



Planning & Development Services Division

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## Emigration Township Planning Commission

Public Meeting Agenda

**Thursday, April 17, 2014 8:30 A.M.**

**THE MEETING WILL BE HELD AT SALT LAKE COUNTY GOVERNMENT CENTER  
2001 SOUTH STATE STREET, NORTH BUILDING, MAIN FLOOR, COUNCIL CHAMBERS,  
ROOM N1100**

**ANY QUESTIONS, CALL (385) 468-6700**

*REASONABLE ACCOMMODATIONS FOR QUALIFIED INDIVIDUALS MAY BE PROVIDED  
UPON RECEIPT OF A REQUEST WITH 5 WORKING DAYS NOTICE. PLEASE CONTACT  
WENDY GURR AT 385-468-6707. TTY USERS SHOULD CALL 711.*

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 MEETING**

- 1) Approval of Minutes from the October 17, 2013 meeting.
- 2) Township Services Introduction, Patrick Leary
- 3) Mountain Accord Introductory Presentation
- 4) Collection of Completed Documents
- 5) Election of Chair and Vice Chair for 2014
- 6) Other Business Items (as needed)

### **PUBLIC HEARINGS**

#### **FCOZ Slope Waiver**

**28821** – Robert Pinon is requesting approval of an FCOZ Slope Waiver to allow construction to encroach into slopes over 30%. This request is being made in order to build a single family home on the subject property. **Location:** 309 S. Maryfield Drive (Lot 308 - Emigration Place PUD) **Zone:** FR-1 (Forestry & Recreation). **Community Council:** Emigration Canyon. **Planner:** David J. Gellner, AICP

### **ADJOURN**





## MEETING MINUTE SUMMARY

### Emigration Planning Commission Meeting

Thursday, October 17, 2013 8:30 a.m.

**Approximate meeting length:** 45 minutes  
**Number of public in attendance:** 2  
**Summary Prepared by:** Wendy Gurr  
**Meeting Conducted by:** Commissioner Smolka (Chair)

**\*NOTE:** Staff Reports referenced in this document can be found on the State and County websites, or from Salt Lake County Planning & Development Services.

### ATTENDANCE

**Commissioners and Staff:**

Commissioners	Public Mtg	Business Mtg	Absent	Planning Staff / DA	Public Mtg	Business Mtg
Fred Smolka – Chair	x	x		David Gellner	absent	x
David Bennion – Vice Chair	x	x		Wendy Gurr	x	x
David Brems			x	Curtis Woodward	x	x
Jack Christensen	x	x		Zach Shaw (DA)	x	x
Andrew McNeil	x	x				
John Morris			x			
Brent Tippetts	x	x				

### BUSINESS MEETING

**Meeting began at – 8:34 a.m.**

- 1) Approval of Minutes from the September 12, 2013 meeting

**Motion:** to approve meeting minutes from the September 12, 2013, with the correction to Commissioner Tippetts last name.

**Motion by:** Commissioner Bennion

**2<sup>nd</sup> by:** Commissioner Tippetts

**Vote:** unanimous in favor (of commissioners present)

*Commissioner McNeil arrived at 8:39 AM.*

- 2) Progress update on the “old Santa Fe Restaurant” property located at 4170 E. Emigration Canyon Road and discussion of newly proposed uses in the existing building.

**Speaker:** Applicant Representative

**Name:** Brent Mahafy

**Address:** 8489 South Sunvalley Dr. Sandy, Utah

**Comments:** They plan to add a small 24 seat full service café on one end, equivalent to a Starbucks, juice and pizza. The other side would add a small market, like a country store. Elevators being put in, bridges over the creek area. Alter the small use of the building, leased to 3<sup>rd</sup> party tenants, as small offices on the second level of 2400 sq. feet, with a maximum occupancy of 24. Hours of operation considered 7am to 10pm. Would add a loading dock for outside seating. Market will be competitive with other stores.

Staff provided additional information.

Commissioners discussed use intent questions with Applicant.

Commissioners and Staff had a brief discussion. This will be left up to the staff to work out the details.

3) Other Business Items (as needed)

### PUBLIC HEARINGS

Hearings began at – 9:01 a.m.

#### Ordinance Amendment

**28640** – Salt Lake County is considering amendments to Salt Lake County Ordinances 19.04.235, 19.14.020, and 19.14.030 to limit the scope of “animals and fowl for family food production” and to make that land use a conditional use rather than a permitted use in the R-1-21 and R-1-43 zones in order to allow planning commission review and approval with the imposition of conditions of approval as necessary to mitigate the impacts of the introduction of farm animals into residential areas. **Community Council: All. Planner: Curtis Woodward**

Commissioners, Staff and Council had a brief discussion.

