

EMIGRATION CANYON

Planning and Development Services 2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050 Phone: (385) 468-6700 • Fax: (385) 468-6674 https://msd.utah.gov/msd-home/pds/

# **Emigration Canyon Planning Commission**

Public Meeting Agenda

# Thursday, June 15, 2023 8:30 A.M.

## Location

Join meeting in WebEx Meeting number (access code): 961 841 420 https://slco.webex.com/meet/wgurr Join meeting in WebEx (download available at https://www.webex.com/downloads.html for Windows, Android, and Apple devices) Tap to join from a mobile device (attendees only) +1-213-306-3065, 961841420## United States Toll (Los Angeles) +1-602-666-0783,,961841420## United States Toll (Phoenix) Join by phone +1-213-306-3065 United States Toll (Los Angeles) +1-602-666-0783 United States Toll (Phoenix) Access code: 961 841 420 Global call-in numbers Join from a video conferencing system or application Dial wgurr@slco.webex.com You can also dial 173.243.2.68 and enter your meeting number. Need help? Go to http://help.webex.com

Anchor Location Emigration Canyon Fire Station 5025 Emigration Canyon Road

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

The Planning Commission Public Meeting is a public forum where, depending on the agenda item, the Planning Commission may receive comment and recommendations from applicants, the public, applicable agencies and MSD 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, which may include: approval, approval with conditions, denial, continuance, or recommendation to other bodies as applicable.

## **BUSINESS MEETING**

- 1) Approval of the January 26, February 16, and May 11, 2023 Planning Commission Meeting Minutes. (Motion/Voting)
- 2) Other Business Items. (As needed)

## LAND USE APPLICATION(S)

**CUP2023-000837** – Gregory Palis is requesting a Waiver of Slope Protection for a lot of record located in the Little Mountain Subdivision #2. The proposed development is for a garage on

Slopes between 30% and 40%. **Total Acreage:** .5 acres. **Location:** 6771 East Emigration Canyon Road. **Zone:** FR-0.5. **Planner:** Morgan Julian (Motion/Voting)

## **ADJOURN**

## **Rules of Conduct for Planning Commission Meetings**

#### **PROCEDURE FOR PUBLIC COMMENT**

- 1. Any person or entity may appear in person or be represented by an authorized agent at any meeting of the Commission.
- 2. Unless altered by the Chair, the order of the procedure on an application shall be:
  - a. The supporting agency staff will introduce the application, including staff's recommendations and a summary of pertinent written comments and reports concerning the application.
  - b. The applicant will be allowed up to 15 minutes to make their presentation.
  - c. The Community Council representative can present their comments as applicable.
  - d. Where applicable, persons in favor of, or not opposed to, the application will be invited to speak.
  - e. Where applicable, persons opposing the application, in whole or in part will be invited to speak.
  - f. Where applicable, the applicant will be allowed 5 minutes to provide concluding statements.
  - g. Surrebuttals may be allowed at the discretion of the Chair.

#### CONDUCT FOR APPLICANTS AND THE PUBLIC

- 1. Speakers will be called to the podium by the Chair.
- 2. Each speaker, before talking, shall give his or her name and address.
- 3. All comments should be directed to the Commissioners, not to the staff or to members of the audience.
- 4. For items where there are several people wishing to speak, the Chair may impose a time limit, usually 3 minutes per person, or 5 minutes for a group spokesperson. If a time limit is imposed on any member or spokesperson of the public, then the same time limit is imposed on other members or spokespersons of the public, respectively.
- 5. Unless otherwise allowed by the Chair, no questions shall be asked by the speaker or Commission Members.
- 6. Only one speaker is permitted before the Commission at a time.
- 7. The discussion must be confined to essential points stated in the application bearing on the desirability or undesirability of the application.
- 8. The Chair may cease any presentation or information that has already been presented and acknowledge that it has been noted in the public record.
- 9. No personal attacks shall be indulged in by either side, and such action shall be sufficient cause for stopping the speaker from proceeding.
- 10. No applause or public outbursts shall be permitted.
- 11. The Chair or supporting agency staff may request police support to remove offending individuals who refuse to abide by these rules.
- 12. After the public comment portion of a meeting or hearing has concluded, the discussion will be limited to the Planning Commission and Staff.

