

Request: Review and Comment



EMIGRATION CANYON
METRO TOWNSHIP

Planning and Development Services

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GREATER SALT LAKE
Municipal Services
District

Ordinance Amendment Progress Review

Part of the Title 19 & Title 18 Comprehensive Code Updates

Public Body: Emigration Canyon Planning Commission and Community Council

Applicant Name: Emigration Canyon Planning Staff

MSD Planner: Matthew Starley

MSD Planning Staff Recommendation: Review and Comment

PROJECT DESCRIPTION

The Greater Salt Lake Municipal Services District (MSD) is a special district that Emigration Canyon uses to perform all of their Planning and Development services. This includes code enforcement, building services, and planning services including long range planning and current planning. The current planning staff oversees land use applications that include, but are not limited to, conditional use permits, rezoning, subdivisions, and development applications. The land use regulations (land use code) that govern these applications are known as Title 19 and Title 18 of the Emigration Canyon Code, otherwise known as zoning (Title 19) and subdivisions (Title 18).

The Emigration Canyon code was adopted when Emigration Canyon became a Metro Township, as part of creating the MSD, between 2015-2017. All the land use code previously regulating Emigration Canyon was known as the Salt Lake County Code of Ordinances. When Emigration Canyon incorporated, the Council adopted the Salt Lake County Code, including Title 19 and Title, to be the governing regulation for the Metro Township.

The Emigration Canyon Metro Township, as part of their incorporation, included a Planning Commission made up of volunteers who are residents of the community and chosen by the Emigration Canyon Council. This group reviews land use applications, like conditional use permits and subdivisions, and they also ensure that these applications are following the regulations in the land use code, Titles 18 & 19.

In 2021, the Emigration Canyon Council was in the process of adopting the first Emigration Canyon General Plan. The general plan is a guiding document the helps to communicate the future goals and vision for the Metro Township. The General Plan was adopted in March 2022. Now that the General Plan is in place with a clear direction for the future. Emigration Canyon would like to perform a comprehensive code update for Titles 18 & 19 of the Emigration Canyon Code.

During this process there may be other code updates made outside of Title 18 & 19 of the Emigration Canyon Code, however, those changes do not fall under the authority of the Emigration Canyon Planning Commission or the Emigration Canyon Planning Staff as they do not relate to land use. The comprehensive code up for Titles 18 & 19 fall within a small scope and therefore this staff report, and the following staff reports associated with the code updates for Titles 18 & 19 will only discuss codes within those chapters.

The entire comprehensive code update process for Titles 18 & 19 is estimated to take place between July 2022 and December 2022. During this time, the Planning Commission and Council will be informed of progress staff has made

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updating each chapter. The entire code changes being proposed will be adopting at the end of the process when all chapters have been thoroughly reviewed by the Planning Commission and Council.

The comprehensive code update goals are as follows;

1. **To remove errors, inconsistencies, or ambiguity.** This is to prevent Emigration Canyon’s land use code from being challenged in court and will also help build more defensible actions for the Planning Commission and Council when making land use decisions.
2. **To update from older, outdated practices.** Some of the methods use in the land use code are outdated and can cause ambiguity. For example, the methods for measuring setbacks in the agricultural zone are to measure 8 feet on each side at a minimum or the sum of both measurements is equal to 18 feet. This means 9 feet may be allowed on one side and 9 on the other side but shall be no less than 8 feet on each side. This is unnecessarily confusing for property owners and can be challenged in court. As a solution, staff is recommending that this be updated to a minimum of 8 feet on each to create clear and concise standards.
3. **To make the code compatible with the new general plan.** Emigration Canyon’s code currently has 13 zones. There are only 8 zones present in Emigration Canyon and the General Plan does envision the potential of the adoption of new zones. Staff is recommending this be changed to accurately reflect the vision in the General Plan.

This staff report is to discuss the following progress made on the Comprehensive Code Update for Titles 18 & 19 as of July 21, 2022.

This staff report discusses the following chapters that have been revised and are recommended to be considered at the end of the process.

