



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

## Salt Lake County Planning Commission

Public Meeting Agenda

Wednesday, May 15, 2013

8:30 A.M.

THE MEETING WILL BE HELD IN THE COUNTY COUNCIL CHAMBERS, COUNTY GOVERNMENT CENTER, MAIN FLOOR, ROOM #N1100, 2001 SOUTH STATE STREET. ANY QUESTIONS, CALL 385-468-6700

*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 – 8:30 a.m.**

- 1) Adoption of minutes from the April 10, 2013 meeting.
- 2) Wasatch Canyons General Plan update
- 3) Other Business

### **Public Hearings – (Immediately following business items)**

**28362** – Darlene Batatian on behalf of Salt Lake County Service Area #3 is requesting Conditional Use approval for a Public/Quasi-Public Use, an office/maintenance building to be located over the entrance to the Wasatch Portal water reservoir at Snowbird. **Address:** 9525 East Little Cottonwood (Bypass) Road (9150-9300 South) - **Community Council:** None - **Zone:** FR-20 (Forestry and Recreation) ; FCOZ (Foothills and Canyons Overlay Zone) - **Planner:** Spencer G. Sanders

**28370** – Robert Baird is requesting Conditional Use approval for a short-term rental in the Silver Fork area of Big Cottonwood Canyon. **Address:** 6522 S. Moose Creek Lane - **Community Council:** Big Cottonwood Canyon - **Zone:** FR-0.5 (Forestry and Recreation) ; FCOZ (Foothills and Canyons Overlay Zone) - **Planner:** David J. Gellner, AICP

### **Meeting 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.



**STAFF REPORT**

Executive Summary									
<b>Hearing Body:</b>	Salt Lake County Planning Commission								
<b>Meeting Date and Time:</b>	Wednesday, May 15, 2013	08:30 AM	<b>File No:</b>	2	8	3	6	2	
<b>Applicant Name:</b>	S. L. Co. District #3	<b>Request:</b>	Conditional Use						
<b>Description:</b>	Office & Maintenance Building over Wasatch Tunnel Entrance at Snowbird								
<b>Location:</b>	9525 S. East Little Cottnowood Cyn (Bypass) Rd. (9150-9300 S.)								
<b>Zone:</b>	FM-20 Forestry Multi-Family	<b>Any Zoning Conditions?</b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>					
<b>Community Council Rec:</b>	Not Applicable								
<b>Staff Recommendation:</b>	Approval with Conditions								
<b>Planner:</b>	Spencer G. Sanders								

**1.0 BACKGROUND**

**1.1 Summary**

1.1.1. Proposal

Salt Lake County Service Area #3 is requesting Conditional Use approval for a Public/Quasi-Public Use, an office and maintenance building to be located over the entrance to the Wasatch Drain Tunnel at Snowbird.

The building has an approximate 2,400 square-foot footprint. Approximately half of the building will be a maintenance bay and access to the Wasatch Drain Tunnel. It is proposed to be a two-story high room, extending from the main floor level to the top of the building. The other half of the building will be an office on the main floor with storage and mechanical equipment on a second floor mezzanine. The proposed building is two stories tall on the front side of the building, approximately 20-24 feet from grade. It will be built into the existing slope on the site in order to cover and secure the current entrance of the portal and protect the building and it's occupants from avalanche. The top of the building is proposed to have an engineered green roof that will blend back into the existing slope above the drain tunnel entrance. The majority of both the north and south sides will also be covered by the slope (refer to attached elevations and cross-sections). The purpose of design is to reduce the avalanche impacts on the building; divert the avalanche flow over the top and around the building, thus protecting the building and occupants inside.

The applicant has provided two written documents. One is a summary of the project and how the applicant believes the project complies with applicable County regulations. The second is the applicant's proposed avalanche mitigation plan. These are attached for the Commission's review and reference.

1.1.2. Property Info

*Existing & Surrounding Zoning:* The subject property and surrounding snowbird property is zoned FR-20 (Forestry and Recreation, 20-acres minimum lot size). A Public/Quasi-Public use is a Conditional Use in the FR-20 zone.

*Acreage/Square Feet:* The subject lot will be slightly larger than the building at approximately 0.1 acres. It is being subdivided from Snowbird's resort properties to accommodate just the building. The exact size will be finalized with the Plat. The building needed to be designed in a more final form before the final boundaries of the new lot can be established. Public/Quasi-public uses are not required to have the minimum lot size in the base zone.

**1.2 Hearing Body Action**

This item is on the County Planning Commission Agenda for approval of the Conditional Use Permit and Site Plan for the proposed project.

**1.3 Neighborhood Response**

As of this writing staff has not received any comments from the neighborhood.

**1.4 Community Council Response**

The subject property is located within the Little Cottonwood Canyon, within the Snowbird Resort core base area. Snowbird is not represented by a Community Council.

**2.0 ANALYSIS**

**2.1 Applicable Ordinances**

Section 19.84.060 of the Conditional Use Chapter of the Zoning Ordinance establishes five standards to be used in evaluating Conditional Use applications. The Planning Commission must find that all five of these standards have been met before granting approval of an application. Based on the foregoing analysis, Staff suggests the following:

Criteria Met		Conditional Use Criteria and Evaluation
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `A':</u> <i>The proposed site development plan shall comply with all applicable provisions of the Zoning Ordinance, such as parking, building setbacks, building height, etc.</i>
		The proposed development plan, with recommended conditions from staff, will comply with all applicable zoning regulations prior to issuance of the final conditional use. Full compliance is verified during the Technical Review process with staff.
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `B':</u> <i>The proposed use and site development plan shall comply with all other applicable laws and ordinances.</i>
		The proposed use and site development plan will comply with all applicable laws prior to final issuance of the Conditional Use Permit. Full compliance is verified during the Technical Review Process with the staff. Currently staff does not anticipate any major redesign of the site plan or building exterior resulting from the technical review.
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `C':</u> <i>The proposed use and site development plan shall not present a traffic hazard due to poor site design or to anticipated traffic increases on the nearby road system which exceed the amounts called for under the County Transportation Master Plan.</i>
		The proposed project is located on a private driveway access. The access comes from the Bypass Road and extends an existing parking structure to the south of the subject site. It is anticipated that traffic generated by this proposed facility will be minimal. Only a very small number of employees (3 at the highest shift) and rare customers will access the site. UDOT has indicated that the existing access from the Bypass Road will be adequate.

YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `D`:</u> <i>The proposed use and site development plan shall not pose a threat to the safety of persons who will work on, reside on, or visit the property nor pose a threat to the safety of residents or properties in the vicinity by failure to adequately address the following issues: fire safety, geologic hazards, soil or slope conditions, liquefaction potential, site grading/ topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands.</i>
		As noted elsewhere in this report, the subject property is located within a known avalanche path. A natural hazards geological study has been prepared by a licensed and experienced natural hazards engineering company. The combination of building design, site design, and institutional controls, are planned to mitigate the risks from a planned avalanche event. The proposed mitigation plan is consistent with the site conditions and the Snowbird Resort Area Master Plan regarding avalanche mitigation. In addition, compliance with all of the above requirements will be verified during the Technical Review Process prior to issuance of the final Conditional Use Permit.
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `E`:</u> <i>The proposed use and site development plan shall not significantly impact the quality of life of residents in the vicinity.</i>
		The proposed use and site development plan will not impact the quality of life for residents in the vicinity. The subject use already exists within the Snowbird Resort boundary only a few 100 feet from subject property. It is located in the same building as the current fire station at Snowbird. The new site is located well within the Resort Base area in a previously disturbed area. It will not block view or create traffic issues for existing properties. Relocating the existing use to this location may prove to have a positive effect on the users of water from the Wasatch Drain Tunnel. The building will act as security and avalanche protection to the existing drain tunnel entrance. Maintenance equipment will be located within the building with direct access to the tunnel. The building and site design for the project have taken into consideration the potential impacts that need to be mitigated.

## 2.2 Zoning Requirements

### 2.2.1. Parking

*Minimum Parking Requirements:* The parking for this type of facility is not specifically listed in the parking requirements. The ordinance gives the Planning Commission the authority to set the parking requirements for conditional uses that do not have a specific parking requirement listed. Typically, we refer to the existing ordinance to see if there is a use listed that may have similar parking requirements.

In the absence of such a use the ordinance allows the County to refer to parking regulations from surrounding communities to establish the required spaces if necessary.

The closest use to the subject use listed in the parking standards is the wholesale, warehouse designation which requires 1 space per employee at the highest shift. The development is proposed to have a maximum of 3 full-time employees. This would indicate a minimum of 3 spaces. The applicant has indicated that they will be obtaining a lease from Snowbird for required parking that will exceed the minimum 3 spaces and will be located just across the private driveway from the building in an existing parking area. The applicant will need to provide evidence of permanent leased parking spaces for the building prior to final issuance of the conditional use permit.

Staff is also recommending that at least 2 guest spaces also be included in the lease. The building will have a small conference room and it may be feasible to hold small meetings within the building. In which case, it is appropriate to officially have additional parking available for guests/customers of the facility.

### 2.2.2. FCOZ

Slope Protection Standards: The proposal complies with slope protection requirements. The development is located on previously disturbed slopes for the drain tunnel. Some of these slopes exceed 30%, but since they have been previously disturbed, they are not subject to the ordinance prohibition on construction on slopes greater than 30%. The disturbance will have to be revegetated.

Limits of Disturbance: Non-residential Limits of Disturbance (LOD) is established on a case by case basis. The subject site is already disturbed. The proposed LOD is limited to the area necessary to develop the proposed building. The building foot-print is 2,400 square feet and the LOD will extend not much beyond the building except to accommodate excavations for the building and tie-ins to the slope. The total area will be less than 10,000 square feet.

Revegetation: All disturbed areas for the project, which are not building or parking, are required to be revegetated. The proposed revegetation plan, including the installation of a green roof over the building complies with revegetation requirements. A final plan indicating seed mix, broadcast rates and establishment methods will be completed during the Technical Review Process. The applicant has proposed to use the same revegetation best practices used by the Resort which have been developed over the resorts years of experience in the canyons and in conjunction with the County and the Forest Service.

Streams & Wetlands: The subject property and proposed disturbance is located more than 100 feet from any stream or wetland. Since the project is in watershed, an erosion control mitigation plan will need to be submitted for review and approval during the Technical Review Process. In addition, Salt Lake City Public Utilities will need to sign-off on the project.

Lighting: The proposal does not currently indicate any exterior lighting. If exterior lighting is proposed, a lighting plan consistent with FCOZ design guidelines will be obtained during the Technical Review Process. Prior to issuance of the final Conditional Use Permit. Standards indicate lighting should be limited to only that necessary for security and safety. In addition, lighting should be shielded and directed down and not out.

Materials & Colors: The exterior of the building is proposed to be concrete with wood and metal accents, consistent with the Snowbird architectural style, materials and colors. Final colors and materials will be verified by staff during the Technical Review process prior to final approval.

### 2.2.3. Natural Hazards & Mitigation

The geotechnical/natural hazard report for this project indicates the subject property is located within a Red Zone as defined by parameters in County Ordinance. A Red Zone would normally prohibit any development. However, the Zoning Administrator, in conjunction with the District Attorney's Office, has recently issued a determination that qualifies the Red Zone designation. Since a Red Zone referred to in the Natural Hazards Ordinance is determined on a case by case basis by an outside consultant and is not on a map adopted by the County Council that identifies the actual location of the Red Zone, a determination by an outside consultant can not prohibit development.

Further, in the approved 2006 Snowbird Master Plan, avalanche and debris flow mitigation measures and best practices were established and approved for the Snowbird Resort area. These included structural design, site design and institutional controls that would be used at the resort to mitigate the known avalanche risk. The geotechnical/natural hazard report recommends and the applicant has provided a mitigation plan for the project that is consistent with the 2006 Snowbird Master Plan avalanche mitigation criteria.

Therefore, in accordance with the Natural Hazards Ordinance and in compliance with the 2006 Snowbird Master Plan, the Commission may consider approval of the proposed development, if the Commission finds that appropriate measures will be implemented to adequately mitigate the avalanche risk.

## 2.3 Other Agency Recommendations or Requirements

2.3.1. General - As noted above the applicant has submitted the required Geotechnical/Natural Hazard Reports for Technical Review. Preliminary review of this information with the subdivision indicates the project should comply with the applicable requirements. The current study doesn't recommend a prohibition on development, but recommends certain measures be instituted to ensure that avalanche risk is adequately mitigated.

The staff will confirm compliance with the study recommendations and County requirements during the Technical Review process for this application and finalizing the subdivision Final Plat. If there are no major issues or changes that come out of Technical Review, staff will complete the Technical Review with the applicant and issue a Conditional Use Permit. However, any major changes to the appearance, location, design or actual feasibility of the project, or safety issues not currently addressed, will be brought back to the Commission for additional review. Currently there are no indications that the project as proposed will have issues needing additional review by the Commission.

2.3.2. Grading - Has received required reports and is still in the process of final review. Does not anticipate any major issues needing Commission resolution. He will issue his final approval during the Technical Review Process.

2.3.3. Hydrology/Geology - Same as Grading. Final grading and drainage plans will be completed during the Technical Review process.

2.3.4. Traffic - The applicant will need to provide a final parking plan and pedestrian access for Technical Review. The plan will need to identify the exact location of the parking stalls leased from Snowbird and identify the pedestrian path from these stalls to the building, to confirm they comply with safety requirements.

2.3.5. Sanitation - Sanitation will be addressed with Snowbird. County Sanitation does not service this area. The water district will need to contract with Snowbird or a private trash removal service.

2.3.6. Salt Lake City Public Utilities, Watershed Management (SLCPU/WM) - SLCPU/WM has issued a water availability letter for the proposed subdivision acknowledging the lot was being created for a new maintenance and business building. An update of the letter for this application is anticipated and will be obtained during the Technical Review Process prior to issuance of the final Conditional Use Permit.

2.3.7. Unified Fire Authority (UFA) - The UFA has recommended approval of the project as proposed.

2.3.8. Utah Department of Transportation - UDOT has indicated with the subdivision application that the proposed use of the existing private drive access from the Bypass Road is adequate. An updated letter will be obtained during the Technical Review process prior to Final Conditional Use Permit.

## 3.0 STAFF RECOMMENDATION

### 3.1 Staff recommends APPROVAL of the proposed Conditional Use with the following conditions:

- 1 )Technical Review shall be completed with staff and outside agencies, verifying that the plans comply with all applicable County ordinances and other agency requirements. The applicant shall provide any additional required information or corrections deemed necessary by the reviewing staff.
- 2 )The applicant submits a revegetation plan consistent with FCOZ for review and approval by staff prior to issuance of the final conditional use permit.
- 3 ) The applicant submits a lighting plan consistent with FCOZ for review and approval by staff.
- 4 )The applicant provides details on the exterior materials and colors.

- 5 ) The proposed avalanche mitigation measures shall be implemented by the applicant as indicated in the attached mitigation plan submitted by the applicant and as may be modified by County Staff during the Technical Review Process.
- 6 ) All required bonding for revegetation and public site improvements shall be posted with the County prior to issuance of the final Conditional Use Permit.

### **3.2 Reasons for Recommendation**

- 1 ) All Conditional Use criteria can be verified during Technical Review Process, prior to issuance of the final Conditional Use Permit.
- 2 ) The proposal is consistent with the approved 2006 Snowbird Master Plan.
- 3 ) The proposed project includes adequate measures for avalanche hazard mitigation, including proven measures currently in place at the resort.
- 4 ) All staff reviewers' and applicable outside agencies's requirements must be satisfied before the final Conditional Use Permit can be issued.
- 5 ) The relocation of the existing water district office over the Wasatch Drain Tunnel will help secure the site better and provide more convenient opportunity to care for the reservoir and treatment facilities.



