



Public Works
Planning & Development Services Division
<http://www.utah.gov/pmn/index.html>

Magna Township Planning Commission

Public Meeting Agenda

December 13, 2012

6:30 P.M.

THE MEETING WILL BE HELD IN THE MEETING ROOM AT THE SALT LAKE COUNTY
MAGNA LIBRARY, 8950 WEST MAGNA MAIN STREET, MAGNA, UT 84044.

ANY QUESTIONS, CALL 468-2000

REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES WILL BE PROVIDED UPON REQUEST. FOR ASSISTANCE, PLEASE CALL 468-2120 OR 468-2351: TDD 468-3600.

The Planning Commission Public Meeting is a public forum where the Planning Commission receives comment and recommendations from applicants, the public, applicable agencies and County staff regarding land use applications and other items on the Commission's agenda. In addition it is where the Planning Commission takes action on these items. Action may be taken by the Planning Commission on any item listed on the agenda which may include: approval, approval with conditions, denial, continuance or recommendation to other bodies as applicable.

Business Items - 6:30 P.M.

- 1) Introduce new Planning Coordinator
- 2) Adoption of minutes from the October 11, 2012 meeting.
- 3) 2013 Meeting Schedule
- 4) Discussion of Old Magna Recreation Center Site – 9150 W 2880 S
- 5) Discussion of Magna Main Street East Community Development Area Plan
- 6) Other Business

Public Hearing Items - Starting immediately following Business Items

28214 – Chris Drent on behalf of Arbor Park Associates is requesting approval of a preliminary plat for a 10-Lot Commercial Subdivision on a 17.404 acre site – **Address:** 8400 West 3500 South – **Zone:** C-2 – **Community Council:** Magna – **Planner:** Nancy Moorman.

28225 – Salt Lake County is requesting amendments to the zoning ordinance to: 1) replace references to “residential health care facilities” with “residential facilities for persons with a disability,” 2) to establish review and approval criteria for the location and regulation of such facilities in harmony with federal requirements, and 3) to amend the definition of “family” to be consistent with state law. This includes amendments to sections 19.04.230, 19.04.453, 19.08.020, 19.10.020.G, 19.12.020.G, 19.14.020, 19.32.020, 19.38.020, 19.40.020, 19.48.020,

19.50.020, 19.52.020, 19.54.020.F, 19.55.030.A, 19.14.030, 19.32.030, 19.48.030, 19.38.030, 19.40.030 and 19.44.030 and the addition of chapter 19.87 RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY to the Salt Lake County Zoning Ordinances.

Adjournment

Rules of Conduct for the Planning Commission Meeting

- First: Applications will be introduced by a Staff Member.
- Second: The applicant will be allowed up to 15 minutes to make their presentation.
- Third: The Community Council representative can present their comments.
- Fourth: Persons in favor of, or not opposed to, the application will be invited to speak.
- Fifth: Persons opposed to the application will be invited to speak.
- Sixth: The applicant will be allowed 5 minutes to provide concluding statements.
- Speakers will be called to the podium by the Chairman.
 - Because the meeting minutes are recorded it is important for each speaker to state their name and address prior to making any comments.
 - All comments should be directed to the Planning Commissioners, not to the Staff or to members of the audience.
 - For items where there are several people wishing to speak, the Chairman may impose a time limit, usually 2 minutes per person, or 5 minutes for a group spokesperson.
 - After the hearing is closed, the discussion will be limited to the Planning Commission and the Staff.



Magna Township Planning Commission
2013 Meeting Schedule

Location:

Magna Library
2675 South 8950 West, Magna, UT 84044

Meeting Schedule:

January 17, 2013 6:30pm (Webster Center - 8952 West 2643 South)

February 14, 2013 6:30pm

March 14, 2013 6:30pm

April 11, 2013 6:30pm

May 16, 2013 6:30pm (Webster Center - 8952 West 2643 South)

June 13, 2013 6:30pm

July 11, 2013 6:30pm

August 15, 2013 6:30pm

September 12, 2013 6:30pm

October 17, 2013 6:30pm (Webster Center - 8952 West 2643 South)

November 14, 2013 6:30pm

December 12, 2013 6:30pm



STAFF REPORT

Executive Summary									
Hearing Body:	Magna Township Planning Commission								
Meeting Date and Time:	Thursday, December 13, 2012	06:30 PM	File No:	2	8	2	1	4	
Applicant Name:	Arbor Park Associates	Request:	Subdivision						
Description:	10-Lot Commercial Subdivision								
Location:	8400 West 3500 South								
Zone:	C-2 Community Commercial	Any Zoning Conditions?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>					
Staff Recommendation:	Approval with Conditions								
Planner:	Nancy Moorman								

1.0 BACKGROUND

1.1 Summary

Arbor Park Associates is seeking approval of a preliminary plat for the proposed Arbor Park Subdivision located on 17.404 acres on 8400 West 3500 South. The proposed subdivision contains 10 lots and is zoned C-2.

1.2 Neighborhood Response

No neighborhood response was received at the time of this report.

2.0 ANALYSIS

2.1 Applicable Ordinances

18.12.010 - Required information.