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## MEETING MINUTE SUMMARY EMIGRATION PLANNING COMMISSION MEETING Thursday, January 26, 2023 12:00 p.m.

Approximate meeting length: 2 hours 10 minutes
Number of public in attendance: 0
Summary Prepared by: Wendy Gurr
Meeting Conducted by: Commissioner Wallace

<u>\*NOTE:</u> Staff Reports referenced in this document can be found on the State website, or from Planning & Development Services.

## ATTENDANCE

### **Commissioners and Staff:**

Commissioners	Public Mtg	Business Mtg	Absent
Andrew Wallace (Chair)		x	
Alex Pacanowsky			x
Jim Karkut		х	
Dale Berreth		x	
Tim Harpst (Vice Chair)		x	
Jodi Geroux		х	

Planning Staff / DA	Public Mtg	Business Mtg
Wendy Gurr		х
Jim Nakamura		х
Curtis Woodward		x
Matt Starley		х
Kayla Mauldin		
Brian Tucker		
Adam Long		

## **BUSINESS MEETING**

## Meeting began at - 12:04 p.m.

1) Commissioners and Planning staff will review and discuss comments and suggestions made toward Dark Sky Ordinance Language and Graphics. **Planner:** Matt Starley.

Mr. Starley introduced the Salt Lake City rezone. Commissioners and staff had a brief discussion regarding sending a letter directly from the planning commission, change 595 homes to 661 homes. Add in Mr. Nakamura drawings to setback and slope. Commissioner Wallace and Commissioner Geroux will get together to finalize the letter.

*Mr.* Starley provided phases reviewed August forward, discussed upcoming code update and adoption, changes made and difficulty identifying the changes.

*Mr.* Starley expressed thanks to updates, changes added as a comment. Three different copies of the document with changes from different individuals.

Commissioners and staff had a brief discussion regarding non-conforming uses and five years to

comply, motion activated disturbances, multi-family homes allowing more foot candles than singlefamily homes including duplexes, temporary exterior lighting, prohibited lighting and timeframe of 30 to 45 days for holiday and seasonal lighting, 10 pm curfew and 10 percent shielded lighting, stationary and no moving lights in addition to or consistent with the sign code, unshielded lighting and trespassing, illumination turned off within one hour after and businesses close, light source, fully shielded fixtures, spill and affect, deflection, light source visibility outside the property boundary and diffuser, fully shielded light accessories, and confirmed measuring lumens.

2) Other Business Items. (As needed)

Confirmed the next meeting dates.

## MEETING ADJOURNED

Time Adjourned – 2:14 p.m.



EMIGRATION CANYON

Municipal Service District Planning and Development Services 2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050 Phone: (385) 468-6700 • Fax: (385) 468-6674 msd.utah.gov

PER2023-000837

# Waiver of Slope Protection for Lot of Record

Public Body: Emigration Canyon Metro Township Planning Commission Meeting Date: 6/15/2023 Parcel ID: 10273510260000 Current Zone: FR-0.5 Property Address: 6771 EMIGRATION CANYON RD Request: Waiver of Slope Protection for a lot of record Applicant Name: Gregory Palis

MSD Planner: Morgan Julian MSD Planning Staff Recommendation: Approval

### SITE & ZONE DESCRIPTION

The property in question is located just southwest of Pinecrest Canyon in Little Mountain Subdivision 2. The property comprises of both lot 69 and 70 of this subdivision. This subdivision was legally established in 1910, before the Foothills and Canyons Overlay Zone Ordinance was created.

### **PROJECT & BACKGROUND DESCRIPTION**

Gregory Palis would like to develop a two-story detached garage on his property (please see Exhibit A). The second story will be used for storage (please see Exhibit B). His current property has a previously graded area that was developed at the time the home was built in 1975 (please see Exhibit C). At the east end of his property, directly above the existing home, is also a previously graded area where the septic tank and septic field are located. Excluding where the existing home sits, the rest of the property consists of grades with over 30% slope and has a high concentration of vegetation.

#### **ISSUES OF CONCERN**

The MSD Planning Staff has not found any significant concerns associated with this proposal.