1. Definitions Chapter
2. Parks and Open Space Zones
3. Forestry Zones
4. Medium-Density Residential Zones
5. Commercial Zones
6. Public Facilities and Institutions Zones:

The proposed chapters are attached as exhibits to this staff report.

Summary of Definitions Chapter: The definitions chapter is very important in land use code and is used heavily for legal determinations. It is important that communities have a robust and updated definitions chapter to accurately define uses allowed in zones, standards proposed, and means for measuring development. The definitions chapter has been updated to accurately define all uses and terminology used in the land use code for Title 19. Title 18 has a separate definitions chapter which will be reviewed later when the subdivision ordinance is revised as part of this process. The State of Utah also updates land use definitions at their yearly sessions and so definitions have been updated to accurately reflect state definitions to prevent confusion and avoid the possibility of Emigration Canyon’s land use code being challenged.

GENERAL PLAN CONSIDERATIONS

Zone Summaries

Parks and Open Space Zones: The parks and open space zone is a new zone that is proposed in the General Plan to help preserve Emigration Canyon’s existing parks and open spaces. Rezoning existing park space to a parks and open zone with no possibility for residential development will ensure the preservation of landmarks that are valuable to the community.

Forestry Zone: The purpose of the provisions section has been updated to embody the spirit of all F zones which

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promote the preservation of the natural land while allowing some, compact and compatible uses that are accustomed in mountain communities.

Medium Density Residential Zone: Although there is currently one Residential Multi-family parcel in Emigration Canyon it beneficial for the community to keep this zone in the code and update the development standards to be consistent with single-family zoning standards. Municipalities in Salt Lake Valley are being required by the State to expand moderate income housing options and many of the options provided by the state include allowing medium-density residential housing in the City's current zoning ordinances.

Commercial Zones: There are three commercial properties in Emigration Canyon. In the General Plan, these properties are proposed to be preserved but may change the use to some other small-scale commercial use compatible with the area. All the commercial development standards have been updated to create modest, small-scale commercial should the property be redeveloped. Redevelopments within the existing zones are not in the control of the Metro Township but the Metro Township is updated the commercial to ensure the if new development occurs it will remain small and with minimal impact to adjacent properties.

Public Facilities and Institutions Zones: This zone does not currently exist in the within the code. It has been included in this early draft of the Ordinance Update as a potential inclusion whose merits should be discusses. Should the township at some point be interested in establishing some community resource facility, the opportunity to apply a Public Facilities Zone to any associated parcel may be advantageous.

Update Uses for Compatibility with the General Plans

The uses in each zone have been updated to be compatible with the future visions for character areas in the General Plan Land Use Element. Most future visioning done in the General Plan emphasizes the preservation of existing neighborhood character and the ecological health and functionality of the canyon. Uses typical in many commercial zones have been eliminated or made conditional in several cases to reflect the ecological sensitivity of the geography of the township.

LAND USE CONSIDERATIONS

Possible Land Use Changes and Moderate Income Housing Requirements

The General Plan does not prioritize any land use changes to be made in the community. The General Plan prioritizes preserving the existing land use. This means enforcing current single-family type zoning standards. Moderate changes have been made to the FR Zones, which will remain the primary residential zone set in the canyon.

Creating a parks and open zone provides the opportunity to actively preserve areas of intact natural ecology, potentially increase/improve recreation resources and access, and reducing the possibility of incompatible redevelopment.

New state requirements for moderate income housing plans for communities in Utah require that communities start allowing varying types of housing options at different price points to accommodate for population increases and moderate income housing needs on the state level. Potential changes in land use may occur through market pressures or may be required to be allowed by the state. The planning staff is recommending it may be in the best interest of the community to encourage existing FR-0.5 and FR-1 properties with more than dwelling unit to rezone their properties to medium-density residential housing zone to meet new development standards and mitigate potential impacts to adjacent properties and reflect the accurate number of units within the community. These units would then count towards moderate income housing stock, which will help to qualify the community for priority consideration for TIF Funding and other infrastructure grants that can help build sidewalk and road infrastructure.