A. The preliminary plat, ..., shall contain the information specified in this section and comply with the following requirements:

1. Description and Delineation. In a title block located in the lower right-hand corner the following shall appear:
 - a. The proposed name of the subdivision, which name must be approved by the planning and development services division;
 - b. The location of the subdivision, including:
 - i. Address,
 - ii. Section, township and range;
 - c. The names and addresses of the owner, the subdivider, if different than the owner, and of the designer of the subdivision;
 - d. The date of preparation, scale (no less than one inch to equal one hundred feet) and the north point.

2. Existing Conditions. The plat shall show:
 - a. The location of and dimensions to the nearest bench mark or monument;

- b. The boundary lines of the proposed subdivision indicated by a solid heavy line and the total approximate acreage encompassed thereby;
- c. 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 subdivider's land shall be submitted, and the street system of the part submitted shall be considered in the light of existing general street plans, other planning commission studies and the County Transportation Improvement Plan;
- d. The location, width and names of all existing streets within two hundred feet of the subdivision and of all prior platted streets or other public ways, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, houses or permanent easements and section and corporation lines, within and adjacent to the tract;
- e. 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 feet beyond the tract boundaries;
- f. Existing sewers, water mains, culverts or other underground facilities within the tract and to a distance of at least one hundred feet beyond the tract boundaries, indicating pipe sizes, grades, manholes and exact location;
- g. Existing ditches, canals, natural drainage channels, and open waterways and proposed realignments;
- h. Boundary lines of adjacent tracts of unsubdivided land, showing ownership where possible;
- i. Contour at vertical intervals of not more than two feet. Highwater levels of all watercourses, if any, shall be indicated in the same datum for contour elevations;
- j. Nearest installed fire hydrants on or within five hundred feet of the proposed subdivision.

4. Proposed Subdivision Plan. The subdivision plan shall show:

- a. 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;
- b. The layout, numbers and typical dimensions of lots, and in areas subject to foothills and canyons overlay zone provisions, designation of buildable areas on individual lots.
- c. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision;
- d. Building setback lines, including showing dimensions where required by the planning commission;
- e. Easements for water, sewers, drainage, utility lines and other purposes, if required by the planning commission;
- f. Typical street cross sections and grade sheets where required by the planning commission or other interested county divisions;
- g. A tentative plan or method by which the subdivider proposes to handle stormwater drainage for the subdivision.

18.12.030 - Preliminary plat approval or disapproval.

Following a review of the preliminary plat the planning commission shall act on the preliminary plat as submitted or modified. If the plat is approved, the director or director's designee shall sign the plat. One copy of the preliminary plat shall be provided to the subdivider. One signed copy shall be retained by the planning and development services division, and one copy of the approved plat shall be returned to the developer's engineer. If the preliminary plat is disapproved, the director or director's designee shall notify the developer in writing and give reasons for such disapproval. The receipt of a signed copy of the approved preliminary plat shall be authorization for the subdivider to proceed with the preparation of specifications for the minimum improvements required in [Chapter 18.24](#) of this title and with the preparation of the final plat.

2.2 Subdivision Requirements

1. Record of Survey must be received by County Surveyor's office before plat can leave Planning and Development and the following statement "A Record of Survey has been filed as #xxxxxxxxxxx in the S. L. County Surveyor's Office" MUST be included in the Surveyor's Certificate on the final mylar, the x's being the RSC No. received from the County Surveyor's office.
2. Final plat must be on regular County Titleblock.
3. All required improvements must be bonded for before plat can be recorded.
4. Show Fire Hydrants on Final Plat along with distance to back line of subdivision by path of travel.
5. Require plan and profile drawing so that bond can be put together. Require 4 copies of Final Civil drawings signed by Licensed Engineer for all improvements after approvals from Hydrology, Grading and Traffic have been received along with digital copy.
6. Label all areas to be dedicated to County as "Area Hereby Dedicated to Salt Lake County."
7. All Streets within 200 ft. of the proposed subdivision must be shown on plat.
8. Include the area to be dedicated to county within the perimeter boundary description.
9. Label all utility and drainage easements on final plat.
10. A preliminary report of title will be required at the final stage of the project. They are only good for 60 days so don't get it until we are at the final plat stage.

2.3 Other Agency Recommendations or Requirements

Planner

1. Write the following statement on the final plat: "All proposed development must comply with the requirements of PUD application #26765."
2. Remove the setback requirements from the plat, and instead insert a box where the Planner can write in the setbacks.
3. Indicate on the preliminary plat which buildings are to be demolished.

Grading

4. All new construction will need to submit a site grading and drainage plan for review and comment with the proposed Building permits.
5. Recommendation of Conditional Approval on Subdivision only.

Hydrology

6. Submit all of the requirements listed in the checklist from the Urban Hydrologist.
7. Pay the Hydrology Impact Fee.
8. Show all irrigation lines on the final plat.
9. Complete a stormwater routing system.
10. If reconfiguring the detention ponds, get approval from UDOT.

Traffic

11. Provide traffic impact study to Jena Carver that was a requirement of PUD application #26765.

Building

12. Demolition permits need to be obtained and the buildings need to be removed for the three buildings

that are noted as existing and have proximity issues with property lines.

2.4 Other Issues

All developments in the subdivision will need to comply with PUD #26765.