May 1, 2013

Spencer Sanders  
Salt Lake County, Planning and Development Services  
2001 S. State Street, Rm N3600  
Salt Lake City, UT 84190-3600

**Natural Hazards Mitigation Plan: Service Area No. 3 New Building (Office and Shop)  
(Project #28039 & 28362)**

Dear Spencer,

CTS Engineering and others have prepared a "Snow Avalanche Hazard Assessment and Mitigation Study" for the proposed new Service Area No. 3 building at the Wasatch Drain Tunnel. This study is a site-specific avalanche hazard analysis, including detailed dynamic models to estimate design loads and impact pressures. The avalanche study concludes there is a potential 'red zone' avalanche hazard at the site, but notes that there are numerous other structures in the vicinity that have been constructed and occupied with similar avalanche hazards, and recommends approval for the new Service Area No. 3 building provided protective mitigation strategies are implemented. The recommended mitigation measures include site-specific design, engineering and grading to minimize the avalanche impact forces and provide structural resistance to address the remaining forces.

Section 19.75.070C.3 allows the Planning Commission to approve proposed land uses "if the applicant submits substantial evidence... that using best available practices, the identified hazards can be mitigated to a level where the risk to human life and damage to property are reduced to an acceptable and reasonable level..." There are a number of 'best practices' that are either already in place in Little Cottonwood Canyon, or will be implemented as part of this building design and construction, that reduce the avalanche risk to a reasonable and acceptable level. These include:

- 1) **Local Building Design and Construction Best Practices:** Design and construction of the proposed new Service Area No. 3 building is consistent with requirements for many other nearby structures that are also located in 'red zone' avalanche hazard areas (including the Service Area's current building, which sits in the path of the Mt. Superior slide and has been impacted several times by avalanches.). The proposed new building is located within Snowbird Ski Resort's base area: Snowbird's Resort Base Area Master Plan (2006) includes specific provisions that construction of new buildings in avalanche hazard areas requires an avalanche hazard study and engineering by a licensed structural engineer. Similarly, building regulations in effect at the nearby Town of Alta require site-specific avalanche hazard analysis and building design. Approval of the Service Area No. 3 building would therefore be consistent with local building best practices.
- 2) **Public Safety Best Practices ("Institutional Controls"):** The Service Area No. 3 building and its' staff are protected by existing canyon-wide public safety measures that have been in place for decades, including active avalanche-control work, highway road closures, Inter-lodge travel restrictions, and other 'best practices' measures that reduce risk to persons outside buildings. These measures are

implemented and enforced by the Utah Dept. of Transportation (UDOT), Town of Alta, Salt Lake County Unified Police Dept., and Snowbird Ski Resort. Public-safety best practices include:

- a. Awareness. Awareness is an important factor in reducing risk to persons from avalanches. People who live, work, and /or recreate in Little Cottonwood Canyon have a high level of avalanche awareness. Service Area Staff has operated in this avalanche-prone environment for decades and their staff is familiar with road and highway closures, Interlodge and travel restrictions, and other protocols.
- b. Routine, Active Avalanche Control & Mitigation Efforts (UDOT and resorts). UDOT executes routine avalanche mitigation by releasing avalanches under controlled conditions (i.e. explosives, Gaz-Ex, etc.) to reduce the number of large and destructive avalanches. Although these efforts are done to protect the highway, buildings located within the boundaries of avalanche paths also benefit from the reduction in hazard.
- c. UDOT Highway Road Closures (UDOT, Salt Lake County UPD). UDOT closes SR-210 during times when avalanche hazard is high and prior to conducting control work. UDOT and SL County UPD clear the roads of traffic and secure avalanche closure gates. This procedure reduces the risk to all visitors to the Canyon, including risks to causal visitors (delivery personnel, etc.) who may be less aware of the avalanche hazard than residents and employees).
- d. Interlodge and Travel Restrictions (UDOT, Salt Lake County UPD & Town of Alta ordinances; resorts). Salt Lake County and Town of Alta ordinances require occupants of buildings to remain indoors during periods of high avalanche hazard or when avalanche control work is being carried out. Town of Alta & SL County UPD distribute notification of Interlodge restrictions & road closures. As part of this project, Service Area No. 3 has been added directly to the UDOT alert system.

**3) Site-Specific Building Design Best Practices:** Site-specific building siting, design, engineering and construction will be used to provide terrain protection from avalanche impact, reduce the impact forces, and to incorporate direct structural resistance into the structure to resist the remaining impact forces:

- a. Avalanche impact design forces for the planned structure have been modeled by CTS using a 300-year return period and a detailed site analysis and computer modeling (refer to report for more detail).
- b. The building is situated to take advantage of terrain protection from avalanche impacts on 3 sides: On the north side, the building is largely protected by a natural rock outcropping. The eastern (rear) portion is buried into a hillside below grade; a graded berm is proposed to protect the south side. The roof will be sloped to reduce the direct loading forces, and the entire building, including the roof; will be structurally-reinforced concrete to accommodate the remaining forces. Design forces for the maximum 300-year design avalanche are included in the report. The engineering and design are being done by a Utah-licensed structural engineer familiar with avalanche design.

These methods are typical of construction in avalanche paths and there are numerous instances where buildings with avalanche-resistant design have been impacted by avalanches, without damage or injury. Integrating the Service Area's shop, office and treatment plant may actually somewhat reduce the avalanche hazard risk to its employees and staff, compared to their former practice of travelling openly back-and-forth between their office and the treatment plant.

The Service Area will implement these best practice mitigation measures through design, engineering and construction. These methods provide substantial safeguards that, consistent with County Ordinance 19.75.070C (3) reduce the avalanche hazard risk to structures, facilities and persons to reasonable and acceptable levels. Salt Lake County Service Area No. 3 is agreeable to the imposition of these proposed mitigation measures as *Conditions of Approval*.

Based on these best practices, per Section 19.75.070C (3), the Planning Commission is requested to approve the proposed land use. If you have any questions or would like to discuss the plan further, please let me know.

Sincerely,



Keith Hanson  
General Manager



PO Box 92067  
Snowbird Utah 84092-0067  
801-330-3447  
[keith@canyonwater.com](mailto:keith@canyonwater.com)



## **Salt Lake County Service Area No. 3 New Building w/ Office and Shop**

Salt Lake County Service Area No. 3 provides culinary water and sewer service to buildings in and around the Town of Alta and Snowbird Ski and Summer Resort. The Service Area provides water from a treatment facility constructed inside the Wasatch Drain Tunnel, a mining-era tunnel that has been enlarged and outfitted with a treatment plant. Service Area No. 3's current office space is about a thousand feet away, next to Snowbird Employee Housing, on the Alta Bypass Road. The Service Area presently owns this building and occupies half of the upper floor; the remainder of the building, including a lower story with bays for fire and EMS vehicles, is leased to the Unified Fire Authority (UFA). To facilitate UFA's future expansion, the Service Area plans to sell this building to UFA, and build a new 2,400 sq. ft. office and shop adjacent to the Drain Tunnel, which will integrate their shop, office, and the treatment plant into one facility.

Although this is an existing use, the planned re-location and construction of the new building requires subdivision of a small parcel of land, and a new Conditional Use application. This narrative is provided in support of the Conditional Use application. (The subdivision is being completed under application 28039). The site is within the Foothills and Canyons Overlay Zone (FCOZ) and is subject to other zoning ordinances, as discussed below.

**I. Description of the Proposed Building and Use.** The proposed building will have 2,400 sq. ft. of office and shop space. The office space will accommodate the Service Area's full-time staff of three. Shop space will allow the agency's utility and service vehicles to park indoors and provide operators with direct access to the treatment plant to facilitate maintenance. To address avalanche hazards, the building will be partially buried on 3 sides, with a slanted roofline that reduces loading forces.

**II. Zoning and Adjacent Uses.** The Service Area is a quasi-public agency, and the proposed new building and shop is considered a public use. The site was originally zoned FR-20 but lies within Snowbird's Base Area Master Plan, which has been entitled with an overall FM-20 zoning, allowing a number of uses at a density described in the Master Plan. The proposed use is compatible with, and provides essential services to, surrounding uses including commercial recreational resort facilities and businesses, short-term lodging, Snowbird Employee housing, a parking structure, valet building, and several condominium projects.

**III. Site Description.** The proposed new building is in an area that has already been extensively disturbed and modified. The existing drain tunnel access was driven in 1985 and enclosed with a concrete portal and steel access door. An extensive fill was placed across the area that is now underlain by resort parking, including a parking structure and valet building. The hillside around the proposed new building site has been re-graded and modified multiple times since 1920; so although the slope analysis indicates slopes in excess of 30%, this reflects existing manmade disturbance. The site is covered with grasses and a few shrubs.

**IV. Relevant Zoning Ordinances.** The proposed use and site development are subject to a number of zoning ordinances, many of which were already reviewed during the subdivision review. The

summary below is provided to help Staff and the Planning Commission evaluate the project for compliance, although the project is in preliminary design and not all of the relevant ordinance provisions have been reviewed and approved for compliance by Staff and outside agency reviewers.

**A. General Compliance.** The planned new building is on a 0.10-acre lot currently under subdivision from a larger parcel; the Planning Commission approved a reduction in the lot area per 19.76.065 (Public Use- Reduce lot area). The building fronts onto an existing access road used only for valet parking; no new parking or roads are needed. The building will be essentially buried on three sides and is being designed with a sloped, buried roofline for avalanche mitigation, which is visually unobtrusive. Landscaping and re-vegetation will best blend into the surroundings using Snowbird seed mix or similar.

**B. Foothills and Canyons Overlay Zone- (FCOZ) 19.72, 19.73**

The project is within FCOZ, which provides rigorous standards for grading and protection of streams, slopes, vegetation, wildlife, etc. Subject to verification by Staff, the planned site development complies with the provisions of FCOZ, including setbacks from streams, slope protection, limits of disturbance, etc. There are no streams or wetlands within 100 feet of the proposed project site. Some modifications to the grading provisions of 19.72.030C(3) may be required for removal of a portion of a rock outcrop on the northwest side of the building, and for a berm for avalanche mitigation. As previously noted, these areas have already been fairly extensively disturbed. Staff (Greg Baptist, Grading Specialist) will review any proposed grading modifications. Any disturbed areas will be blended and re-vegetated for compatibility with the surrounding landscape.

**C. Conditional Use – 19.84**

This Public Use requires approval of a Conditional Use. Conditional Uses must conform to 5 standards, listed in Table 1. Subject to approval of avalanche mitigation design as described below, the project will meet all 5 criteria for approval of a Conditional Use (see Table 1).

*Per ordinance and State law, “Conditional uses shall be approved provided the applicant adequately demonstrates that negative impacts of the use can be mitigated through imposition of reasonable conditions of approval.... Each conditional use application shall be 1) Approved [by the Planning Commission] if the proposed use complies with the standards for approval in Section 19.84.060; or, (2) Approved with conditions if the anticipated detrimental effects can be mitigated with the impositions of reasonable conditions to bring about compliance with the standards of Section 19.84.060 (Section 19.84.050(B).”*

**D. Avalanche Hazards – Geologic Hazards Ordinance 19.75**

In 2002, the County adopted a Geologic Hazards Ordinance that requires site-specific analysis of potential natural hazards, including avalanche hazards. Little Cottonwood Canyon is well-known for its avalanches, and for decades, numerous buildings within the canyon, including Snowbird and the Town of Alta have been constructed with reinforced design to resist avalanche impacts. The Service Area’s existing building sits in the path of the Mt. Superior slide, and that building has been hit several times by avalanches. The proposed new site is in a less frequent avalanche setting than the current site, but is still subject to avalanche hazards.

A “Snow Avalanche Hazard Assessment and Mitigation Study” has been prepared for this site that provides a site analysis, estimated design loads and impact pressures, and recommendations for mitigation procedures including building engineering and grading to minimize the impact forces and provide structural resistance to the remaining forces. Additionally, an extensive program of avalanche hazard management and regulation has been in place in upper Little Cottonwood Canyon for decades, including active avalanche control work conducted by UDOT to minimize the frequency

of large, destructive avalanches; periodic road closures by UDOT to allow for active control work and prevent vehicle traffic beneath slide paths during high hazard periods; Interlodge and Maximum Safety personal travel restrictions regulated by County ordinance and enforced by Salt Lake County UPD; and a call network to alert building managers and property owners of planned road closures and travel restrictions. UDOT has added the Service Area directly to their notification list. Integrating the Service Area's shop, office and treatment plant may actually somewhat reduce the avalanche hazard risk to its employees and staff, compared to their former practice of travelling openly back-and-forth between their office and the treatment plant.

19.75.083 describes a 'Red Zone/Blue Zone' classification for avalanche hazard based on return period and impact pressures, referenced from Colorado Geological Survey Bulletin 49 (1997) on avalanche hazard zoning. This classification prohibits construction in an avalanche path with a return period of 25 years or less (regardless of the effects of control work) and prohibits construction in any avalanche path regardless of the return period, if the estimated impact forces are < 600 psf. The 600-psf threshold is well below what is achievable with reasonable modern engineering, design, and construction practices. It does not leave any opportunity for further engineering modification of the structure or other approaches to reduce or resist the impact forces; neither does this zoning classification account for reductions in frequency or avalanche size from active avalanche control work, or acknowledge reduction in risk from long-standing institutional controls described above<sup>1</sup>. The County's ordinance is severely more restrictive than the building ordinance in the Town of Alta, which requires site-specific analysis and design in lieu of prohibiting construction. Furthermore, Snowbird's Resort Base Area Master Plan (2006) includes provisions for construction of new buildings with an avalanche hazard study and engineering by a licensed structural engineer to meet the required forces. The Geological Hazards ordinance is inconsistent with available practices for building design, conflicts with State laws that allow (and require) mitigation of impacts; inconsistent with nearby Town of Alta regulations and Snowbird construction practices, and does not account for numerous institutional controls that drastically reduce the risk to persons from avalanche hazards.

Section 19.75.070C.3 allows the Planning Commission to approve proposed land uses "if the applicant submits substantial evidence... that using best available practices, the identified hazards can be mitigated to a level where the risk to human life and damage to property are reduced to an acceptable and reasonable level..." The Service Area will implement the following best-practices approaches that reduce the avalanche risk to a reasonable and acceptable level:

**1. Building Best Practices:**

- a. Location, Siting, Engineering Design and Construction: The planned building is sited to take advantage of terrain protection from avalanche impacts on 3 sides: the north side by a rock outcropping; the eastern (rear) portion is buried below grade, and a graded berm is proposed to protect the south side. The roofline is re-oriented to reduce the direct loading forces, and the entire building, including the roof, is planned reinforced pre-cast concrete to accommodate the remaining forces. Design forces for the maximum 300-year design avalanche are included in the report. Design and engineering will be done by a Utah-licensed structural engineer familiar with avalanche design. These methods are typical of construction in avalanche paths and there are numerous instances where buildings with avalanche resistant design have been hit by avalanches, without damage or injury.

---

<sup>1</sup> As the author of the County's Geological Hazards Ordinance, I can state that this was not the intention of the ordinance; it was to ensure that buildings were appropriately designed. The institutional controls implemented in Little Cottonwood Canyon discussed above (ongoing active avalanche control work, UDOT highway closures, Interlodge protocols etc.) were not evaluated in any meaningful way with regards to the inherent reduction of risk they provide. In hindsight, this is a significant oversight in this ordinance, and is restrictive beyond what was intended by the authors. I recommend in the future, the red zone/blue zone classification be modified, if not eliminated, as it applies to development in Little Cottonwood Canyon.

2. **Institutional Controls (Best Practices that Mitigate Risk to Persons).** The proposed building and staff are subject to a number of controls that have been in place and affect all developments in Little Cottonwood Canyon.
- a. Awareness. Awareness is an important factor in reducing risk to persons from avalanches. There is generally a high level of avalanche hazard awareness for persons who live, work, and /or recreate in Little Cottonwood Canyon. The Service Area Staff has operated in avalanche-prone environment for decades and is familiar with road and highway closures, Interlodge and travel restrictions, and other protocols.
  - b. Routine, Active Avalanche Control & Mitigation Efforts (UDOT and resorts). UDOT executes routine avalanche mitigation by releasing avalanches under controlled conditions (ie explosives, Gaz-Ex, etc) to reduce the number of large and destructive avalanches. Although these efforts are done to protect the highway, buildings located within the boundaries of avalanche paths also benefit.
  - c. UDOT Highway Road Closures (UDOT, Salt Lake County UPD). UDOT closes the road during times when avalanche hazard is high and prior to conducting control work. UDOT and SL County UPD clear the roads of traffic and secure avalanche closure gates. This procedure reduces the risk to all visitors to the Canyon, including risks to causal visitors (delivery personnel, etc.) who may be less aware of the avalanche hazard than residents and employees).
  - d. Interlodge Systems (UDOT, Salt Lake County UPD & Town of Alta ordinances; resorts). The Town of Alta & Salt Lake County ordinances requires all occupants of buildings to remain inside during periods of high avalanche hazard or when avalanche control work is being carried out. Town of Alta & SL County UPD distribute an email notification of Interlodge restrictions & road closures to property owners and Snowbird Public Safety, who in turn notifies building managers, guests, etc. The Service Area has now has been added directly to the UDOT alert system.