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Disclaimer: any changes of land use contemplated in this staff report or in the General Plan must follow all applicable regulations outlined in the code. Changes of use that involve rezoning will be subject to a legislative application process and request for rezone the will be filed with the MSD and then reviewed by the Emigration Canyon Planning Commission and ultimately must be approved by the Emigration Canyon Council following all applicable local and state standards. Rezone applications are legislative and therefore not guaranteed to be approved.

No changes in land use (rezones) will result from the ordinance changes that have been made in the Emigration Canyon code as part of this staff report or the comprehensive code update.

ISSUES OF CONCERN/PROPOSED MITIGATION

I am hoping the Council and Planning Commission will consider the merits of including 2 new zone sections in municipal code, while removing 5 non applied zones:

New Zones Sections

- Parks and Open Space Zones
- Public Facilities and Institutions Zones

Removed Zones

- F-1 Forestry Zone
- FR-50
- FR-100
- C-1 Commercial

NEIGHBORHOOD RESPONSE

At this point, staff has not received any feedback from the public regarding the comprehensive code update.

REVIEWING AGENCIES RESPONSE

A review by Emigration Canyon’s attorney and the MSD’s land use attorneys is being conducted and will be completed prior to the adoption of the comprehensive code updates.

Other agencies will review the code as needed based on the content in each chapter of Title 18 & Title 19. Agency reviews may include Salt County Engineering, Salt Lake County Public Works or other applicable agencies that involved with development standards.

PLANNING STAFF ANALYSIS

Remove Nonapplicable Zones: GIS Analysis

Staff is recommending that all zones not currently in use in Emigration Canyon be removed from the Emigration Canyon code so long as the removal of the zone does not conflict with the General Plan. The following GIS analysis was performed to analyze existing zones present in Emigration Canyon.

Zone | Acres by Zone | % of Total Acres | Zone Description

C-2 | 9.8 | 0.1%

Allows for the development of community commercial uses when zoning criteria are met.

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R-M | .09 | 0.0%

Allows for high-density residential development, but also permits agriculture. Minimum lot area is 5,000 sq ft for a single-family residential unit, plus 750 sq ft per additional unit. Short term rentals are a conditional use.

FR-0.5 | 257.8 | 2.2%

Permits forestry, recreational, and single-family residential development where such development will not damage natural and scenic resources. (Lot size 0.5 acre)

FR-1 | 598.2 | 5.2%

Permits forestry, recreational, and single-family residential development where such development will not damage natural and scenic resources. (Lot size 1 acre)

FR-2.5 | 19.7 | 0.2%

Permits forestry, recreational, and single-family residential development where such development will not damage natural and scenic resources. (Lot size 2.5 acre)

FR-5 | 96.9 | 0.8%

Permits forestry, recreational, and single-family residential development where such development will not damage natural and scenic resources. (Lot size 5 acre)

FR-10 | 341.8 | 0.8%

Permits forestry, recreational, and single-family residential development where such development will not damage natural and scenic resources. (Lot size 10 acre)

FR-20 | 10,200.7 | 3.0%

Permits forestry, recreational, and single-family residential development where such development will not damage natural and scenic resources. (Lot size 20 acre)