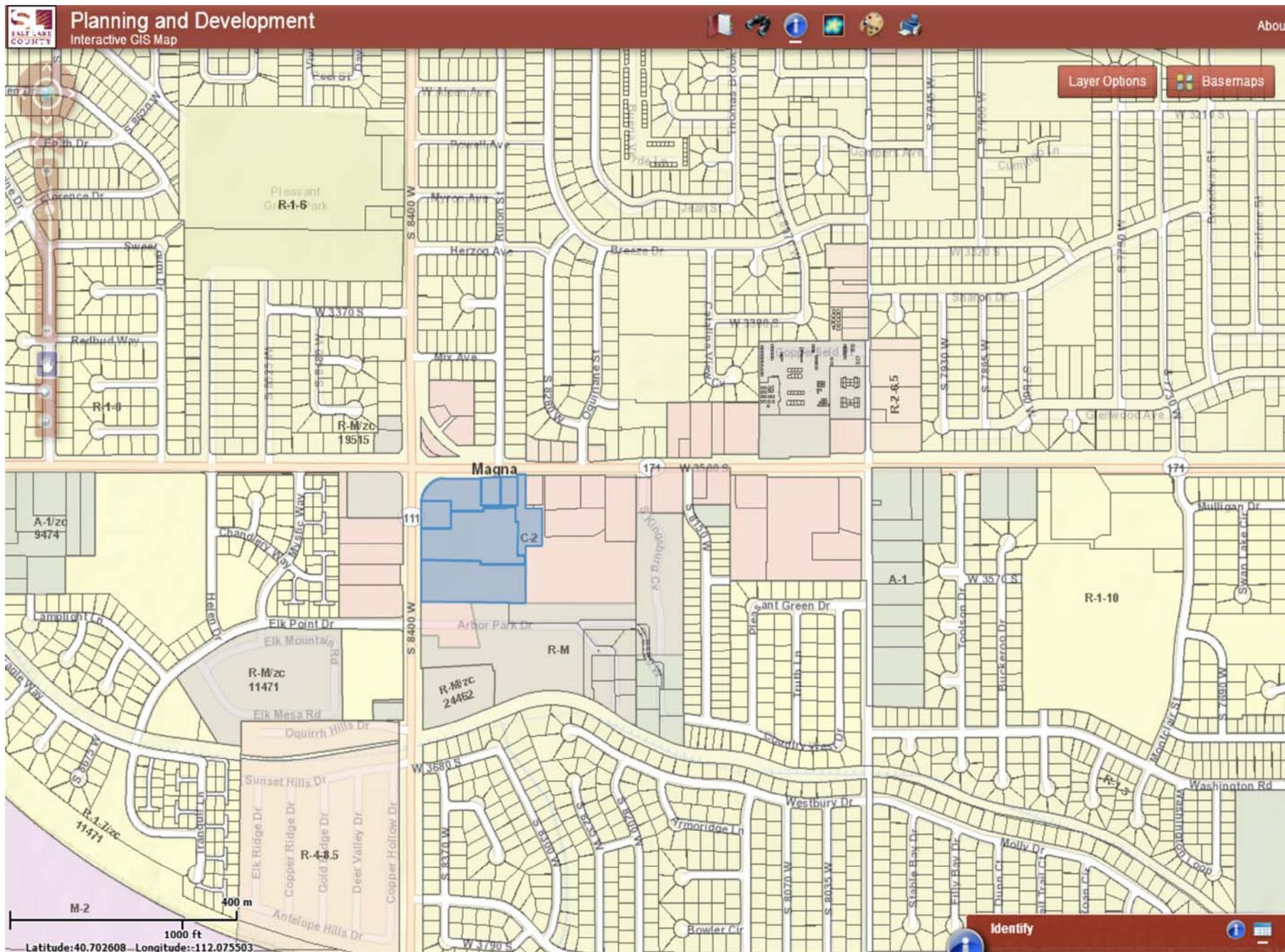
3.0 STAFF RECOMMENDATION

3.1 Staff recommends APPROVAL of the proposed Subdivision with the following conditions:

- 1) The applicant shall comply with all applicable ordinances and the recommendations and requirements of the individual reviewers as part of the technical review, including completing the preliminary and final plat approval with staff.

3.2 Reasons for Recommendation

- 1) The project will comply with subdivision and zoning requirements once all applicable ordinances and agency recommendations have been adhered to.



Arbor Park Commercial Subdivision

A part of the Northeast Quarter of Section 32, Township 1 South,
Range 2 West, Salt Lake Base & Meridian, U.S. Survey
8400 West 3500 South
Magna, Salt Lake County, Utah



Vicinity Map
Not to Scale

Civil Sheet Index

- CV Cover Sheet
- Sub1 Preliminary Subdivision Plat
- Sub2 Preliminary Subdivision Plat

Developer/Applicant:

Arbor Commercial
126 W. Segall Drive Suite 275
Sandy, UT 84070
Contact: Chris Drent
Phone: 801-561-8594

Plan Prepared by:

Great Basin Engineering - South
2010 North Redwood Road
Salt Lake City, Utah 84116
Contact: David Anderson
Phone: 801-521-8529

