM THE VIEW POINT AT A SLOPE THAT ALLOWS FOR VIRTUALLY ALL LANDS AND RIDGES TO BE SEEN AS WELL.

BRENDA'S BUILDING SITE IS OVER 3/4 OF A MILE (3,650') FROM SAID VIEWPOINT, AND SETS BACK ON A SLOPING HILL COVERED BY VEGETATION. THIS LOCATION HAS BEEN SELECTED AS THE BEST AND MOST LOGICAL BUILDING SITE. THIS SITE AREA PROVIDES VEGETATION COVER WHICH HELPS OBSCURE THE SITE AND IS FURTHER AWAY AND LESS VISIBLE THEN MANY OF THE EXISTING CABINS.

THERE IS A CULVERT DRAINING ASPEN DRIVE INTO THE UPPER SOUTH END OF BRENDA'S PROPERTY; AND THE WATER FLOWS NORTHEASTERLY INTO A DRAINAGE. THIS DRAINAGE HAS CREATED WETLANDS AND PREVENTS HER FROM BUILDING INTO THIS DRAINAGE.

THUS, THE BUILDING SITE HAS TO BE SET NORTH OF THIS DRAINAGE, WHICH LEAVES THE PROPOSED SITE AS THE MOST SUITABLE LOCATION AND REDUCING AND/OR PREVENTING RENOFF AND ENVIRONMENTAL IMPACT TO SAID DRAINAGE.

GROUND SOUTHEAST OF THIS DRAINAGE AGAIN ARE VISIBLE FROM THE LAKE POINT VIEW POINT, AND DO NOT HAVE ACCESS FROM ASPEN DRIVE BECAUSE OF ITS STEEP SLOPES.

IN SUMMARY THERE IS NOT A SUITABLE LOCATION ON THIS PROPERTY THAT WILL REDUCE THE ENVIRONMENTAL AND VISIBILITY FACTORS FURTHER. IT IS RECOMMENDED THAT THE BUILDING SITE BE APPROVED AT OR NEAR THE PROPOSED BUILDING LOCATION SHOWN.

Observation Point

LAKE TURN-OUT  
SIGHT POINT  
ELEV. 6467.46

### TOPOGRAPHIC LEGEND

### LEGEND

SCALE: AS SHOWN  
DATE: JUNE 4-9, 2016  
DRAWN BY: CFB/RKJ  
SURVEY BY: RKJ/SM/TJ  
CHECKED BY:  
JOB #: R-16-018-C

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### SITE VIEW POINT STUDY



West Hoytsville Rd



West Hoytsville Rd



Hoytsville



West Hoytsville Rd



West Hoytsville



West Hoytsville Rd

Questions

#1 No, IT DOES NOT AFFECT PUBLIC HEALTH OR SAFETY,  
① Conforms with other structures in the area  
② IT IS NOT PUBLIC ROADS, IT IS PRIVATE WATER, IT IS ALREADY PERKED.

#2 EQUITABLE CLAIM  
Yes, based on how the code has been administered since 1996 in regards to lots of record and lots created post 1996, that have received Bldg permits

#3 No, based on the recommendation of the CDD we were instructed to file for special exemption CDD acknowledged if we had the Snyderville basin option of an LI we could be permitted.

#4 My lot of record is in an area where the majority of existing homesites break the skyline I want to be processed like other homeowners in the area.

The skyline standard is associated with a non defined heading (visually sensitive area) There are no established standards or protocols to following in determining whether its visually sensitive or not.

The building site surveyed by a licensed surveyor has minimal impact on the property and is best suited.

Please put on agenda & get a staff report as soon as possible