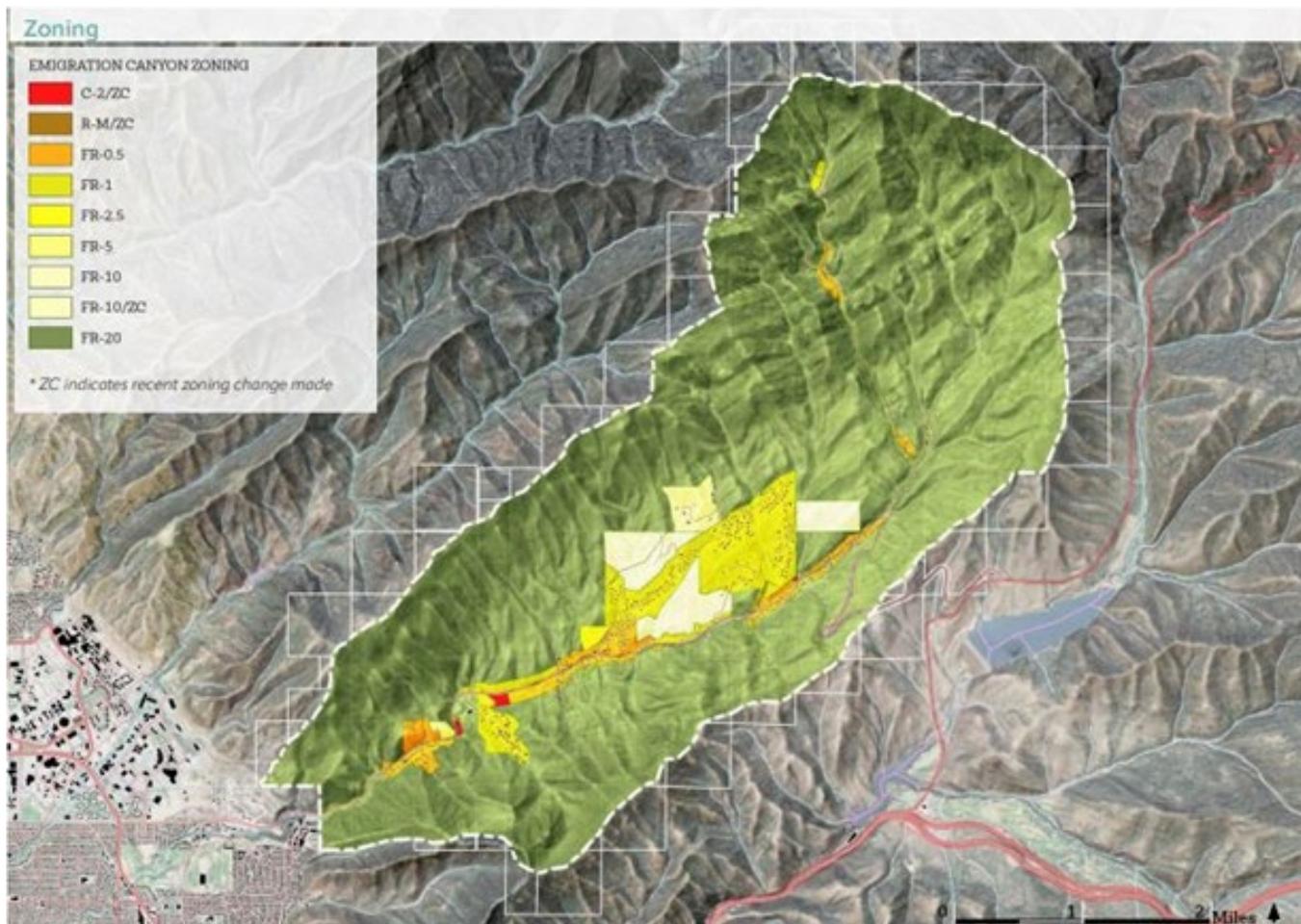


Figure 1 Emigration Canyon Zoning Map, 2022

Update Zones with Uses Compatible with the General Plan

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All the zones recommended to be included in the comprehensive code update for Emigration Canyon have been updated to include only uses that are compatible with the general plan uses that are subject to requirements in state code.

Site Development Requirements

- Site development requirements like construction, grading, application process etc. will be updated in the next phase of the comprehensive code update.
- Parking and landscaping standards will be updated in the next phase of the comprehensive code update.
- Conditional use application process will be updated in the next phase of the comprehensive code update.
- Specific use standards will be updated in the next phase of the comprehensive code update.

PLANNING STAFF RECOMMENDATION

The MSD Planning Staff recommends that the Emigration Canyon Metro Township Planning Commission and Township Council review and provide feedback on proposed Amendments to the Land Use Code