REV	DATE	DESCRIPTION
X		
XX		
XXX		

Designed by: DA
Drafted by: JRM
Client Name:
Arbor Commercial
11-070CV

GREAT BASIN ENGINEERING - SOUTH
 CONSULTING ENGINEERS and LAND SURVEYORS
 2010 North Redwood Road, P.O. Box 16747
 Salt Lake City, Utah 84116
 Phone: (801)521-8529 Fax: (801)521-8551

Cover Sheet
Arbor Park Commercial Subdivision
 8400 West 3500 South
 Magna, Salt Lake County, Utah
 A Part of the NE 1/4 of Section 32, T1S, R2W, SLB&M, U.S. Survey



2 Nov, 2012

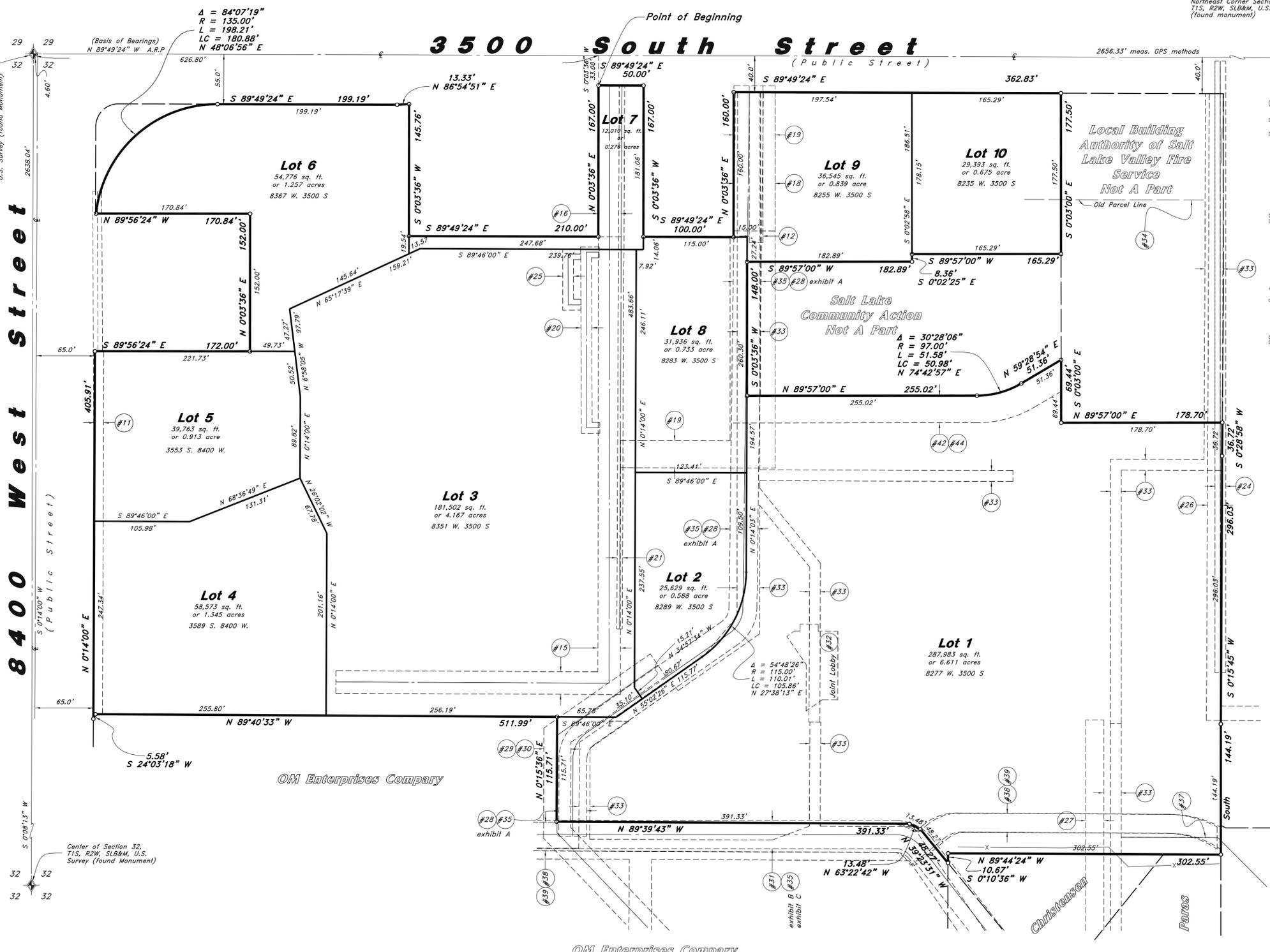
SHEET NO.
CV

Arbor Park Commercial Subdivision

A part of the Northeast Quarter of Section 32, Township 1 South,
Range 2 West, Salt Lake Base & Meridian,
U.S. Survey, Salt Lake County, Utah



Scale : 1" = 60'