#### **STANDARDS AND FINDINGS**

#### Standard: 19.72.060 D.

- 1. The Planning Commission may only waive or modify the following slope protection standards as applied to development on lots of record and in subdivisions that were approved prior to the effective date of this Chapter:
  - a. Slope protection standards prohibiting development activities on slopes greater than thirty percent (30%) as set forth above in 19.72.060.A or in ridge line protection areas, as set forth above in 19.72.060.B(2).
  - b. Limitations on the crossing of slopes greater than thirty percent (30%) by any street, road, private access road or other vehicular route, as set forth in Subsection 19.72.080.
- 2. The Planning Commission may only waive or modify these standards upon satisfaction of the following criteria:
  - a. Strict compliance with the above slope protection standards
    - i. renders the site undevelopable;
    - ii. results in substantial economic hardship not created by the applicant or otherwise self-imposed; or
    - iii. results in a building location that requires excessive grading, vegetation removal, or driveway distances in conflict with the purposes of this Chapter and,
  - b. The development (and related development activities) substantially conforms to all other development, site design, and environmental standards of this Chapter and in all other applicable ordinances and codes.
- 3. In granting a waiver or modification from the slope and ridge line protection standards on lots of record, the Planning Commission may impose reasonable conditions to mitigate the impacts, if any, that the Planning Commission determines the proposed development has on adjacent properties and the surrounding environment.
- 4. Notwithstanding its discretion to grant waivers or modifications for lots of record from the slope protection standards set forth in this Chapter, in no case shall the Planning Commission permit development other than roads on slopes greater than forty percent (40%).

#### Findings:

MSD staff has determined that this proposed development will not be in a ridgeline protection area. Furthermore, the staff has found that this development complies with criteria 2.a.(iii) and 2.b. The proposed development is found to be in the most ideal spot on the property to maintain as much slope protection and vegetation as possible. The proposed development cannot be located to the east where slopes are less than 30% as that area is the location of the septic and leach field. The proposed location is in a previously disturbed area that will result in the least amount of new disturbance. Staff has analyzed the proposed site plan and found that the original grade was over 30%, but not over 40%. The development plan has been reviewed for compliance with all other sections of the Foothills and Canyons Overlay Zone (please see Exhibit D).

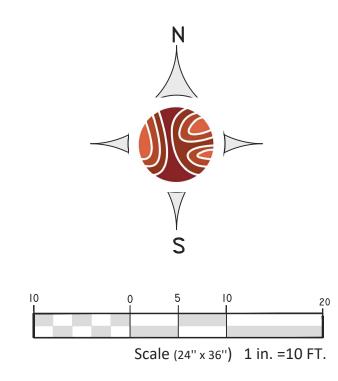
#### PLANNING STAFF RECOMMENDATION

Based on the findings stated above, the MSD Planning Staff recommends that Emigration Metro Township grant approval for a Waiver of Slope Protection for a lot of record.

ATTACHMENTS:

- 1. Exhibit A (Site Plan)
- 2. Exhibit B (Floor Plan)
- 3. Exhibit C (Slope Analysis)
- 4. Exhibit D (Projected Original Grade)

# 6771 EMIGRATION CANYON ROAD PHASE 6 P.U.D LOCATED WITHIN SALT LAKE COUNTY



# LEGEND



DEFENSIBLE SPACE REQUIRED

# FIRE DEPARTMENT ACCESS NOTES:

1. Restricted Access: Where emergency vehicle access is restricted because of secured access roads or driveways or where immediate access is necessary for life-saving or fire-fighting purposes, the code official is authorized to require a key box to be installed in an accessible location. The key box shall be of a type approved by the code official and shall contain keys to gain necessary access as required by the code official.

2. Building and Facilities: Fire apparatus access roads must be provided such that no portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150-feet from fire apparatus access as measured by an approved route around the exterior of the building or facility.

3. Specifications: Fire Department Access must be of an all-weather surface, a minimum clear width of 20-feet and a minimum vertical clear height of 13-feet 6-inches (13'-6").

4. Surface: Fire apparatus access roads must be designed and maintained to support the imposed loads of 75,000 lbs for fire apparatus.

5. Turning Radius: The turning radius of 28-feet must be provided for the fire apparatus access road. 6. Dead Ends: Dead-end fire apparatus access roads in excess of 150-feet in

length must be provided with approved provisions for the turning around of fire apparatus.