#### **PUBLIC PORTION OF MEETING OPENED**

No one from the Public was present to speak.

#### **PUBLIC PORTION OF MEETING CLOSED**

**Motion:** to recommend approval of application #28640 to County Council as presented.

**Motion by:** Commissioner Bennion

**2<sup>nd</sup> by:** Commissioner Tippets

**Vote:** unanimous in favor (of commissioners present)

#### MEETING ADJOURNED

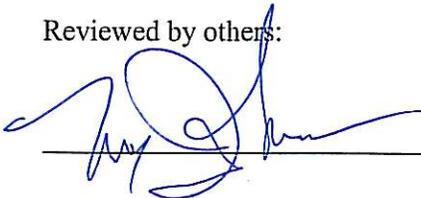
Time Adjourned – 9:19 a.m.

Minutes reviewed by:

  
\_\_\_\_\_

3/19/2014

Reviewed by others:

  
\_\_\_\_\_

3-21-14



**STAFF REPORT**

Executive Summary									
<b>Hearing Body:</b>	Emigration Canyon Township Planning Commission								
<b>Meeting Date and Time:</b>	Thursday, April 17, 2014	08:30 AM	<b>File No:</b>	2	8	8	2	1	
<b>Applicant Name:</b>	Robert Pinon	<b>Request:</b>	FCOZ Waiver						
<b>Description:</b>	Slope Waiver on a Lot of Record								
<b>Location:</b>	309 S. Maryfield Drive								
<b>Zone:</b>	FR-1 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**

Robert Pinon is requesting approval of an FCOZ Slope Waiver to allow construction activities to encroach into slopes over 30%. This request is being made in order to build a single family home on the subject property identified as Lot 308, Emigration Place PUD. The property is considered a Lot of Record as defined by the Salt Lake County Zoning Ordinance.

**1.2 Planning Commission Action**

As a Lot of Record, the applicant is eligible to request, and the Planning Commission has authority to approve a waiver from the standard FCOZ regulation prohibiting disturbance of slopes greater than 30%. This application is on the Emigration Township Planning Commission Agenda for a final Decision.

**1.3 Neighborhood Response**

Notice of this request was mailed out to property owners within 300 feet of the subject property. As of the date of this report, no comments about this application have been received by staff.

**1.4 Community Council Response**

At this time, there is no formal recommendation from the Community Council. A proposal for evaluation by the ECCC has been forwarded to them for a recommendation at their meeting of April 8, 2014.

**2.0 ANALYSIS**

**2.1 Applicable Ordinances**

The Foothills and Canyons Overlay Zone Ordinance 19.72.060.B.1a, authorizes the Planning Commission to grant waivers from the slope protection standards as follows:

*a. Subject to the conditions set forth in subsection (B)(1)(b) of this section, the planning commission may*

waive or modify the following standards as applied to development on lots of record and in subdivisions that were approved prior to the effective date of the ordinance codified in this chapter:

*i. Slope protection standards regarding prohibition of development on slopes greater than thirty percent or in ridge line protection areas, as set forth in Section 19.72.030B; ...*

*b. The planning commission may waive or modify the aforementioned standards only upon satisfaction of the following criteria:*

*i. Strict compliance with the slope protection standards in Section 19.72.030B or in Section 19.72.030(D)(3)--(4) would render the site completely undevelopable; or*

*ii. Strict compliance with the slope protection standards in Section 19.72.030B or in Section 19.72.030(D)(3)--(4) would result in a substantial economic hardship (as defined in Section 19.72.070) not created by the applicant or otherwise self-imposed; and*

*iii. The development conforms with all other development, site design, and environmental standards set forth in this chapter, in Chapter 19.73, "Foothills and Canyons Site Development and Design Standards," and in all other applicable ordinances and codes.*

19.72.060.B.1.d. authorizes the Planning Commission to apply conditions that are reasonable and appropriate as follows:

*d. In granting a waiver from or modification of the slope and ridge line protection standards set forth in Section 19.72.030B of this chapter, the planning commission may impose such conditions as are reasonable and appropriate to not only mitigate the impacts of the proposed development on adjacent properties and area characteristics, but to also enhance their compatibility with the surrounding environment. Such conditions may include, for example, but are not limited to, a reduction in the maximum building height otherwise permitted by the underlying zone (e.g., a reduction to twenty feet from the thirty-foot maximum building height permitted in the F.R. zone); mandatory (rather than advisory) incorporation of specific building scale and design, building materials and colors, landscaping and vegetation, and other site development and design standards of Chapter 19.73 of this title that are otherwise advisory, etc.*