Easement Information

- Easement dependent on this sheet are existing. Upon demolition of the existing center many easements will be removed.
- The following circled survey related items are plotted on the survey.
- The following un-circled survey related items could not be plotted.
- #11 10.0 ft. wide easement to State Road Commission for irrigation facilities recorded June 17, 1964, Book 2202, Page 597, Entry No. 2007526 of Official Records.
 - #12 15 foot wide Right-of-way and Easement to Mountain Fuel Supply Company recorded October 14, 1966, Book 2500, Page 621, Entry No. 2174915 of Official Records.
 - #13 Reciprocal Easement Agreement recorded January 30, 1973, Book 3248, Page 311, Entry No. 2515253 and amendment recorded May 13, 1974, Book 3854, Page 272, Entry No. 2621113 of Official Records blankets the Western portion of the shopping center but contains nothing platable.
 - #14 Covenants, Conditions and Restrictions recorded January 30, 1973, Book 3248, Page 314, Entry No. 2515254 of Official Records amended and recorded May 13, 1974, Book 3854, Page 284, Entry No. 2621117 of Official Records blankets the Western portion of the shopping center but contains nothing platable.
 - #15 25.0 ft. wide easement to Mountain Fuel Supply Company recorded July 20, 1973, Book 3376, Page 477, Entry No. 2555763 of Official Records.
 - #16 25.0 ft. wide easement to Mountain Fuel Supply Company recorded July 20, 1973, Book 3376, Page 478, Entry No. 2555764 of Official Records.
 - #17 5.0 ft. wide easement of undisclosed alignment to Mountain States Telephone and Telegraph Company recorded August 2, 1973, Book 3385, Page 316, Entry No. 2558650 of Official Records.
 - #18 A perpetual non-exclusive Right-of-way and Easement for Ingress and Egress to First Security Bank of Utah, N.A. by instrument recorded March 29, 1979, Book 4836, Page 913, Entry No. 3257292 of Official Records.
 - #19 Consent to Vacation of Easement recorded June 12, 1981, Book 5259, Page 347, Entry No. 3574290, and Entry No. 3574291, and Entry No. 3574292, and Entry No. 3574293, and Entry No. 3574294, and Entry No. 3574295, of Official Records.
 - #20 12.0 ft. wide easement to Mountain Fuel Supply Company recorded April 7, 1982, Book 5359, Page 1104, Book 5380, Page 867, Entry No. 3681862 of Official Records.
 - #21 6.0 ft. wide easement to Mountain States Telephone and Telegraph Company recorded June 7, 1982, Book 5380, Page 867, Entry No. 3681862 of Official Records.
 - #22 6.0 ft. wide easement of undisclosed alignment to Mountain States Telephone and Telegraph Company recorded September 15, 1982, Book 5408, Page 1345, Entry No. 3711232 of Official Records.
 - #23 Development Agreement recorded April 16, 1985, Book 5646, Page 1088, Entry No. 4074611 of Official Records blankets common areas of the entire shopping center.
 - #24 12 foot wide Easement to Mountain States Telephone and Telegraph Company recorded September 9, 1985, Book 5688, Page 2180, Entry No. 4134277 of Official Records.
 - #25 14.0 ft. wide easement to Mountain Fuel Supply Company recorded December 4, 1985, Book 5714, Page 2190, Entry No. 4171547 of Official Records.
 - #26 16 foot wide Right-of-way and Easement to Mountain Fuel Supply Company recorded December 4, 1985, Book 5714, Page 2228, Entry No. 4171569 of Official Records.
 - #27 20 foot wide Right-of-way and Easement to Mountain Fuel Supply Company recorded December 4, 1985, Book 5714, Page 2230, Entry No. 4171570 of Official Records.
 - #28 31.00 foot wide Roadway Easement disclosed in Reciprocal Easement Agreement recorded February 7, 1986, Book 5734, Page 1380, Entry No. 4192622 and Amended and Restated Reciprocal Easement Agreement recorded November 5, 1986, Book 5835, Page 1266, Entry No. 4342469 and Assignment recorded June 10, 1987, Book 5928, Page 2383, Entry No. 4472576 of Official Records. (middle document description is shown on the survey, last document contains nothing to plot)
 - #29 30 foot wide Easement for Storm Drainage Facilities recorded February 27, 1986, Book 5739, Page 2212, Entry No. 4207280 of Official Records.
 - #30 30 foot wide Easement for Storm Drainage Facilities recorded March 17, 1986, Book 5745, Page 677, Entry No. 4215422 of Official Records.
 - #31 31.0 ft. wide easement disclosed in Amended and Restated Easement recorded November 3, 1986, Book 5835, Page 1256, Entry No. 4342468, Re-recorded November 12, 1986, Book 5838, Page 2913, Entry No. 4347558 of Official Records.
 - #32 Joint Lobby Agreement recorded November 3, 1986, Book 5835, Page 1275, Entry No. 4342472 of Official Records was plotted approximately from attached Exhibit, but no exact dimensions were given.
 - #33 Permanent Easement and Right-of-way to Magna Water Company recorded March 5, 1987, Book 5885, Page 958, Entry No. 4412272 of Official Records.
 - #34 Encroachment Agreement recorded June 10, 1987, Book 5928, Page 2368, Entry No. 4472570 of Official Records includes building encroachments along the Southerly side of the building adjacent on the North side of the Smiths Supermarket (which has now been removed).
 - #35 Reciprocal Easement Agreement includes 31.00 foot wide Roadways described with Exhibits A, B, C and Termination of Roadway described in Exhibit D recorded December 14, 1994, Book 7071, Page 183, Entry No. 5985362 of Official Records.
 - #36 Reciprocal Easement Agreement recorded March 1, 1996, Book 7342, Page 582, Entry No. 6292865 of Official Records blankets Parcels 5, 7 and 8 but contains nothing platable.
 - #37 Easement of undisclosed width for Waterline Facilities to Magna Water Company recorded December 20, 1999, Book 8330, Page 6263, Entry No. 7536795 of Official Records.
 - #38 Grant of Easement recorded June 9, 2000, Book 8367, Page 2801, Entry No. 7657072 of Official Records.
 - #39 Easement for access recorded November 2, 2000, Book 8399, Page 995, Entry No. 7753387 of Official Records.
 - #40 Reservations in a Special Warranty Deed recorded June 1, 2005, Book 9138, Page 3971, Entry No. 9391417 of Official Records blankets the old Smith's Food Center Parcel but contains nothing platable.
 - #41 Salt Lake County Ordinance No. 1649 Designating the Magna/Arbor Park Project Area Plan as the Official Urban Renewal Plan of the Magna/Arbor Park Area recorded July 9, 2009, Book 9743, Page 9284, Entry No. 10749559 of Official Records blankets this site along with more ground buy contains nothing platable.
 - #42 30 ft. wide Access Easement Agreement recorded September 1, 2009, Book 9759, Page 8958, Entry No. 10789350, and Modification of Access Easement Agreement recorded June 22, 2010, Book 9834, Page 5977, Entry No. 10975230 of Official Records.
 - #43 Notice of Rollline and Uncontested Lot Line Adjustment recorded March 17, 2010, Book 9811, Page 3310, Entry No. 10916644 and Affidavit recorded March 17, 2010, Book 9811, Page 3318, Entry No. 10916645 of Official Records pertains to an old underlying Lot Line Adjustment but contains nothing platable.
 - #44 30 ft. wide Easement to Salt Lake Community Action Program recorded June 23, 2010, Book 9838, Page 2172, Entry No. 10976572 of Official Records.