7. Bridges and Elevated Surfaces: When a bridge or an elevated surface is part of a fire apparatus access road, it must be constructed and maintained in accordance with AASHTO Standard Specification for Highway Bridges and must be designed for a live loading sufficient to carry the imposed loads of fire apparatus.

**8. Grade:** The gradient for a fire apparatus access road must not exceed 10 unless approved by the Fire Code Official. 9. Access Road Identification: Approved signs must be provided and

maintained for fire apparatus access roads to identify the road and prohibit the obstruction there of or both.

# DEFENSIBLE SPACE:

1. Re-plant and maintain the Defensible Space areas as outlined on the Vegetation Plan.

# WATER SUPPLY REQUIREMENTS:

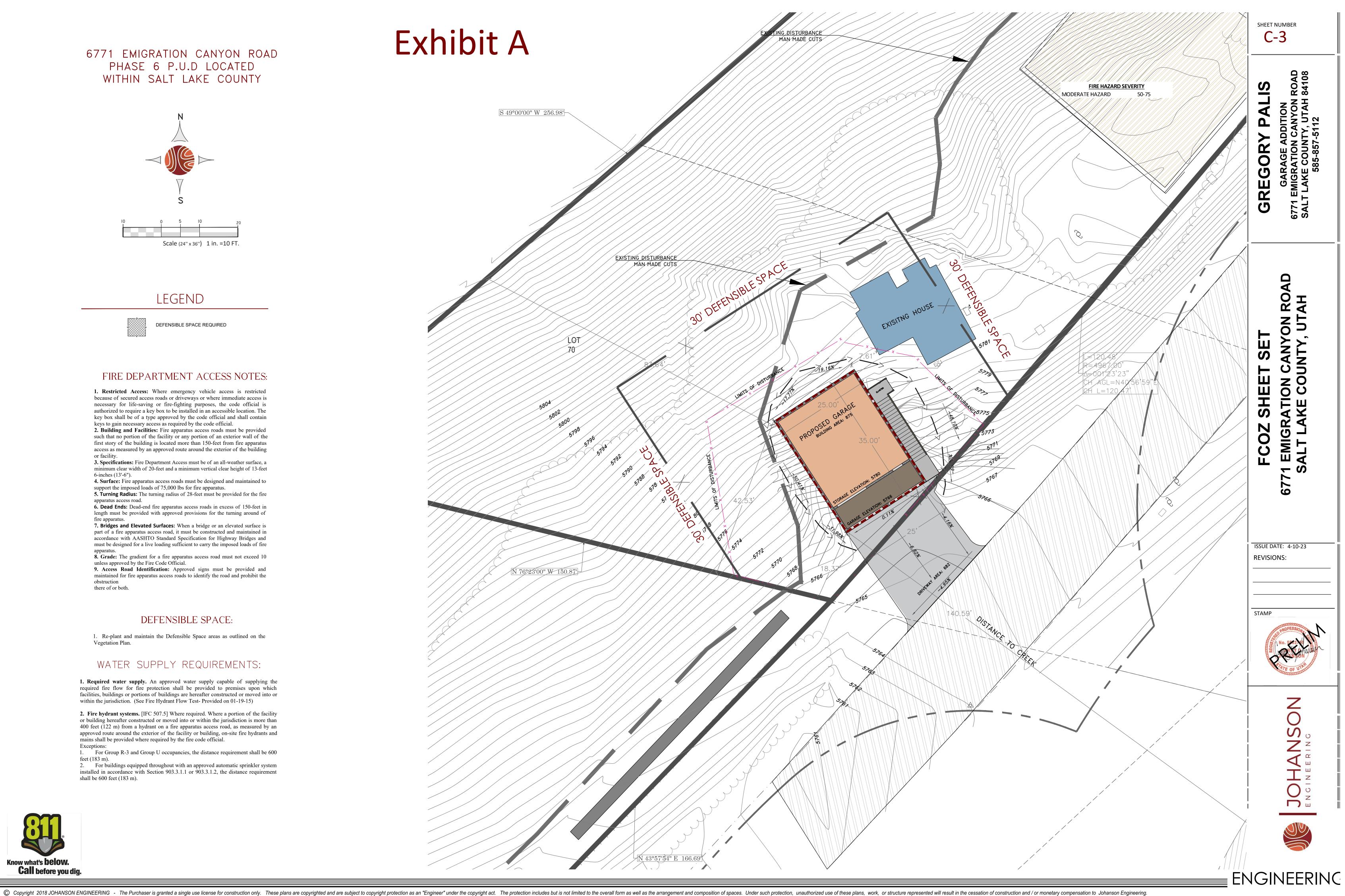
1. Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. (See Fire Hydrant Flow Test- Provided on 01-19-15)