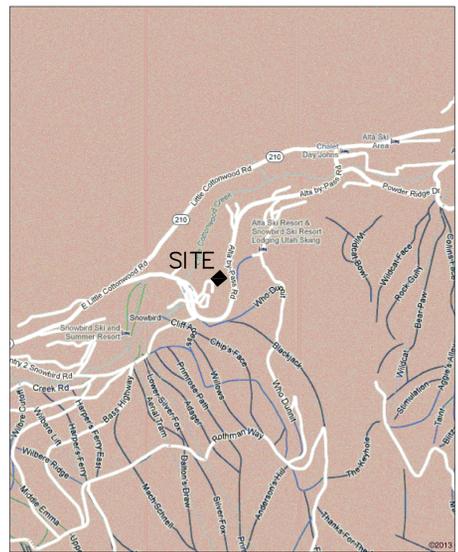
These proposed avalanche hazard best practice mitigation measures- both design and institutional control methods- provide substantial safeguards that, consistent with County Ordinance 19.75.070C(3) reduce the avalanche hazard risk to structures, facilities and persons to reasonable and acceptable levels. These measures are consistent with regulations in effect at the Town of Alta and with Snowbird's Master Plan procedures for construction in avalanche hazards areas.

Per Section 19.75.070C(3), the Planning Commission is requested to approve the proposed land use, subject to the imposition of these proposed mitigation measures as *Conditions of Approval*.

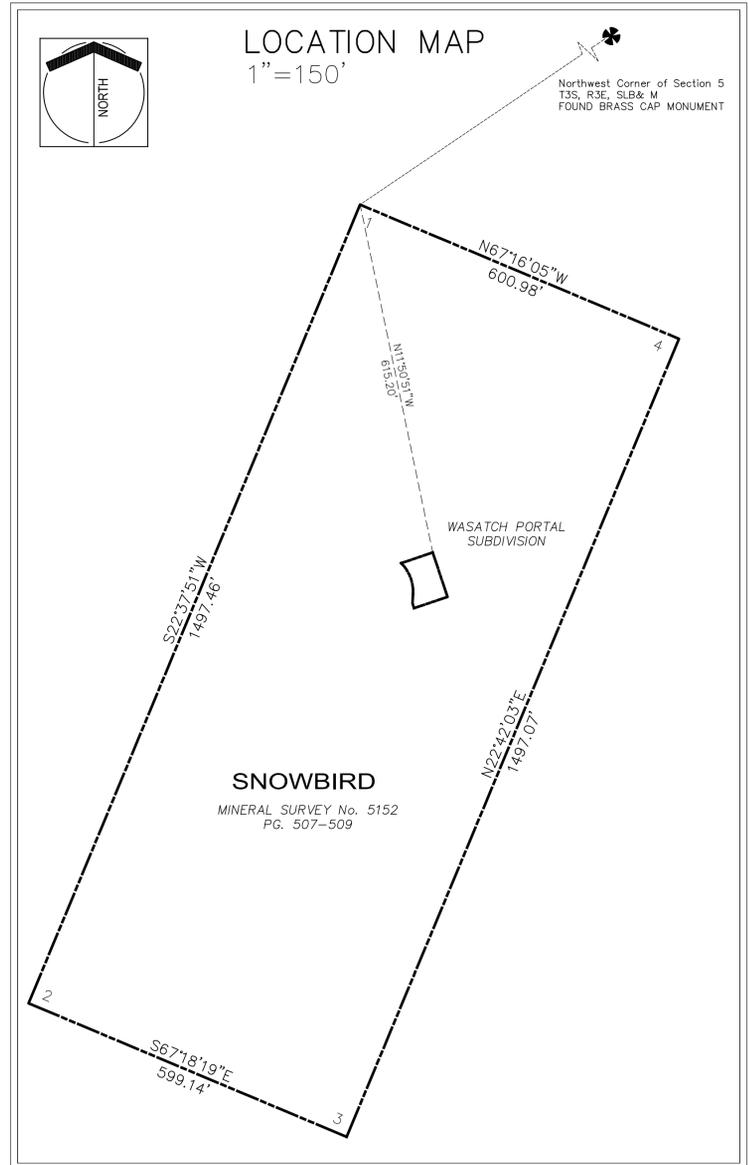
**V. Summary.** Subject to the Planning Commission's approval of the proposed mitigation measures for avalanche hazard management, and subject to meeting any other conditions of approval, the proposed New Service Area Building meets all zoning and ordinance requirements, and fulfills all of the standards for approval for a Conditional Use (Table 1).

# WASATCH PORTAL SUBDIVISION

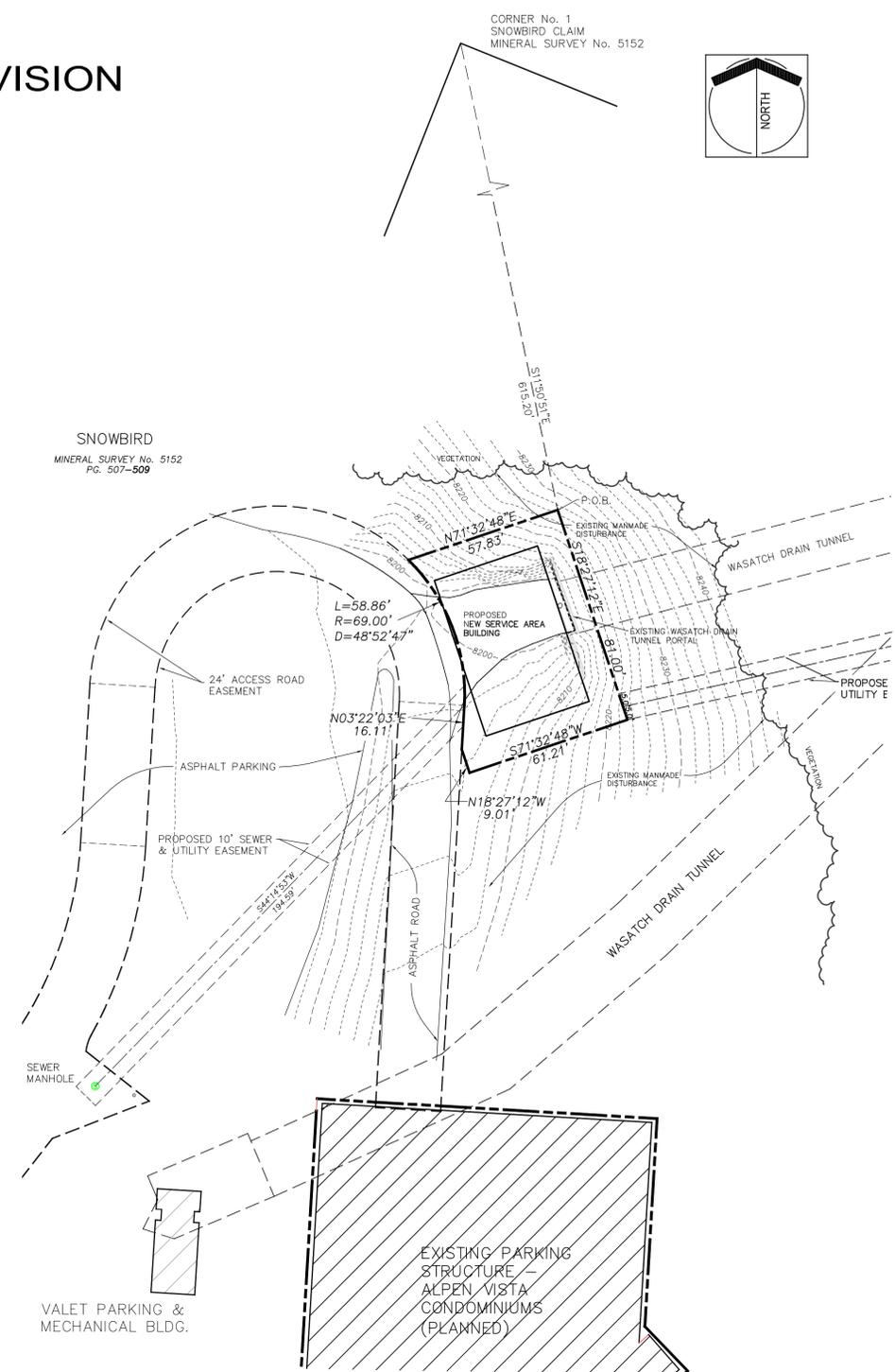
LOCATED IN  
THE EAST HALF OF SECTION 6,  
TOWNSHIP 3 SOUTH, RANGE 3 EAST, SLB&M  
SALT LAKE COUNTY, UTAH



VICINITY MAP



**NOTES:**  
A Parking Agreement is recorded as Entry No. xxxxx, Book xxx, at Page xxx.  
Avalanche and other natural hazards may be present. All structures must be constructed strictly in accordance with recommendations included in the following reports: "Avalanche Hazard Report (Harrison, 2013)" and "Rockfall Analysis Report (AGEC, 2013)". Refer to Chapter 19.75, Salt Lake County Code of Ordinances. All design and construction must meet, at a minimum, Snowbird's design and construction standards, and is subject to review and approval by Snowbird. Salt Lake County Ordinance requires compliance with canyon road closures and interlock protocols, to maintain safety during high avalanche hazard periods.



**LEGEND**

- FOUND STREET/SECTION MONUMENT
- FOUND REBAR AND CAP (AS NOTED)
- SET CORNER (AS NOTED)

SCALE: 1"=30'

**10' SEWER & UTILITY EASEMENT LEGAL DESCRIPTION**  
A 10.0' wide utility easement being 5.0' perpendicularly distant on each side of the following described centerline:  
Beginning at a point South 11°50'51" East 615.20 feet from Corner No. 1 of the Snowbird Claim, Mineral Survey No. 5251, and thence South 18°27'12" East 81.00 feet and South 71°32'48" West 61.21 feet and North 18°27'12" West 9.01 feet and North 03°22'03" East 16.11 feet to the true point of beginning, and running thence South 44°14'53" West 194.59 feet to the point of terminus.

**10' GAS & UTILITY EASEMENT LEGAL DESCRIPTION**  
A 10.0' wide utility easement being 5.0' perpendicularly distant on each side of the following described centerline:  
Beginning at a point S12°34'21"E 690.72 feet from Corner No. 1 of the Snowbird Claim, Mineral Survey No. 5251, and thence North 77°20'07" East 230.00 feet, more or less, to the westerly right of way of the Alta Bypass Road and the point of terminus.

UTILITIES, STREET AND ADDRESS FRONTAGE APPROVED

DATE \_\_\_\_\_ SIGNED \_\_\_\_\_

CHECKED FOR ZONING COMPLIANCE

Zone: \_\_\_\_\_ Lot Area: \_\_\_\_\_

Lot Width: \_\_\_\_\_ Front Yard: \_\_\_\_\_

Side Yard: \_\_\_\_\_ Rear Yard: \_\_\_\_\_

Date \_\_\_\_\_ Signature \_\_\_\_\_

**PLANNING COMMISSION**  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 20\_\_\_\_ BY THE SALT LAKE COUNTY PLANNING COMMISSION.  
CHAIR, SALT LAKE CO. PLANNING COMMISSION

**HEALTH**  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 20\_\_\_\_  
SALT LAKE VALLEY HEALTH DEPT.

**PLANNING & DEVELOPMENT SERVICES DIVISION**  
I HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAT AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.  
DATE \_\_\_\_\_ ENGINEERING SECTION MANAGER

**APPROVAL AS TO FORM**  
APPROVED AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_  
SALT LAKE COUNTY DISTRICT ATTORNEY

**MAYOR**  
PRESENTED TO THE SALT LAKE COUNTY MAYOR THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 20\_\_\_\_, AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.  
MAYOR, OR DESIGNEE

**SURVEYOR'S CERTIFICATE:**  
I, Russell E. Campbell, do hereby certify that I am a Professional Land Surveyor and that I hold Certificate No. 316833 as prescribed under the laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots, hereafter to be known as

**WASATCH PORTAL SUBDIVISION**  
and that same has been correctly surveyed and staked on the ground as shown on this plat. I further certify that all lots meet the frontage and area requirements of the applicable zoning ordinance.

Russell E. Campbell \_\_\_\_\_ Date \_\_\_\_\_

**LEGAL DESCRIPTION**  
Beginning at a point South 11°50'51" East 615.20 feet from Corner No. 1 of the Snowbird Claim, Mineral Survey No. 5251, and running thence South 18°27'12" East 81.00 feet; thence South 71°32'48" West 61.21 feet; thence North 18°27'12" West 9.01 feet; thence North 03°22'03" East 16.11 feet to a point of curvature of a 69.00 foot radius curve to the left, the center of which bears North 86°37'57" West; thence northerly along the arc of said curve 58.86 feet through a central angle of 48°52'47"; thence North 71°32'48" East 57.83 feet; to the point of beginning.  
Containing 4409 square feet or 0.101 acres.

**OWNER'S DEDICATION AND CONSENT TO RECORD**  
Know all men by these presents: That the owners of the hereon described tracts of land, hereby causes the same to be divided into lots and private streets, as set forth in this plat, hereafter to be known as "WASATCH PORTAL SUBDIVISION".

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2013.  
XXXXX, REPRESENTATIVE

**ACKNOWLEDGMENT**  
State of Utah  
County of Salt Lake  
On this \_\_\_\_\_ day of \_\_\_\_\_, 2013, personally appeared before me, \_\_\_\_\_

the signers of the above Owner's Dedication, \_\_\_\_\_ in number, who duly acknowledged to me that they signed it freely and voluntarily and for the purposes therein mentioned.