Zoning Information

Zone	=	C-2 (Commercial Zone)
Building Setback Requirements	=	15'-25'
Front yard	=	30'
Back yard	=	8'-15'
Side yard	=	

Benchmark

Brass Cap Monument for the North Quarter Corner of Section 32, T1S, R2W, SLB&M
Elevation = 4363.42 feet assigned

Flood Plain Data

This property lies entirely within Flood Zone X as designated on FEMA Flood Insurance Rate Map for Salt Lake County, Utah and incorporated Areas Map Number 49035C0275G dated September 25, 2009. Flood Zone X is defined as "Areas determined to be outside the 0.2% annual chance floodplain." (no shading)

Developer/Applicant:

Arbor Commercial
126 W. Segolly Drive Suite 275
Sandy, UT 84070
Contact: Chris Drent
Phone: 801-561-8594

Plan Prepared by:

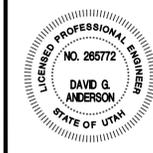
Great Basin Engineering - South
2010 North Redwood Road
Salt Lake City, Utah 84116
Contact: David Anderson
Phone: 801-521-8529

Designed by: ---
Drafted by: JRM
Client Name:
Arbor Commercial

11-0705UB2

GREAT BASIN ENGINEERING - SOUTH
CONSULTING ENGINEERS and LAND SURVEYORS
2010 North Redwood Road, P.O. Box 16747
Salt Lake City, Utah 84116
Open (801)394-7988 Fax (801)521-9551
Salt Lake City (801)521-8529

Preliminary Subdivision Plat
Arbor Park Commercial Subdivision
8400 West 3500 South
Magna, Salt Lake County, Utah
A Part of the NE 1/4 of Section 32, T1S, R2W, SLB&M, U.S. Survey.



2 Nov, 2012

SHEET NO.
Sub2



STAFF REPORT

Executive Summary									
Hearing Body:	Magna Township Planning Commission								
Meeting Date and Time:	Thursday, December 13, 2012	06:30 PM	File No:	2	8	2	2	5	
Applicant Name:	Salt Lake County		Request:	Ordinance Amendment					
Description:	Residential Facilities for Persons with Disability								
Location:	N/A								
Community Council Rec:	Varies								
Staff Recommendation:	Approval								
Planner:	Curtis Woodward								

1.0 BACKGROUND

1.1 Summary

This ordinance came about as a result of concerns from county residents regarding “group homes” existing within unincorporated Salt Lake County. There has been a lot of confusion over “group homes” and what the county can and cannot do with regard to licensing and enforcement. This ordinance clarifies the approval process --establishes a process when applying for a group home and defines the role of the county and state in this application and licensing process. This proposed ordinance also eliminates enforceable provisions in compliance with federal law and recent federal cases.

The goal of this ordinance is to clarify and delineate requirements for these group homes, while complying with state and federal laws. In a nutshell, this ordinance invites group homes as a permitted use/reasonable accommodation in any single family neighborhood in unincorporated Salt Lake County so long as the home meets state licensing standards and local building codes and does not offer outpatient treatment services. It also adjusts the definition of "family" to be in line with the requirements of Utah Code (allowing up to 4 unrelated people to live together as a "family.")

1.2 Community Council Response

The Magna Area Community Council discussed this item at the November 15, 2012 meeting. No recommendation was given at that time.