2. Fire hydrant systems. [IFC 507.5] Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. Exceptions:

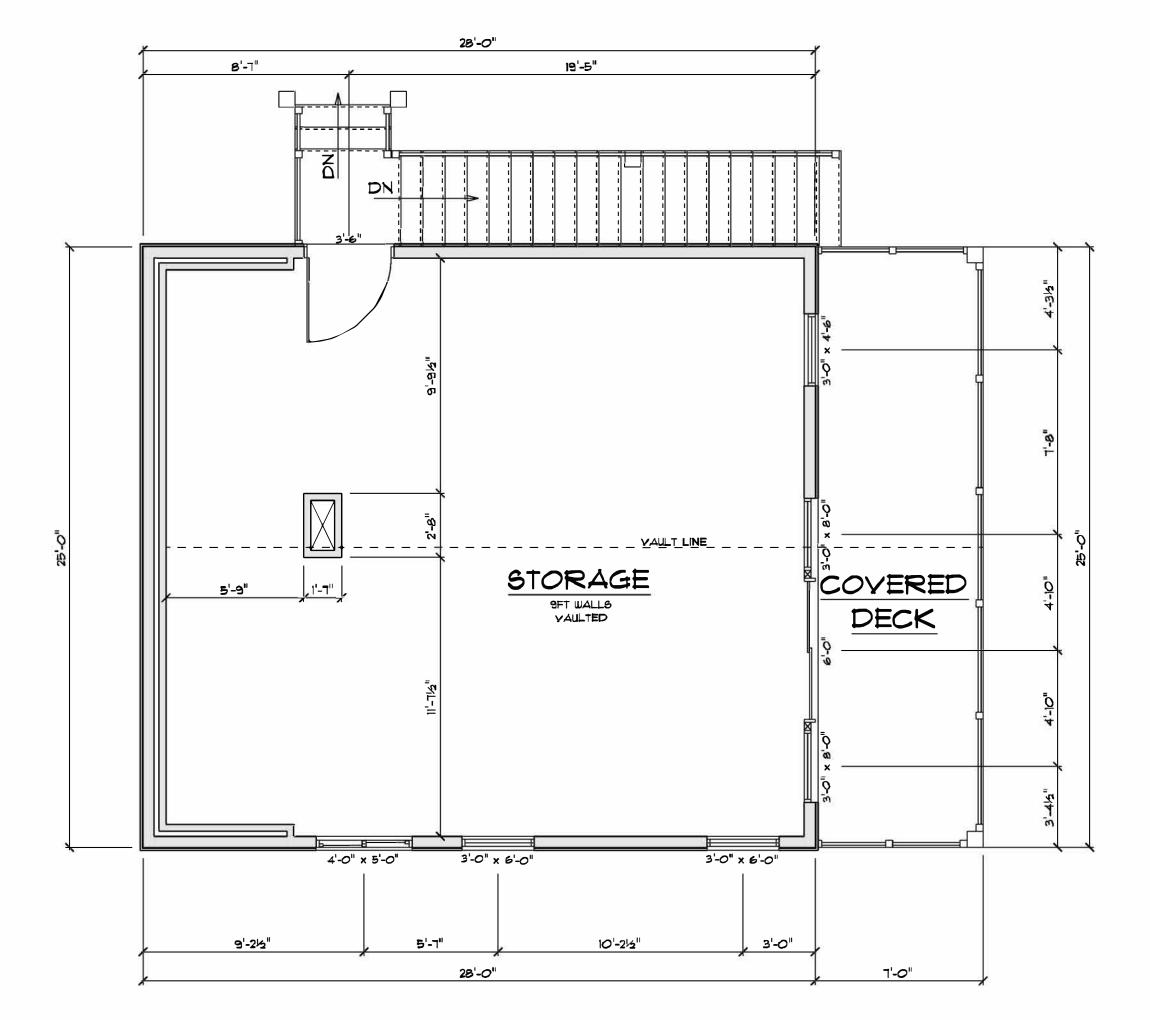
1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183 m).