Notary Public  
Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

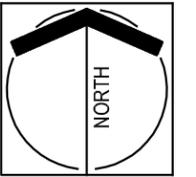
# WASATCH PORTAL SUBDIVISION

PREPARED BY  
**BASELINE SURVEYING, Inc**  
1060 East 2100 SOUTH  
Salt Lake City, UT 84106 (801) 209-2152

**RECORDED #**  
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF  
DATE \_\_\_\_\_ TIME \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
FEE \$ \_\_\_\_\_ SALT LAKE COUNTY RECORDER

# WASATCH PORTAL SUBDIVISION

LOCATED IN  
THE EAST HALF OF SECTION 6,  
TOWNSHIP 3 SOUTH, RANGE 3 EAST, SLB&M  
SALT LAKE COUNTY, UTAH



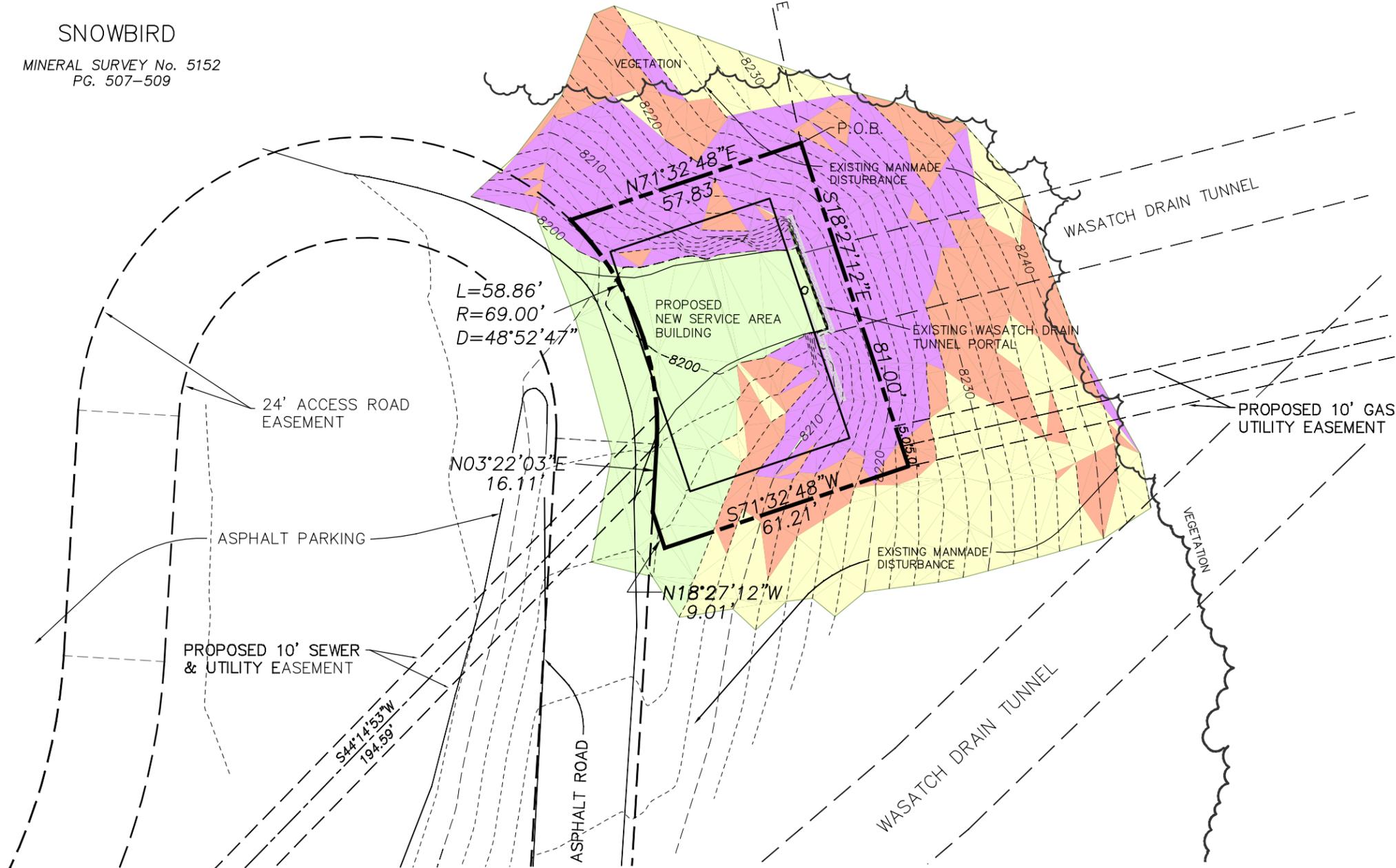
Color	Range Beg.	Range End
Light Green	0.00	30.00
Yellow	30.00	40.00
Orange	40.00	50.00
Purple	50.00	100.00

SNOWBIRD  
MINERAL SURVEY No. 5152  
PG. 507-509

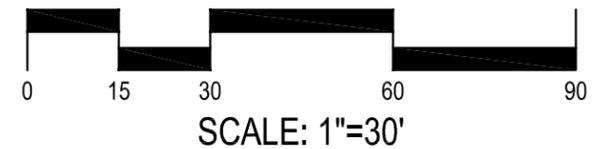
**NOTES:**

Contours and slope analysis was derived from field survey information taken from a BASELINE Surveying topographic survey completed in June, 2012.

The limits of previous grading activity is shown hereon as the existing vegetation line uphill from the site.

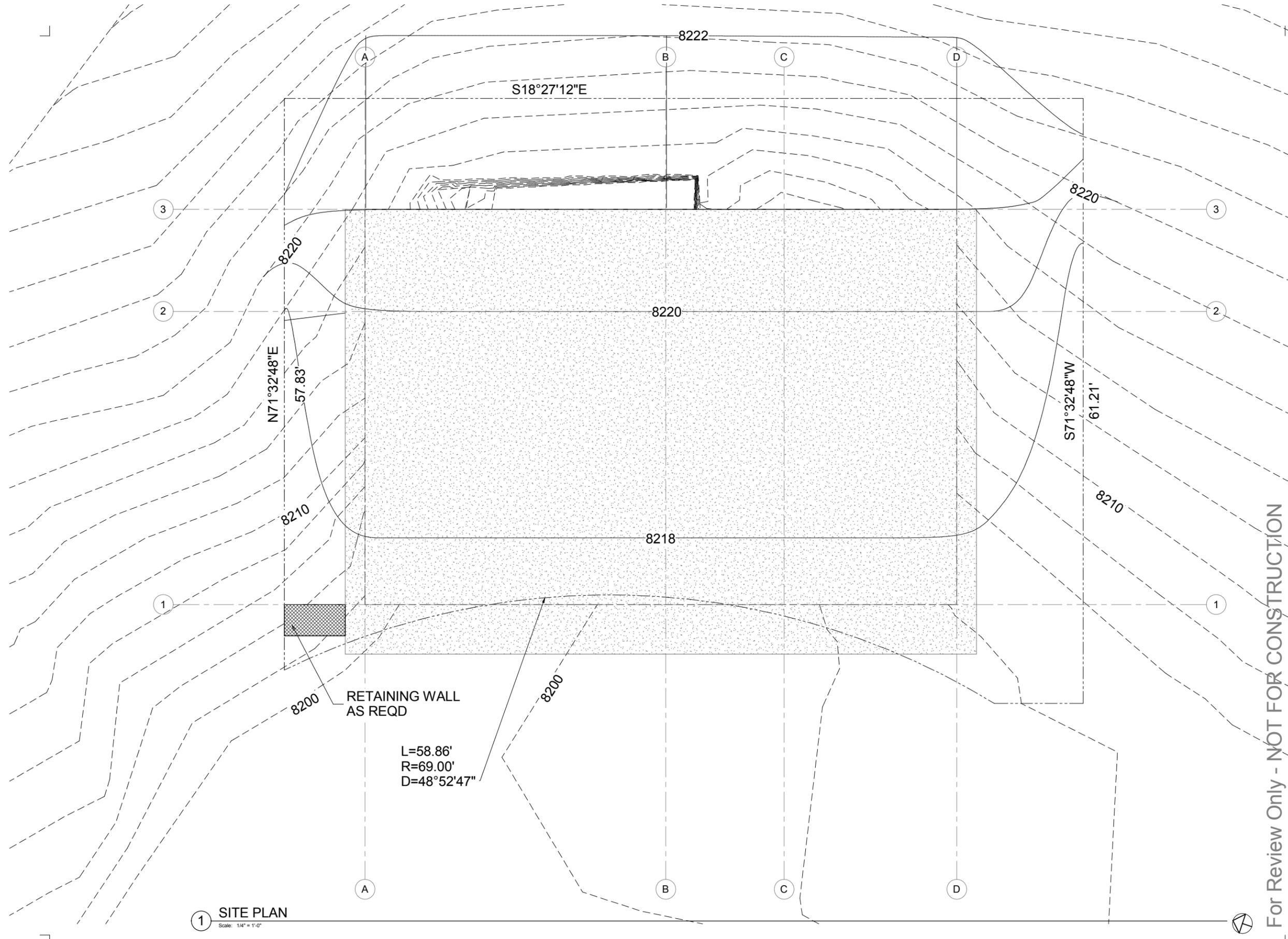


## WASATCH PORTAL SUBDIVISION SLOPE ANALYSIS



**BASELINE SURVEYING, Inc**

1060 East 2100 SOUTH  
Salt Lake City, UT 84106 (801) 209-2152



For Review Only - NOT FOR CONSTRUCTION

OWNER INFORMATION

PROJECT DESCRIPTION  
**WASATCH  
 DRAIN TUNNEL  
 SNOWBIRD VILLAGE  
 SNOWBIRD, UTAH**

SHEET NAME:  
**SITE PLAN**

REVISIONS

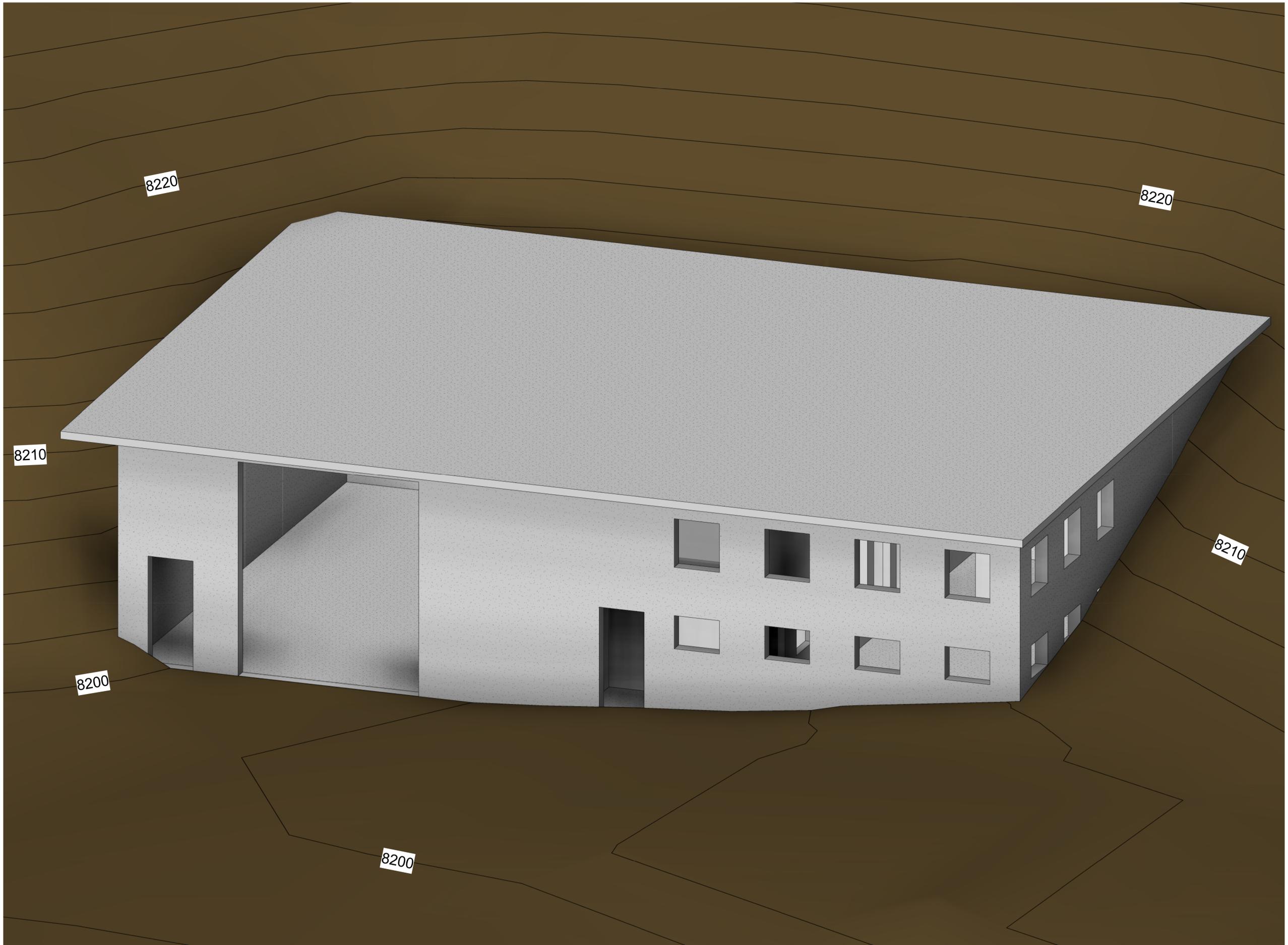
Mark	Date	Description

ISSUE DATA  
 Project Number: 13004  
 Issue Date:  
 Drawn By: M. WILLIAMS  
 Checked By: J. CRILLY

SHEET NUMBER:

1 SITE PLAN  
 Scale: 1/4" = 1'-0"

**S101**



For Review Only - NOT FOR CONSTRUCTION

OWNER INFORMATION

PROJECT DESCRIPTION  
**WASATCH  
 DRAIN TUNNEL  
 SNOWBIRD VILLAGE  
 SNOWBIRD, UTAH**

SHEET NAME:  
**ORTHOGRAPHIC  
 3D VIEW**

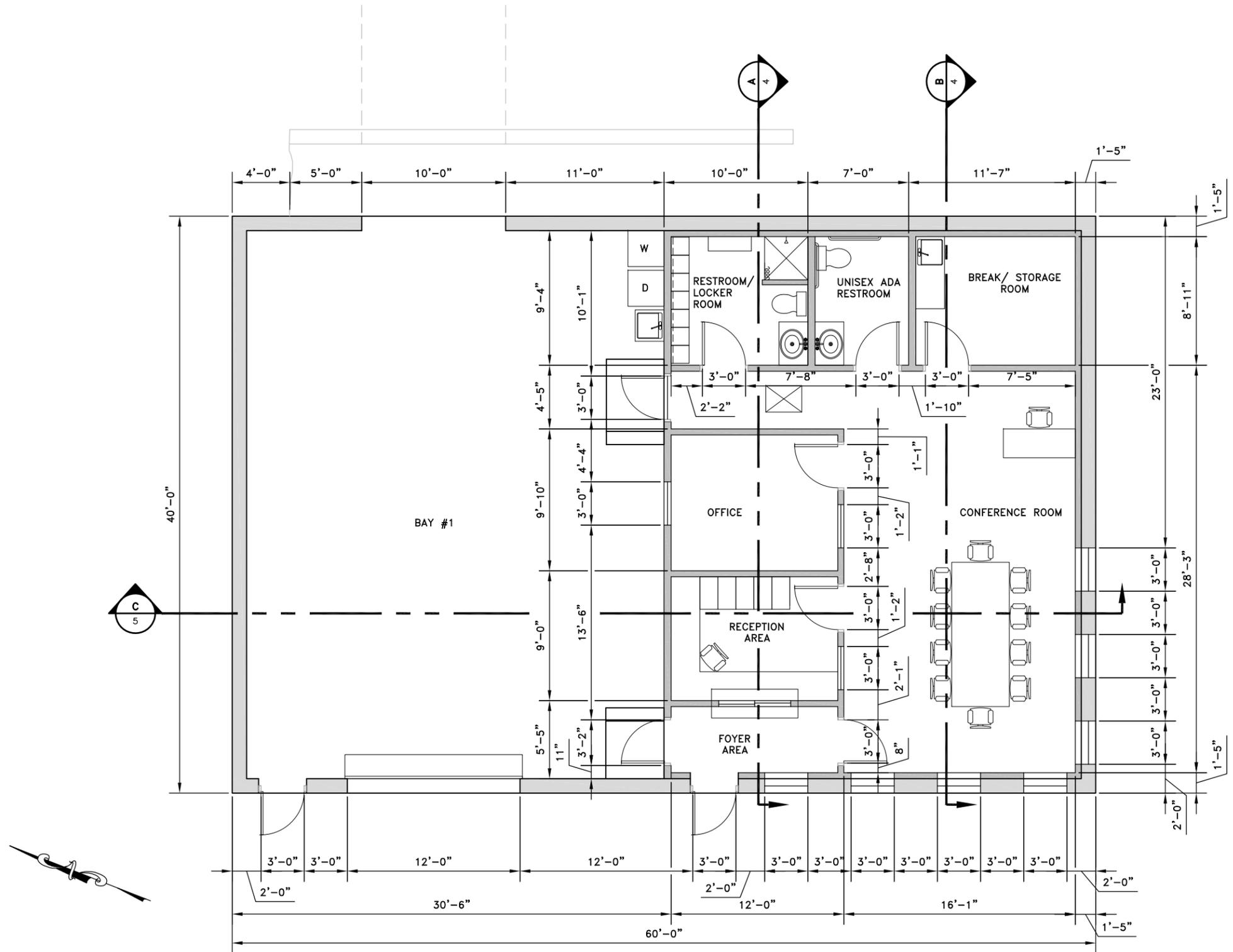
REVISIONS  
 Mark Date Description

ISSUE DATA  
 Project Number: 13004  
 Issue Date:  
 Drawn By: M. WILLIAMS  
 Checked By: J. CRILLY

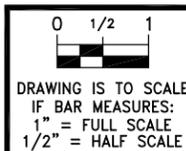
SHEET NUMBER:

**S303**

NR 09/13/2012 X:\drawing\admin building\CONSTRUCT\plan.dwg



**PROPOSED FLOOR PLAN**  
 SCALE: 1/4"=1'-0"  
 0 4 8  
 Scale in Feet



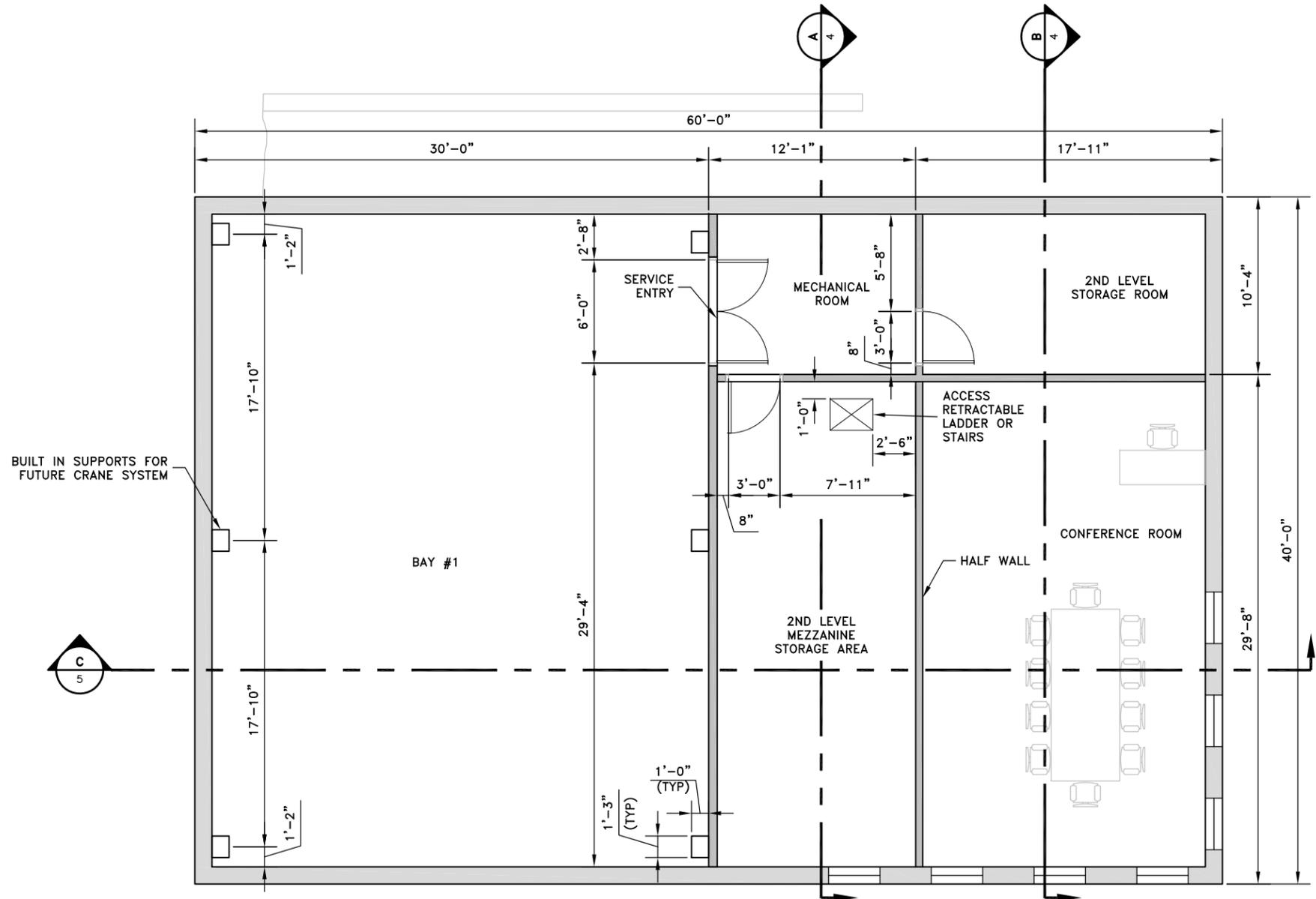
NO.	DATE	DESIGN	DRAWN	CHECKED
0	00/00/2000	SS	NR	-
REVISIONS				

SALT LAKE COUNTY  
 SERVICE AREA #3  
 ADMINISTRATION BUILDING  
 PROPOSED FLOOR PLAN

**AQUA**  
 ENGINEERING, INC.  
 533 W. 2600 S., SUITE 275 BOUNTIFUL, UT 84010  
 PHONE (801) 298-1327 FAX (801) 298-0153

SHEET  
**1**

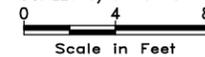
NR 09/13/2012 X:\drawing\admin building\CONSTRUCT\plan.dwg



BUILT IN SUPPORTS FOR FUTURE CRANE SYSTEM

### UTILITY MEZZANINE FLOOR PLAN

SCALE: 1/4"=1'-0"



Scale in Feet



0 1/2 1  
DRAWING IS TO SCALE  
IF BAR MEASURES:  
1" = FULL SCALE  
1/2" = HALF SCALE

SHEET

2

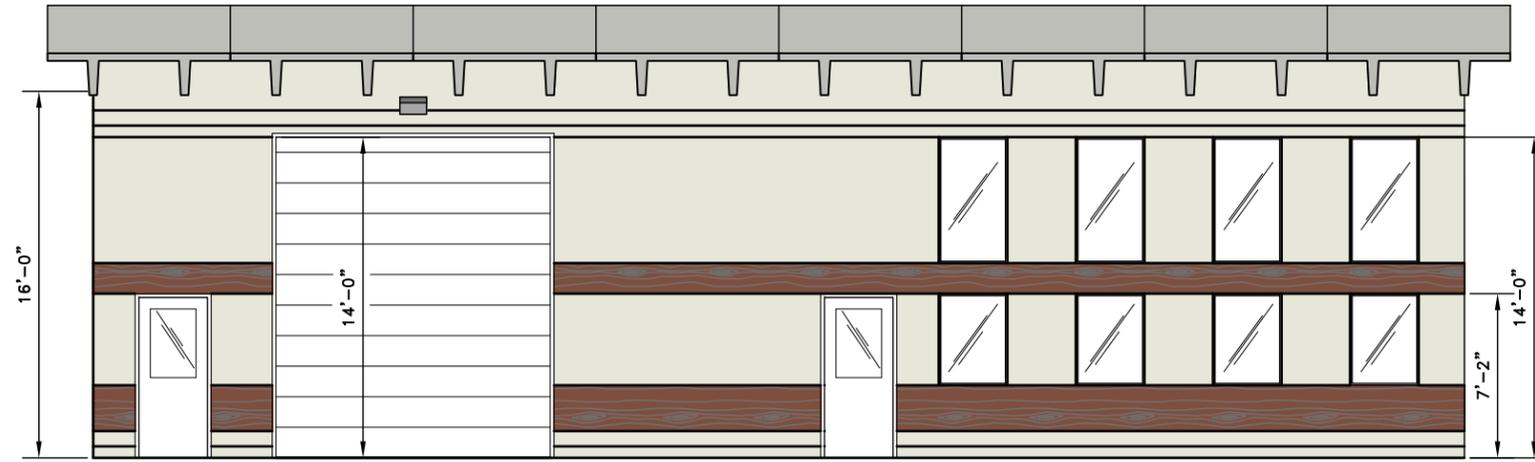
SALT LAKE COUNTY  
SERVICE AREA #3  
ADMINISTRATION BUILDING  
PROPOSED FLOOR PLAN

**AQUA**  
ENGINEERING, INC.  
533 W. 2600 S., SUITE 275 BOUNTIFUL, UT 84010  
PHONE (801) 298-1327 FAX (801) 298-0153

NO.	DATE	DESIGN	DRAWN	CHECKED
0	00/00/2000	SS	NR	-
REVISIONS				

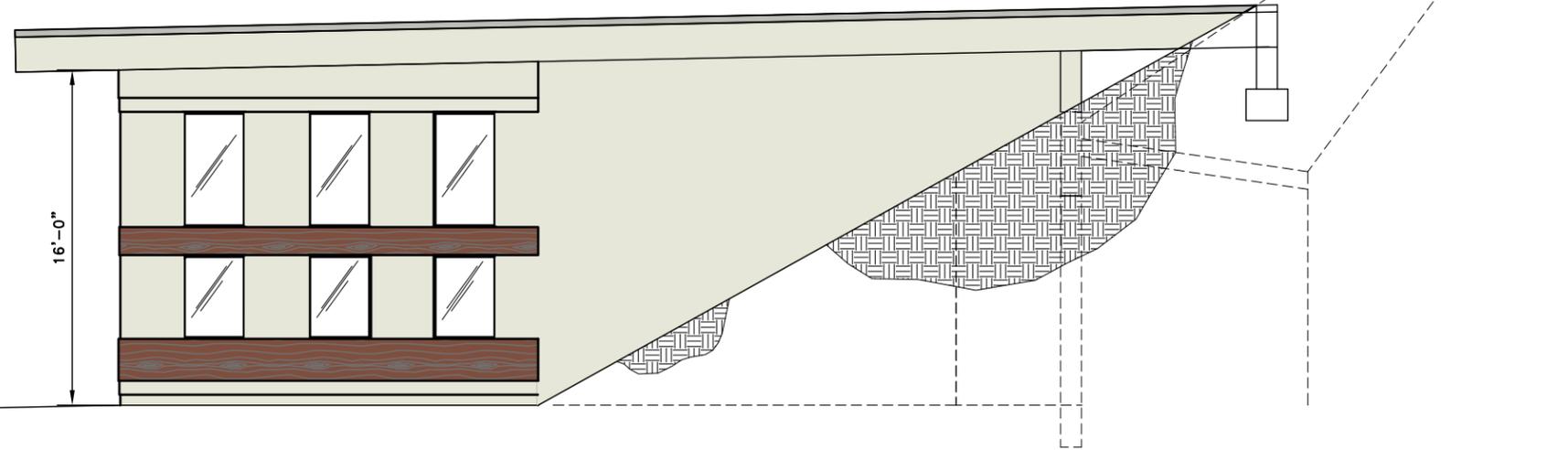
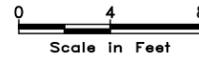
ORIGINAL

NR 09/13/2012 X:\drawing\admin building\CONSTRUCT\plan.dwg



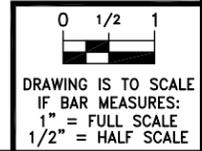
**WEST ELEVATION**

SCALE: 1/4"=1'-0"



**SOUTH ELEVATION**

SCALE: 1/4"=1'-0"

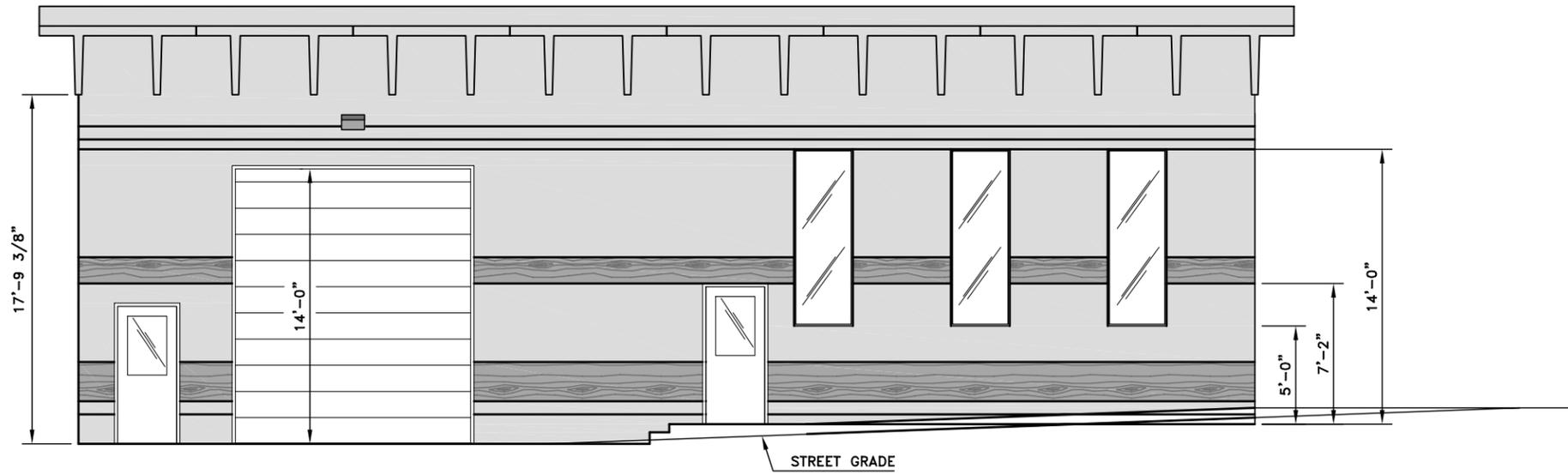


NO.	DATE	DESIGN	DRAWN	CHECKED
0	00/00/2000	SS	NR	-

SALT LAKE COUNTY  
 SERVICE AREA #3  
 ADMINISTRATION BUILDING  
 PROPOSED ELEVATIONS

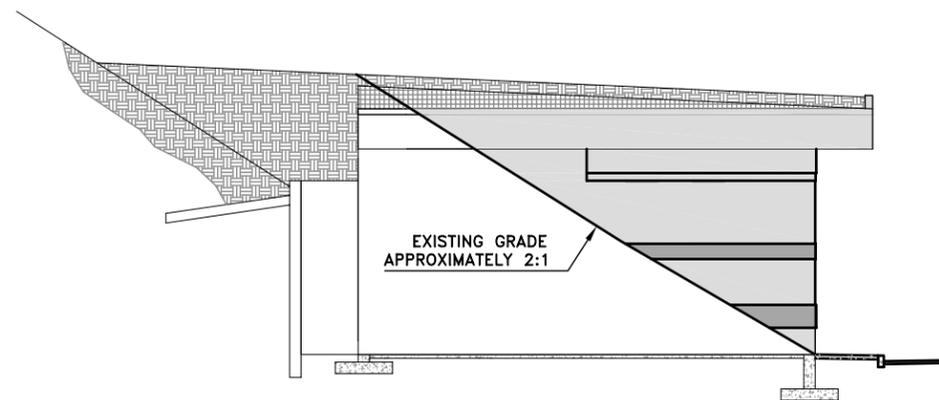
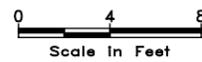
**AQUA**  
 ENGINEERING, INC.  
 533 W. 2600 S., SUITE 275 BOUNTIFUL, UT 84010  
 PHONE (801) 298-1327 FAX (801) 298-0153

SHEET  
**3**



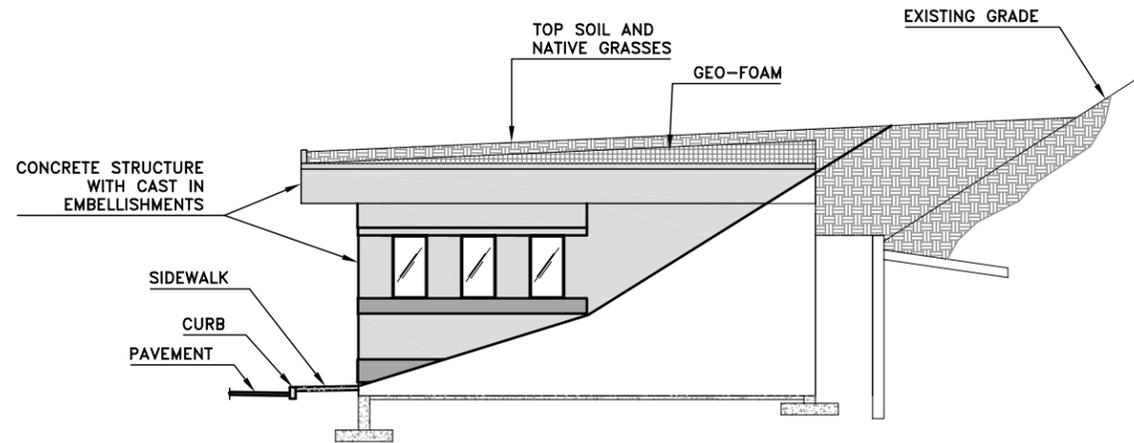
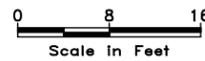
**WEST ELEVATION**