The Magna Town Community Council will discuss this item at the December 6, 2012 meeting. The council's response will be reported at the December Planning Commission meeting.

2.0 ANALYSIS

2.1 Existing Ordinance

- 1) The definition of "family" includes up to 3 unrelated people living together in a dwelling unit.
- 2) Terms such as "Residential Health Care Facility" are defined in section 19.04, and are listed as permitted or conditional uses based on the number of residents and the size of the right of way on which they are located.
- 3) Residential facilities for persons with a disability are allowed in residential zones, provided that each such facility shall not be located within 1/2 mile of a similarly licensed facility.
- 4) Residential facilities for persons with disability, while allowed as permitted uses, do not have in current ordinance any standards, criteria, or regulation (other than the spacing restriction mentioned above).

2.2 Proposed Ordinance

- 1) The definition of "family" is being amended as required by Utah Code (17-27a-505.5) to allow up to 4 unrelated people to live together in a dwelling unit.
- 2) The definition of "residential health care facility" is being removed, and references to such facilities in various zones are also being removed (as being redundant in light of the fact that these facilities are included in the definition of "residential facilities for persons with disabilities."
- 3) The 1/2 mile separation requirement between facilities is being removed from the ordinance (as recent court cases have determined that this kind of provision is illegal.
- 4) A new chapter is being proposed to establish approval criteria and use standards for residential facilities for persons with disabilities. It includes provisions for ensuring state licenses are obtained, dealing with "nuisance" properties, parking and traffic concerns, and appeals.

3.0 STAFF RECOMMENDATION

3.1 Staff recommends APPROVAL of the proposed Ordinance Amendment .

3.2 Reasons for Recommendation

- 1) Having studied the issues at hand, including the Fair Housing Act and Americans with Disabilities Act as well as recent court decisions, the proposed ordinance was drafted by the District Attorney's Office as a reasonable regulatory ordinance that will provide the public and the County guidance as to how and where residential facilities for persons with disabilities may be located.

WORKING DRAFT 9

SALT LAKE COUNTY ORDINANCE

ORDINANCE NO: _____, 2012

RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY

AN ORDINANCE AMENDING DEFINITIONS AND ADDING A NEW CHAPTER IN TITLE 19 ENTITLED "ZONING" OF THE SALT LAKE COUNTY CODE OF ORDINANCES, PROVIDING THAT THE DIRECTOR SHALL CONSIDER REQUESTS FOR A PERMITTED USE/REASONABLE ACCOMMODATION FOR THE DISABLED RELATIVE TO THEIR OCCUPATION OF A GROUP HOME.

The County Council, as the legislative body of Salt Lake County ordains as follows:

SECTION I. The amendments made herein are designated by underlining the new enacted words. Words being deleted are designated by brackets with a line drawn through said words.

SECTION II. Section 19.04.230 is hereby amended and section 19.04.453 of the Salt Lake County Code of Ordinances, 2001, is hereby deleted as follows:

19.04.230 - Family.

"Family" means:

A. Any number of people living together in a dwelling unit and related by blood, marriage or adoption, and including up to [~~two~~] three additional unrelated people; or

B. One to [~~three~~] four unrelated people living together in a dwelling. Each unrelated person owning or operating a motor vehicle shall have a lawfully located off-street parking space.

~~[19.04.453 — Residential health care facility.~~

~~A. — "Residential health care facility" means a facility providing assistance with activities of daily living and social care to two or more residents who require protected living arrangements.~~

WORKING DRAFT 9

~~B. — Each bedroom in a residential health care facility shall contain the minimum square feet of floor space per resident as set forth in the Utah Administrative Code health facility licensure rules, or any successors, with a maximum of two residents per bedroom.]~~

SECTION III. Sections 19.08.020, 19.10.020.G, 19.12.020.G, 19.14.020, 19.32.020, 19.38.020, 19.40.020, 19.48.020, 19.50.020, 19.52.020, 19.54.020.F, and 19.55.030.A of the Salt Lake County Code of Ordinances, 2001, are hereby amended by deleting the following condition to a permitted use:

~~-- Residential facility for persons with a disability. [, provided that each such facility shall not be located within one half mile of a similarly licensed residential facility for persons with a disability.]~~

SECTION IV. Sections 19.14.030, 19.32.030 and 19.48.030 of the Salt Lake County Code of Ordinances, 2001, are hereby amended by deleting the following conditional use:

~~[—Residential health care facility for up to five residents on streets less than eighty feet in width, and up to ten residents on streets eighty feet and wider, excluding the facility operator and his/her related family with a maximum of one nonresident part-time relief employee on the premises at any one time unless additional staffing is required by the Utah Department of Health, which use shall not change the residential appearance and character of the property;]~~

SECTION V. Section 19.38.030 of the Salt Lake County Code of Ordinances, 2001, is hereby amended by deleting the following conditional use:

~~[—Residential health care facility for up to five residents excluding the facility operator and his/her related family with a maximum of one nonresident part-time relief employee on the premises at any one time, which use shall not change the residential appearance and character of the property;]~~

SECTION VI. Sections 19.40.030 and 19.44.030 of the Salt Lake County Code of Ordinances, 2001, are hereby amended by deleting the following conditional use:

~~[—Residential health care facility;]~~

SECTION VII. Chapter 19.87 of the Salt Lake County Code of Ordinances, 2001, is hereby enacted to read as follows:

Chapter 19.87

RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY

Sections:

- 19.87.010 Purpose.**
- 19.87.020 Scope.**
- 19.87.030 Definitions.**
- 19.87.040 Licensing for Residential Facilities.**
- 19.87.050 Uses.**
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19.87.010 Purpose.