### **STAFF ANALYSIS**

The application for this home has been proceeding through the County's FCOZ permitted use review process under Planning File #28724. The bulk of the proposed single-family dwelling will be located on slopes of less than 25%. The rear portion of the home will be located on slopes of 25-30%. The location of the actual home is allowed by the County Zoning Ordinance as a Permitted Use through a staff-level approval process outside of the Planning Commission. As part of the review process, a site specific geotechnical analysis and septic design is required to be reviewed by the Salt Lake County Health Department. In conducting that analysis, the geotechnical engineer did not find soils sufficient to support the home's sanitary waste system on slopes under 30%, but an area on the site was identified that would support an adequately sized waste system for the proposed 4-bedroom house. The slopes in this area are between 30 and 35%. Encroachment into slopes between 30 and 40% to build the sanitary waste system in this area does require action and approval by the Planning Commission through the FCOZ waiver process before the County can issue final approval for the dwelling.

Recent changes to Health Department rules allow for septic systems to be located on slopes in this range, provided they don't "daylight" into the slope. This is a change from previous rules which strictly limited septic systems to slopes of 25% or less. The Health Department has reviewed the proposed septic design and issued an approval for the required and appropriately-sized waste system as proposed.

While denial of the Slope Waiver as proposed on this site would not necessarily make the site completely

undevelopable per se, it would render development of the site more difficult, may push the home into a different location on the lot and result in a substantially smaller home, create difficulty for siting a sufficiently sized sanitary waste system elsewhere on the lot for the proposed home, and, may render the home less aesthetically congruent with the character of homes in the existing neighborhood.

The development must conform with all other development, site design, and environmental standards set forth in Chapter 19.72 and Chapter 19.73 - Foothills and Canyons Site Development and Design Standards. Chapter 19.73 includes the following:

**19.73.010 Purpose and intent.**

*A. The general purpose of these standards is to promote development that will balance the rights of the landowner with protection of the county's sensitive lands, especially its irreplaceable foothill and canyon environments. Many of these standards are broad in nature to allow flexibility in design so development can be evaluated on a site by site basis, while insuring that development will be compatible with the natural landscape, and consistent with the public welfare.*

*B. The development standards contained herein are intended specifically to accomplish the following purposes:*

*1. Preserve and enhance the beauty of the landscape by encouraging the maximum retention of natural topographic features, such as drainage swales, streams, slopes, ridge lines, rock outcroppings, vistas, natural plant formations, trees, and similar features;*

*2. Encouraging planning, design, and development of building sites in a manner that provides the maximum in safety and enjoyment while adapting development to, and taking advantage of, the best use of natural terrain;*

Staff believes that the proposed design meets the purposes, standards and intent of both Chapter 19.72 and Chapter 19.73 including, but not limited to, situating the proposed building in a way that minimizes the overall land disturbance, balancing the rights of the landowner with protection of the county's sensitive lands, consistency with protecting the public welfare and in keeping with the overall purposes and intent of the Foothills and Canyons Overlay Zone (FCOZ) chapter.

**3.0 STAFF RECOMMENDATION**

**3.1 Staff recommends APPROVAL of the proposed FCOZ Waiver with the following conditions:**

- 1 )Construction of the single-family dwelling is subject to obtaining final approval of the in-process FCOZ Permitted Use application (File # 28724) by Planning Staff.
- 2 )Slope encroachment per the Slope Waiver is strictly limited to the disturbance of slopes of 35% or under in order to accomodate the sanitary waste system.
- 3 ) The Limits of Disturbance (LOD) cannot encroach into slopes over 35% nor can the surface of that area be disturbed.

**Additional Staff Notes:** Additional measures to prevent encroachment into steeper slopes may be required at the time of Building Permit.

**3.2 Reasons for Recommendation**

- 1 ) The waiver request complies with the outlined criteria for granting such a waiver.
- 2 ) There is no practical alternative location to build the required septic system on this lot given the existing topography that would not impact the proposed dwelling.
- 3 ) Granting the waiver is in keeping with the purposes and intent of FCOZ to fairly balance the rights of the landowner with protection of the county's sensitive lands.ocess.

## 4.0 PROJECT PHOTOS



Image 1 : 309 S. Maryfield Drive - Lot 308, Emigration Place PUD



Image 2 : 309 S. Maryfield Drive - Lot 308, Emigration Place PUD



Image 3 : 309 S. Maryfield Drive - Lot 308, Emigration Place PUD



Image 4 : 309 S. Maryfield Drive - Lot 308, Emigration Place PUD





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Salt Lake Valley Health Department  
Underground Wastewater Disposal System Construction Permit

Name: Robert Pinon  
Project Address: 309 Maryfield Road  
Expiration Date: March 10, 2015  
Number of Bedrooms: 4

Installer may not change system design without  
prior approval from the  
Salt Lake Valley Health Department

  
Authorized Signature