SCALE: 1/4"=1'-0"



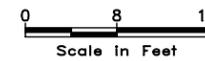
**NORTH ELEVATION**

SCALE: 1/8"=1'-0"



**SOUTH ELEVATION**

SCALE: 1/8"=1'-0"



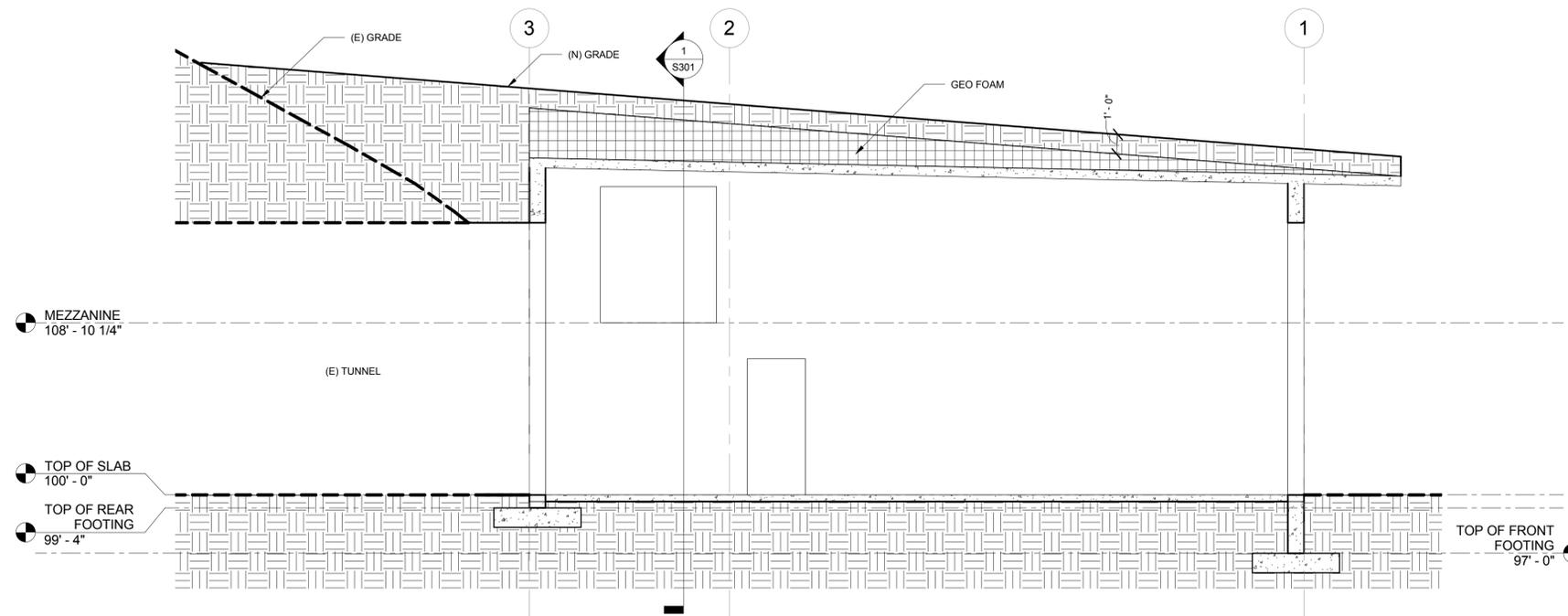
0 1/2 1  
DRAWING IS TO SCALE  
IF BAR MEASURES:  
1" = FULL SCALE  
1/2" = HALF SCALE

NO.	DATE	DESIGN	DRAWN	CHECKED
0	03/12/2013	SS	NR	SS
REVISIONS				

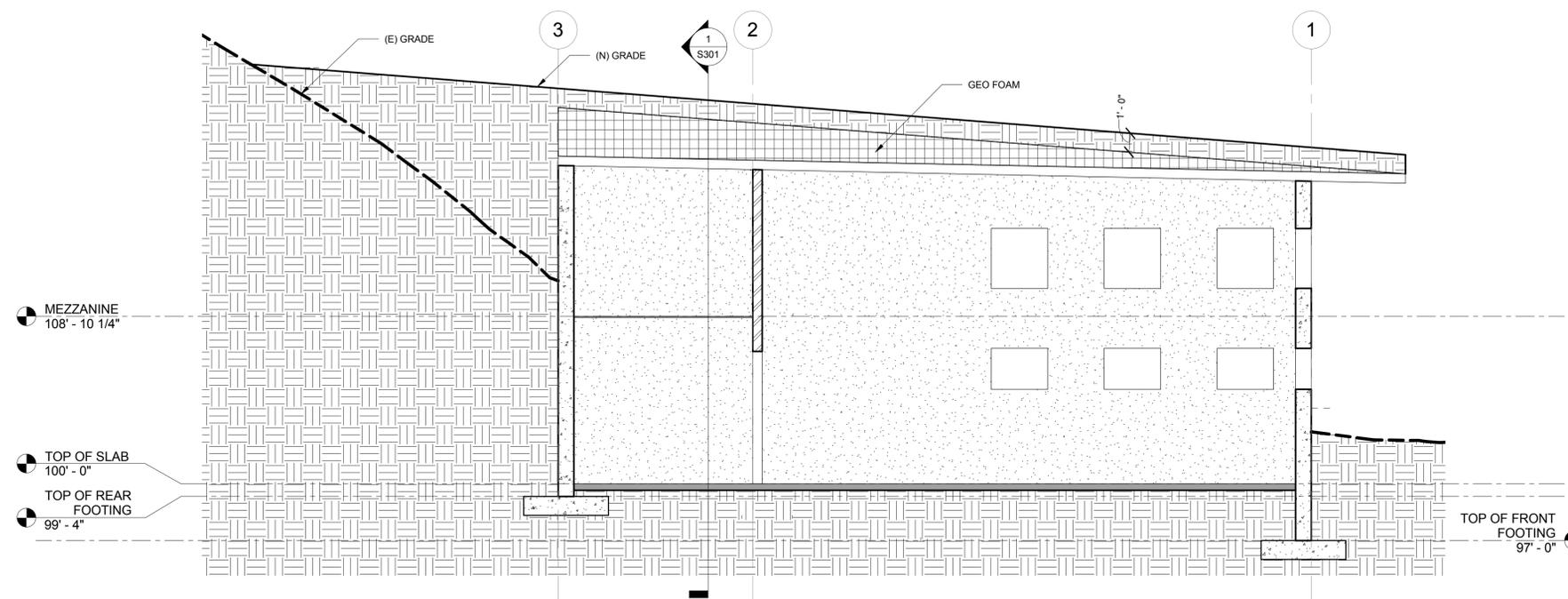
SALT LAKE COUNTY  
SERVICE AREA #3  
ADMINISTRATION/SHOP BUILDING  
PROPOSED ELEVATIONS

**AQUA**  
ENGINEERING, INC.  
533 W. 2600 S., SUITE 275 BOUNTIFUL, UT 84010  
PHONE (801) 298-1327  
FAX (801) 298-0153

SHEET  
**3**



**1 TRANSVERSE SECTION - BAY #1**  
 Scale: 1/4" = 1'-0"



**2 TRANSVERSE SECTION - CONFERENCE ROOM**  
 Scale: 1/4" = 1'-0"

For Review Only - NOT FOR CONSTRUCTION

**OWNER INFORMATION**

**PROJECT DESCRIPTION**  
 WASATCH  
 DRAIN TUNNEL  
 SNOWBIRD VILLAGE  
 SNOWBIRD, UTAH

**SHEET NAME:**  
 BUILDING  
 SECTIONS

**REVISIONS**

Mark	Date	Description

**ISSUE DATA**  
 Project Number: 13004  
 Issue Date:  
 Drawn By: M. WILLIAMS  
 Checked By: J. CRILLY

**SHEET NUMBER:**

**S302**



Subject Property Parking in the foreground



Alpen Vista to the South



Cliff Lodge to the West



Mt. Superior & Little Cottonwood Cyn Rd to the North





**STAFF REPORT**

Executive Summary									
<b>Hearing Body:</b>	Salt Lake County Planning Commission								
<b>Meeting Date and Time:</b>	Wednesday, May 15, 2013	08:30 AM	<b>File No:</b>	2	8	3	7	0	
<b>Applicant Name:</b>	Robert Baird	<b>Request:</b>	Conditional Use						
<b>Description:</b>	Short-Term Rental								
<b>Location:</b>	6522 S. Moose Creek Lane								
<b>Zone:</b>	FR-0.5 Forestry & Recreation	<b>Any Zoning Conditions?</b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>					
<b>Community Council Rec:</b>	Not yet received								
<b>Staff Recommendation:</b>	Approval with Conditions								
<b>Planner:</b>	David J. Gellner, AICP								

**1.0 BACKGROUND**

**1.1 Summary**

The applicant and property owner Robert Baird is requesting Conditional Use approval for a short-term rental in the Silver Fork area of Big Cottonwood Canyon. The subject property is located at 6522 S. Moose Creek Lane and contains an existing single-family dwelling.

**1.2 Hearing Body Action**

This item is on the Salt Lake County Planning Commission Agenda for review and action. The Planning Commission has the authority to Approve, Deny, Continue or Approve with Conditions conditional use applications.

**1.3 Neighborhood Response**

Notice of this application was sent to neighboring property owners within 300 feet of the subject property. As of the date of this report, comments have been received from 2 neighboring property owners. Letters submitted to staff from each of those owners have been included with this report.

A letter received from owners C. Joe and Nicole Busby is supportive of the proposed use with recommendations for appropriate "good neighbor renter rules" in order to maintain the quality of the existing neighborhood.

A letter was received Tom and Sally Loken, the owners of the property immediately to the East of the subject property. The subject property is accessed via a recorded easement across the northern portion of the Loken property. The Loken's are not supportive of the Commission granting approval of the short-term rental for the reasons outlined in their letter. Those reasons include: 1) Constrained winter access via Silver Fork Road; 2) Constrained access via the private driveway across the Loken property; 3) Nature of the easement and switching from a residential to a commercial use; and, 4) The Loken's liability risk for renters travelling across their property.

It should be noted that the owner previously applied for a Conditional Use for a short-term rental on this property in November 2004 under File # 22075. That application went through a formal Pre-Application meeting with staff and had an Issues-Only Hearing (No Decision) before the Planning Commission in December 2004. At that time, similar questions and concerns arose in relation to the easement across the Loken property. The Planning Commission did not render a Decision on the application as the applicant did not pursue the matter at that time. The application expired in November 2005 due to inactivity. Current issues of concern are outlined in Section 2.3 and Section 2.4 of this report.

**1.4 Community Council Response**

The Big Cottonwood Community Association (BCCA) initially discussed this application at their meeting of April 8, 2013. The BCCA did not make a formal recommendation in regard to the application at that time. This application will appear on the BCCA agenda for the May 13, 2013 meeting. The BCCA is expected to make a formal recommendation to the Salt Lake County Planning Commission at that time. As such, a formal recommendation has not yet been received or included in this staff report.

**2.0 ANALYSIS**

**2.1 Applicable Ordinances**

Section 19.84.060 of the Conditional Use Chapter of the Zoning Ordinance establishes five standards to be used in evaluating Conditional Use applications. The Planning Commission must find that all five of these standards have been met before granting approval of an application. Based on the foregoing analysis, Staff suggests the following:

Criteria Met		Conditional Use Criteria and Evaluation
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `A`:</u> <i>The proposed site development plan shall comply with all applicable provisions of the Zoning Ordinance, such as parking, building setbacks, building height, etc.</i>
		Discussion: The proposed site development and existing single-family dwelling appears to apply with all applicable provisions of the Zoning Ordinance.  Summary: The proposal appears to meet this criteria.
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `B`:</u> <i>The proposed use and site development plan shall comply with all other applicable laws and ordinances.</i>
		Discussion: The proposed use appears to meet all other applicable laws for a short-term rental application.  Summary: Staff will seek additional information from the Unified Fire Authority pertaining to suitability of the access and if a turnaround or improvements are required. Staff will not issue Final Approval until this can be verified and will ensure that any additional conditions or requirements of the UFA are required.
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `C`:</u> <i>The proposed use and site development plan shall not present a traffic hazard due to poor site design or to anticipated traffic increases on the nearby road system which exceed the amounts called for under the County Transportation Master Plan.</i>
		Summary: The proposal appears to meet this criteria.

YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `D`:</u> <i>The proposed use and site development plan shall not pose a threat to the safety of persons who will work on, reside on, or visit the property nor pose a threat to the safety of residents or properties in the vicinity by failure to adequately address the following issues: fire safety, geologic hazards, soil or slope conditions, liquefaction potential, site grading/ topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands.</i>
		Summary: The proposal appears to meet this criteria.
YES <input type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `E`:</u> <i>The proposed use and site development plan shall not significantly impact the quality of life of residents in the vicinity.</i>
		<p>Undetermined - Please see section 2.4 for discussion on this item.</p> <p>Discussion: The neighboring property owner has expressed some concerns about the potential impacts of this use on his property and on the neighborhood surrounding the subject property. Staff does not feel that the use will be incompatible with the residential character of the area, however, the exact impact on properties in the vicinity per Standard E is not solely determined by staff. The extent of a lack of compatibility in terms of size, scale, height and noncompliance with community general plan standards is largely determined by the Community Council based upon their knowledge of the community, neighborhood and general plan best practices and by concurrence of the Planning Commission.</p> <p>Summary: In this case, staff feels that a positive recommendation by the Big Cottonwood Community Association (BCCA) would indicate that in the opinion of the Community Council this criteria has been met. This criteria is undetermined as of the date of this report. The BCCA is expected to make a formal recommendation on this application at their meeting of May 13, 2013. The formal recommendation of the BCCA will be provided to the Salt Lake County Planning Commission at their meeting of May 15, 2013.</p>

## 2.2 Zoning Requirements

### Salt Lake County Ordinance 19.04.457 Short-term Rental - Definition:

- A. "Short-term rental" means any dwelling or portion thereof that is available for use or is used for accommodations or lodging of guests, paying a fee or other compensation for a period of less than thirty consecutive days.
- B. A short-term rental shall not contain more than four bedrooms.
- C. A short-term rental shall be maintained to the following minimum standards:
1. Structures shall be properly maintained, painted and kept in good repair, and grounds and landscaped areas shall be properly maintained and watered in order that the use in no way detracts from the general appearance of the neighborhood; and
  2. Required parking areas and access to parking areas shall be maintained and available for use at all times. Parking for this use shall be contained on the site, and shall not be allowed on the public rights-of-way; and
  3. Snow shall be removed from sidewalks and driveways within one hour after the snow has ceased falling, provided that in case of a storm between the hours of five p.m. in the afternoon and six a.m. in the morning, the sidewalk shall be cleaned before eight a.m. the morning following the storm.
- D. Occupants of a short-term rental shall not create excessive noise that is incompatible with adjacent land uses.
- E. A short-term rental use shall not have any signs on the premises that advertise the use.

F. The use of a dwelling as a short-term rental shall not change the appearance of the dwelling or property for residential purposes.