The purpose of this chapter is to balance local zoning considerations with state and federal mandates requiring a reasonable accommodation for disabled persons living together in a group housing arrangement in a residential neighborhood.

19.87.020 Scope.

The requirements of this chapter apply to any facility, residence, group home or other congregate housing arrangement for persons with a disability notwithstanding any conflicting provision in this title or any other section of this code of ordinances.

19.87.030 Definitions.

“Disability” is defined in 19.04.168, “family” in 19.04.230, and “residential facility for persons with a disability” in 19.04.452 of this title.

19.87.040 Licensing for Residential Facilities

The licensing requirements for “Residential Treatment Programs” and “Residential Support Programs” are defined and administered pursuant to State law and the Utah Administrative Code.

19.87.050 Uses.

A. No permit required. Four or less unrelated individuals who share housekeeping responsibilities in a single dwelling do not require a zoning permit but function as a “family,” defined in Section 19.04.230 of this title as “one to four unrelated people living together in a single dwelling.”

B. The director of planning and zoning (“the director”), with the assistance of the district attorney, shall consider requests for a permitted use/reasonable accommodation for a “residential facility for persons with a disability” (“facility”). The director or the director’s designee shall approve a proper application for a zoning permit for the facility in any zone, including residential zones where only single family dwellings are a permitted use, provided:

1. The facility meets or will meet all program, physical facility, and licensure requirements of the state Department of Human Services or Department of Health.

2. Except as otherwise provided in this chapter, buildings and uses shall meet all applicable county development standards, licensing and zoning requirements.

3. The facility shall not house persons who are involuntarily residing therein or who are residing therein as a part of or in lieu of confinement, rehabilitation, or treatment in a correctional facility.

4. The applicant provides sufficient evidence that the requested accommodation is necessary to allow disabled individuals reasonable, non-discriminatory, federally mandated housing opportunities in the relevant zone. Evidence may include information relating to the history, management, financial feasibility, and therapeutic benefits of the facility, and applicable law.

C. The director or the director’s designee may not deny the application based upon reasonably anticipated detrimental effects to the community so long as reasonable conditions are proposed to mitigate such anticipated detrimental effects.

D. Institutional uses. Consistent with the International Building Code, residential facilities designed to house more than sixteen individuals constitute “institutional facilities” likely to create a fundamental change in the character of a single family residential neighborhood. The only residential zone where an application for a conditional use permit for an institution serving more than sixteen residents may be approved is in a zone that allows apartments as a conditional or permitted use.

19.87.060 Termination.

A use permitted by this chapter is nontransferable and shall be subject to revocation by the appropriate land use or licensing authority if:

A. The facility is devoted to a use other than a residential facility for persons with a disability, or

B. The facility exceeds the maximum number of residents specified and approved in the original application, changes the disability classification under state rules, or remodels or expands without first receiving approval from the director.

C. The facility is not licensed by the state Department of Health or Department of Human Services.

D. It is determined by an appropriate county authority that residents of the facility have engaged in a pattern of criminal acts of nuisance, theft, or violence in the adjoining neighborhood.

19.87.070 Residential day treatment.

To avoid excessive traffic, on street parking, and related impacts altering the residential character of a neighborhood, no day treatment for non-residents shall be permitted in residential facilities for the disabled in the R-1 or R-2 residential zones.

19.87.080 Parking.

The minimum number of parking spaces shall be four spaces plus one space for each five residents, provided that if the number of residents who own or operate a motor vehicle exceeds the number of parking spaces established above, additional parking shall

be provided to ensure that every resident who owns or operates a motor vehicle has a lawfully located off-street parking space.

19.87.090 Appeals.

Pursuant to section 19.92.050 of this Title for permitted uses, any person adversely affected by a final decision of the zoning authority may appeal that decision to the board of adjustment.

SECTION VIII. This ordinance shall become effective fifteen (15) days after its passage and upon at least one publication of the ordinance or a summary thereof in a newspaper published and having general circulation in Salt Lake County.

APPROVED and ADOPTED this _____ day of _____, 2012.

SALT LAKE COUNTY COUNCIL

By _____
David Wilde, Chair

ATTEST:

Sherrie Swensen
County Clerk

Approved as to form and legality:

Thomas L. Christensen
Deputy District Attorney
Date: _____

Voting:
Council Member Bradley voting _____

WORKING DRAFT 9

Council Member Bradshaw voting _____
Council Member Burdick voting _____
Council Member DeBry voting _____
Council Member Horiuchi voting _____
Council Member Iwamoto voting _____
Council Member Jensen voting _____
Council Member Snelgrove voting _____
Council Member Wilde voting _____

Vetoed and dated this _____ day of _____, 2012.

By _____
Mayor Corroon or Designee

(Complete as Applicable)

Veto override: Yes___ No___ Date_____

Ordinance published in newspaper: Date_____

Effective date of ordinance: _____

DRAFT