G. Outdoor pools, hot tubs or spas shall not be used between the hours of ten p.m. and eight a.m.

### **Salt Lake County Ordinance 19.12.030 - Conditional Uses - FR Zones**

Short-term rental is listed as a Conditional Use in the FR 0.5 Zone subject to the following conditions:

O. Short term rentals provided that:

1. The property is located within Big or Little Cottonwood Canyons east of the dividing line between R1E and R2E, and
2. The on-site parking and the access to the site are available for use and maintained, including snow removal, throughout the entire year, and
3. The dwelling unit is served by an approved drinking water supply and public sewer system that are capable of supporting the use throughout the entire year, and are approved by the health department prior to issuance of a license

### **Salt Lake County Ordinance 19.80.040 - Parking - Number of Spaces Required**

Parking requirements for a short-term rental are as follows:

*Short-term rental, two spaces per dwelling unit plus one additional space for each bedroom exceeding two bedrooms. For buildings with two dwelling units or less, the third and fourth spaces, when required, can be in tandem with the first two spaces required;*

## **2.3 Other Agency Recommendations or Requirements**

The following list addresses the applicable Salt Lake County Zoning Ordinance provisions listed above:

1. Bedroom count - The proposed short-term rental contains 4 bedrooms according to the submitted floorplans. A maximum of 4 bedrooms is allowed for a short-term rental.
2. Property Location - The property is located in Big Cottonwood Canyon. The particular property is located in an area that allows short-term rental units as a Conditional Use.
3. Property Access - The subject property is located within the Silver Fork area of Big Cottonwood Canyon. The property is accessed via an easement across a neighboring property owned by Tom and Sally Loken. The Lokens have concerns about the use of this easement for commercial purposes and for other reasons stated in their attached letter and outlined in more detail in Section 1.3 of this report.
4. Water and Sewer Service - The subject property is served by a culinary water system and municipal sewer line so staff believes that it does have year round utilities as required.
5. Parking - Based on the number of bedrooms, the total number of required parking spaces would be 4. Based on the site plan, there is sufficient parking adjacent to the residence and along the circular driveway access. During the winter months, the amount of parking available may vary due to snow storage requirements. In any event, the property should be able to accommodate the required parking spaces as long as adequate steps are taken to remove snow to maintain necessary parking as required.
6. Unified Fire Authority - The Unified Fire Authority has recently been provided information about this proposed use in order to comment on issues related to access and any other fire concerns. Recommendations and additional conditions, if any, are forthcoming from the UFA.

## **2.4 Planning Commission Staff Recommendation and Clarification**

Staff is recommending that the Salt Lake County Planning Commission vote to Approve this Conditional Use Application **only if they determine that Standard E of 19.84.060 has been fully met** based on the input of the Community Council. Staff would further recommend that the Commission authorize staff to finalize the approval after verification that all conditions and requirements listed herein and identified by the Commission have been met.

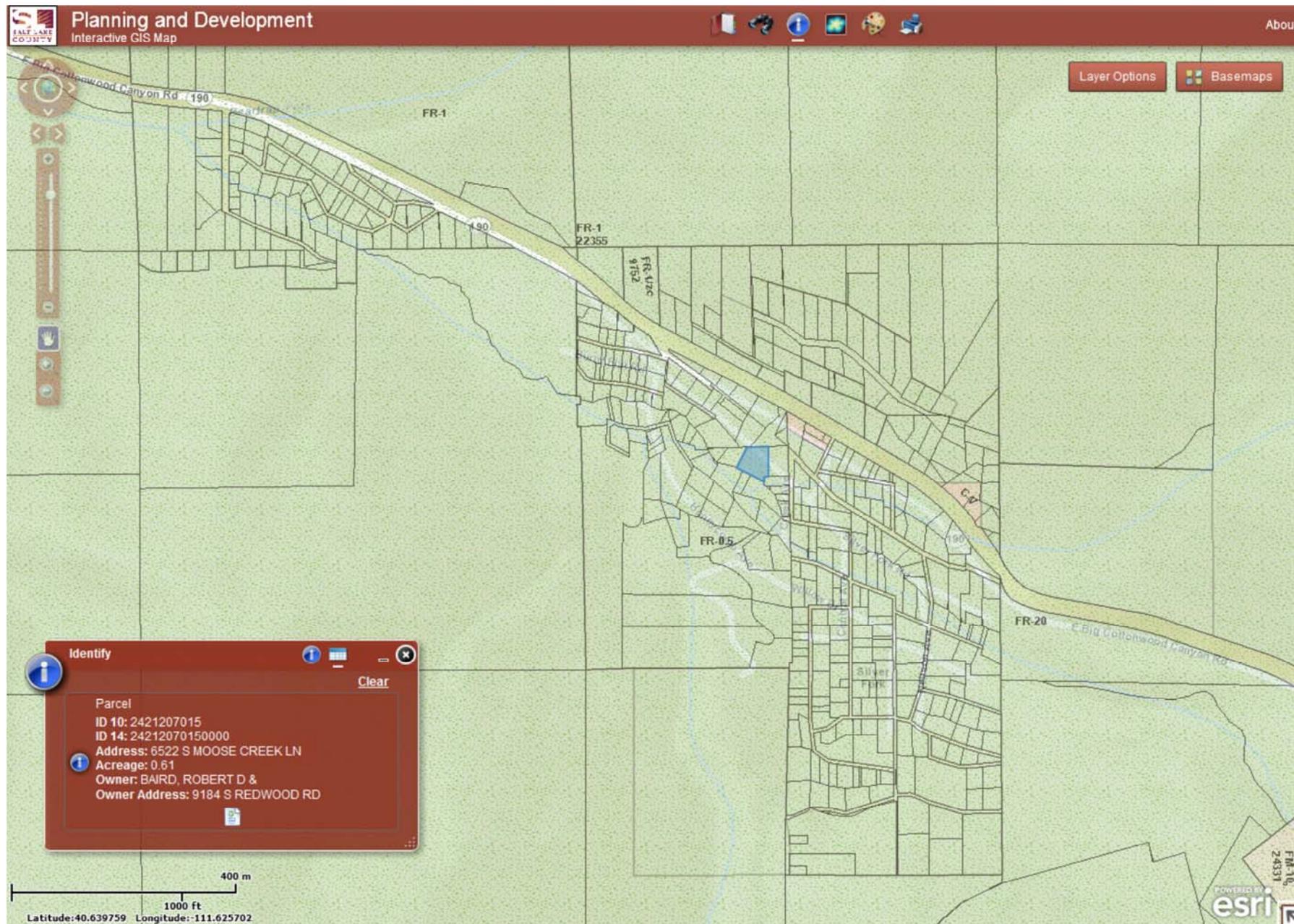
### **3.0 STAFF RECOMMENDATION**

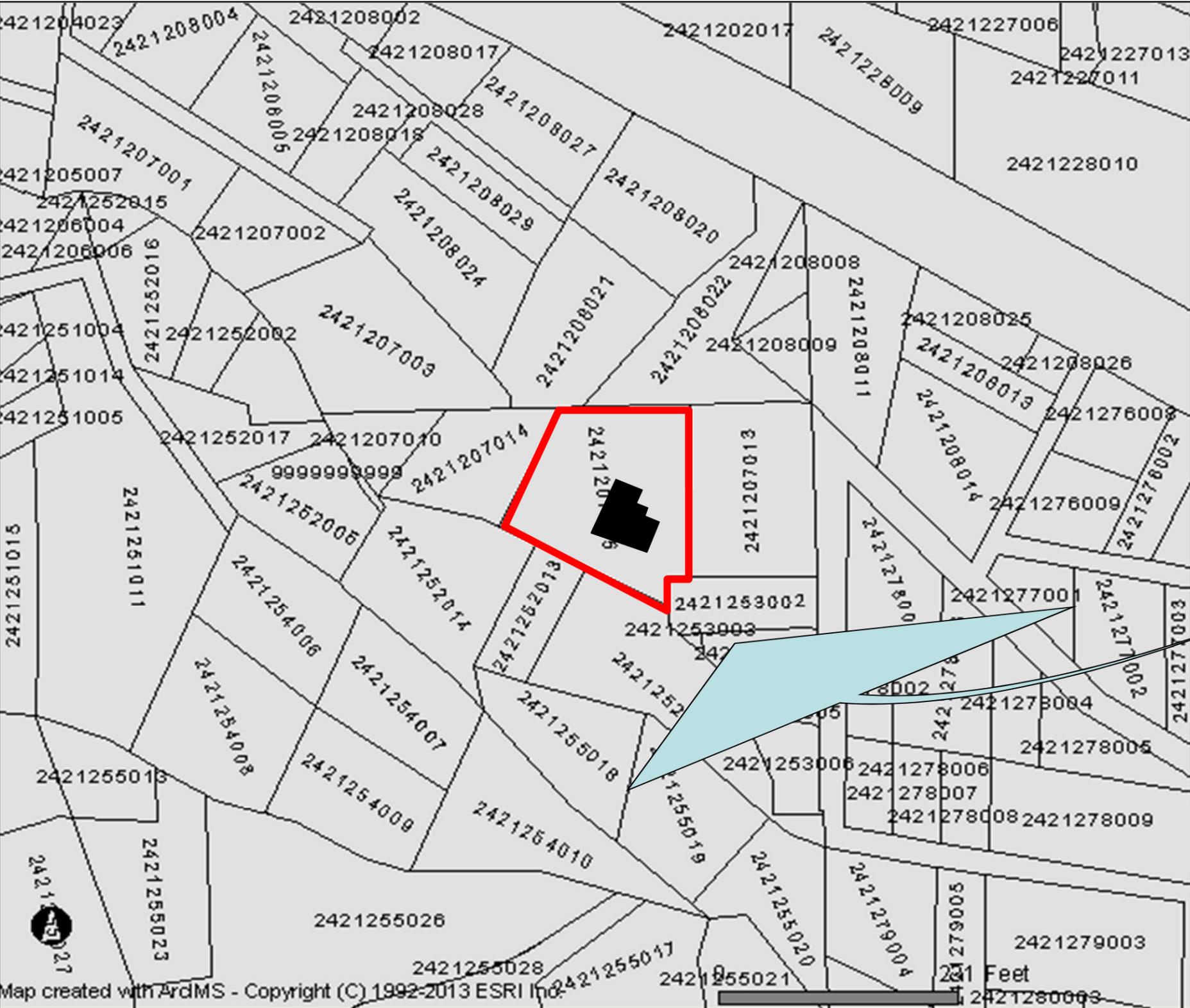
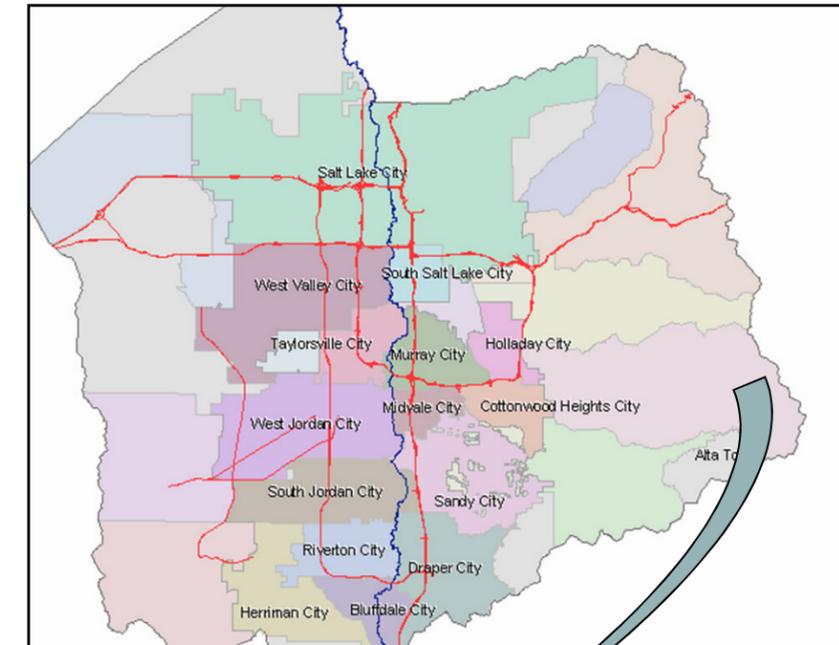
#### **3.1 Staff recommends APPROVAL of the proposed Conditional Use with the following conditions:**

- 1 )This use shall be performed in accordance with the Conditional Use Approval of the Salt Lake County Planning Commission and all criteria in the Salt Lake County Zoning Ordinance applicable to short-term rentals including but not limited to snow removal and maintenance of parking, site access and general maintenance and upkeep of the property.
- 2 )Any proposed changes to the approved use and existing structure shall be reviewed and approved by Salt Lake County in writing prior to the commencement of construction or implementation of those changes.
- 3 )A Salt Lake County Business License must be obtained and kept current to operate this use.
- 4 )This use is subject to all applicable provisions of the Salt Lake County Business License Regulations- Chapter 5 and the specifics of Chapter 5.134 pertaining to Short-Term Rentals.
- 5 )All outstanding issues identified herein and in Section 2.3 and 2.4 of this report must be resolved before staff will issue Final Approval.

#### **3.2 Reasons for Recommendation**

- 1 ) Staff believes that the proposed use can be accommodated through the imposition of reasonable conditions suggested above but not strictly limited to these conditions as allowed by 19.84.050.
- 2 ) The five Conditional Use Criteria can reasonably be met through the imposition of mitigation measures to address any deficiencies.
- 3 ) If the Planning Commission determines that Standard E of the Criteria has not been met, the application should be deemed as Denied as allowed under Chapter 19.84.050.
- 4 ) If staff determines that all Conditions cannot be met, staff will not finalize the approval and the application may be deemed as Denied as allowed under Chapter 19.84.050.



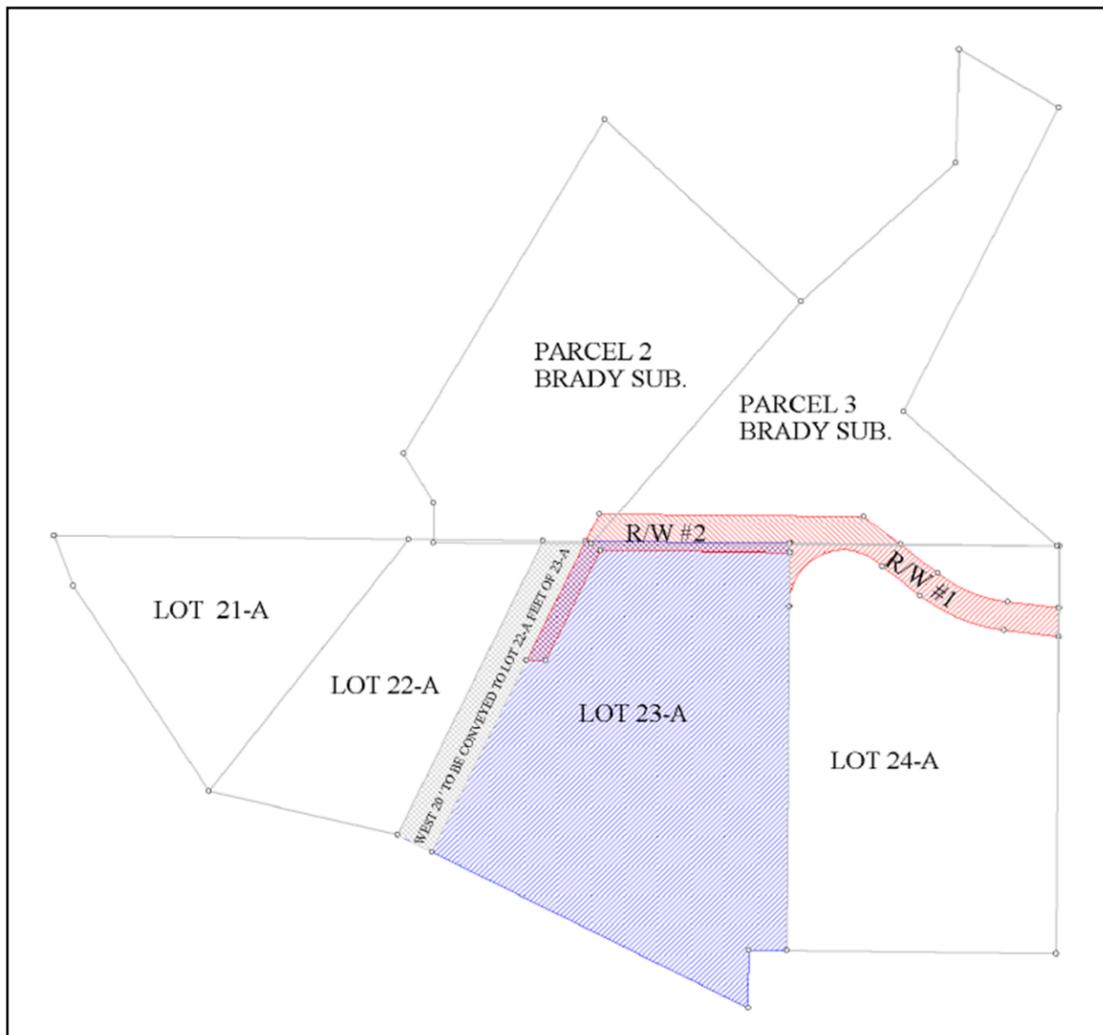


Prepared by:  
Robert Baird; 9184 S. Redwood Road, West  
Jordan, UT 84088; 801-913-2178;  
roviba0211@gmail.com

**Existing 6522 S. Moose Creek Lane, Silverfork, Utah  
Conditional Use Permit Application**

### 24212070150000 Legal description

LOT 23-A, DUNYON DELL PLAT A. LESS & EXCEPTING BEG NW COR OFSD LOT 23-A;  
S 26°01'32" W 172.59 FT; S 63°27' E 20 FT; N 26°01'32" E 182.277 FT; N 89°23'30" W  
22.142 FT TO BEG. 9134-3808 9564-6000 9682-4817 9742-0785



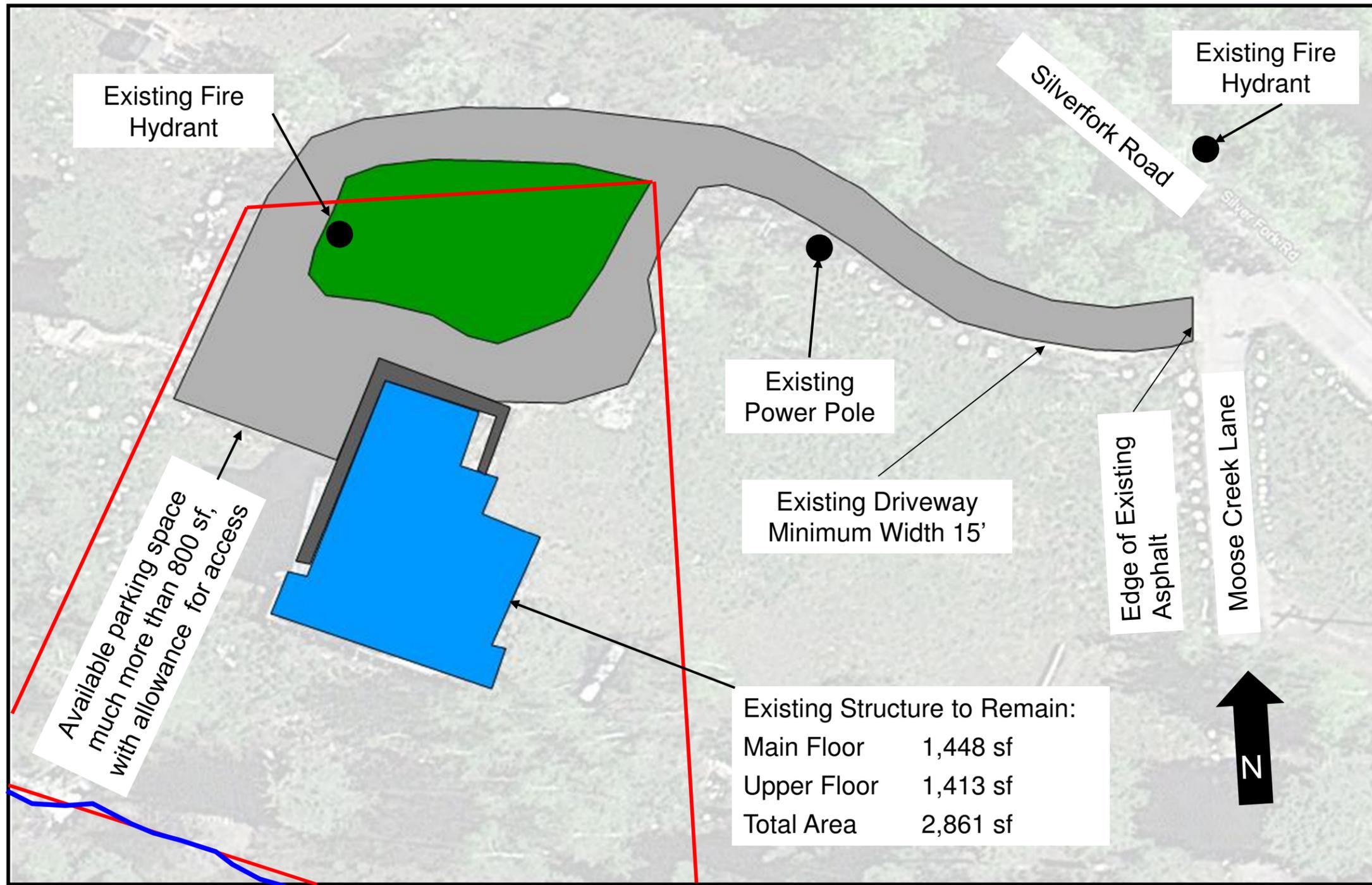
**ALSO TOGETHER WITH AND SUBJECT TO an easement for road and utility purposes described as follows:**

**Beginning at a point 82.622 feet North 89°23'30" West from the Northeast corner of Lot 24-A Dunyon Dell Plat "A", a Subdivision, said point being South 89°23'30" East 1199.532 feet from the Northwest corner of the Southwest quarter of the Northeast quarter of Section 21, Township 2 South, Range 3 East, Salt Lake Base and Meridian; and running thence North 52°01'35" West 24.33 feet; thence North 89°23'30" West 137.256 feet; thence South 26°01'32" West 86.348 feet; South 89°23'30" East 10.00 feet; thence North 26°01'32" East 64.552 feet; thence South 89°23'30" East 98.625 feet to a point on the Westerly line of said Lot 24-A; thence North 0°24'00" East 4.898 feet to the Northwest corner of said Lot 24-A of said Dunyon Dell Plat "A" Subdivision; thence South 89°23'30" East 57.342 feet to the point of beginning.**

**Existing 6522 S. Moose Creek Lane, Silverfork, Utah  
Conditional Use Permit Application**

Prepared by:

Robert Baird; 9184 S. Redwood Road, West  
Jordan, UT 84088; 801-913-2178;  
roviba0211@gmail.com



**LEGEND:**

- Gravel Driveway and Parking Area
- Undisturbed Vegetation Island
- Residence
- Concrete Walkway
- Property Boundary
- Big Cottonwood Creek

Approx. Scale:  
 20'     20'

Existing Structure to Remain:

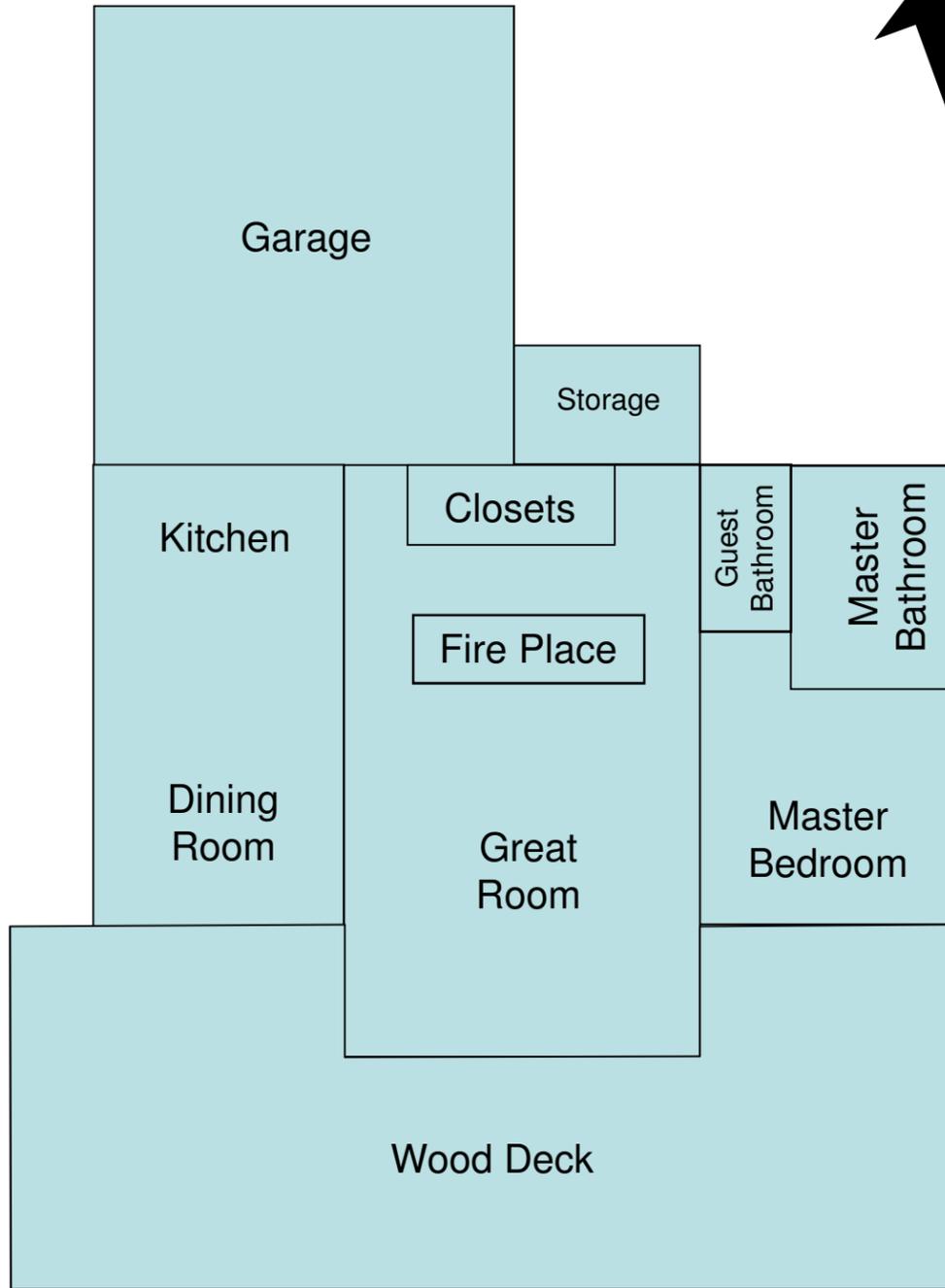
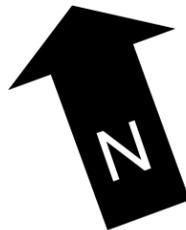
Main Floor	1,448 sf
Upper Floor	1,413 sf
<b>Total Area</b>	<b>2,861 sf</b>

Available parking space much more than 800 sf, with allowance for access

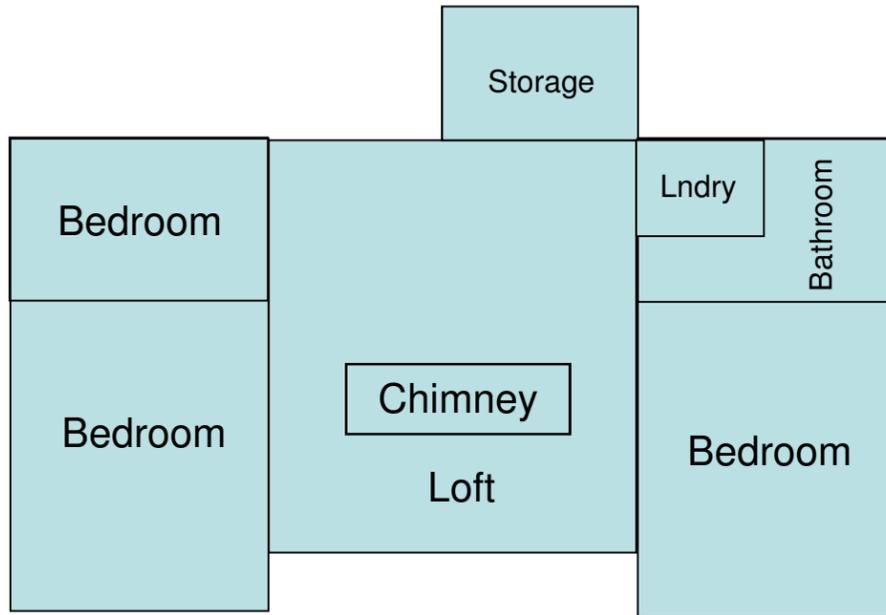
Required Parking: Four bedrooms; 2 + 2 = 4 parking spaces

Prepared by:  
 Robert Baird; 9184 S. Redwood Road, West Jordan, UT 84088; 801-913-2178; rovida0211@gmail.com

**Existing 6522 S. Moose Creek Lane, Silverfork, Utah  
 Conditional Use Permit Application**



Main Floor: 1,448 sf excluding Garage and Wood Deck



Upper Floor: 1,413 sf

MAIN FLOOR		UPPER FLOOR	
Kitchen/Dining Room	15' X 24' = 360 sf	West Bedrooms	15' X 24' = 360 sf
Great Room	31' X 21' = 651 sf	Loft	21' X 21' = 441 sf
Master Bedroom/ Master Bathroom/ Guest Bathroom	15' X 24' = 360 sf	Bedroom/ Bathroom/ Laundry Room	15' X 24' = 360 sf
Storage	7' X 11' = 77 sf	Open Area	7' X 11' = 77 sf
		Overhang	7' x 25' = 175 sf
TOTAL MAIN FLOOR	1,458 sf	TOTAL UPPER FLOOR	1,413 sf
		TOTAL FLOOR AREA	2,861 sf
Garage	24' x 25' = 600 sf		
Wood Deck	56' X 19' = 1,064 sf 5' X 15' = 75 sf 5' X 15' = 75 sf		

Prepared by:  
 Robert Baird; 9184 S. Redwood Road, West  
 Jordan, UT 84088; 801-913-2178;  
 roviba0211@gmail.com

**Existing 6522 S. Moose Creek Lane, Silverfork, Utah  
 Conditional Use Permit Application**



27 Mar 2013

To: Salt Lake County Planning and Development Services  
CC: Virginia and Robert D. Baird

Re: Conditional Use Permit Application for Short-term Rentals  
Parcel ID 24212070015

From: C. Joe and Nicole Busby  
Property Owner within 300 feet of "Baird's Canyon Getaway"  
11218 East Silver Fork Road  
Brighton, UT 84121

Dear Madam or Sir:

We have been honored to be neighbors of Bob and Virginia Baird as we own property within 300 feet of their "subject property" (6522 South Moose Creek Lane, parcel ID 24212070015). Bob and Virginia have explained that they intend to now use their property for short-term and longer-term rentals.

We do not object to this proposed use of the subject property. In order to maintain the quality neighborhood to which Bob and Virginia have helped build we do ask that their renters (and all renters in our community) are informed of and abide community standards by:

- Keeping noise levels within the mountain residential character of the neighborhood
- Complying with the neighborhood speed limit of 15 mph, especially in winter when snow removal work is underway
- Closing all trash containers, including the community dumpsters, to limit trash blowing
- Joining our community as active participants.

We wish Bob and Virginia the best in this endeavor and will do anything we can to help. Please contact us with questions.



Nicole A. Busby  
27 Mar 2013



C. Joe Busby  
27 Mar 2013

Response to Robert Baird's request for Conditional Use Approval to use an existing home as a short term rental

Application #  
Property 23A  
Parcel I.D. 2421207015

As cabin owners (cabin located northeast of home) and landowners (vacant lot directly east, adjacent to the home), we have the following concerns:

The proposed rental is over ¼ mile off the main highway. Silver Fork Road is the road that leads from the highway to the driveway. In the winter, this road is not wide enough for two-way traffic. Thus, if two vehicles meet, one is required to pull over in the snowy shoulder. If renters do not have an appropriate vehicle (4x4 or chains) the potential for getting stuck and causing a blocked road is great. If this occurs, all Silver Fork residents distal to the block cannot exit or enter their homes unless traveling on the more steep Rufus Road. This can also create a safety issue for emergency vehicles.

The proposed rental home's drive is over our private drive which a legal access easement was given to when we bought the vacant lot in June 2004. However, this was predicated on the belief that this access would be for residential use, not commercial. Under the best conditions, the driveway does not have good winter access. The length of the driveway through our property is approximately 140 feet and has a 10 foot elevation drop. Again, if the renters do not have adequate snow vehicles, the potential for getting stuck is great, causing an egress problem for us when we build.

Our biggest concern, however, is when someone gets stuck in our driveway and tries to push or pull their vehicles out and gets physically injured. We will be completely liable for this injury with no legal recourse.

For these reasons and especially our potential for legal liability, we ask that you NOT approve Robert Baird's request for short term rental. There are too many potentially disastrous variables.

Thank you for your consideration.

Tom & Sally Loken