2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183 m).

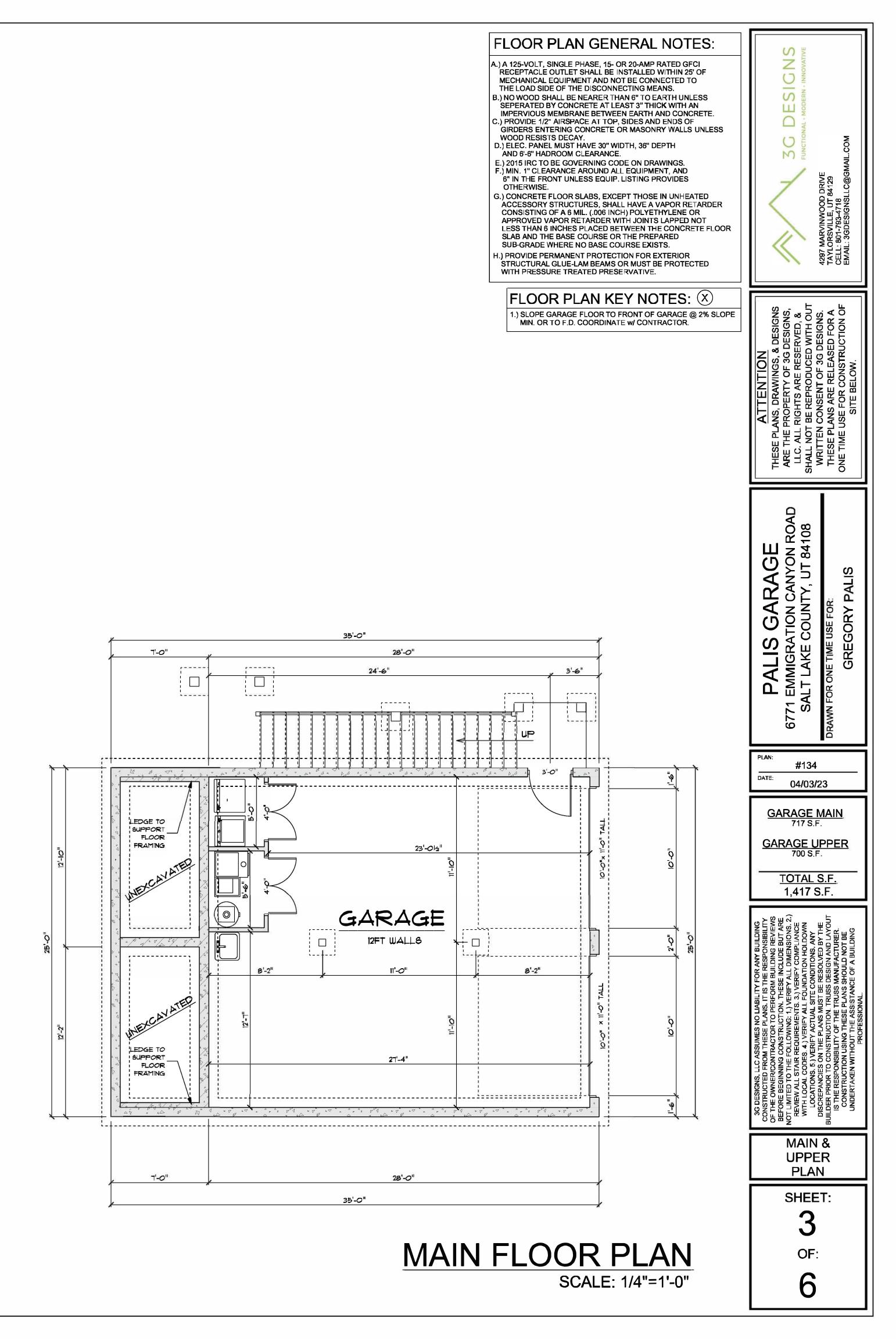




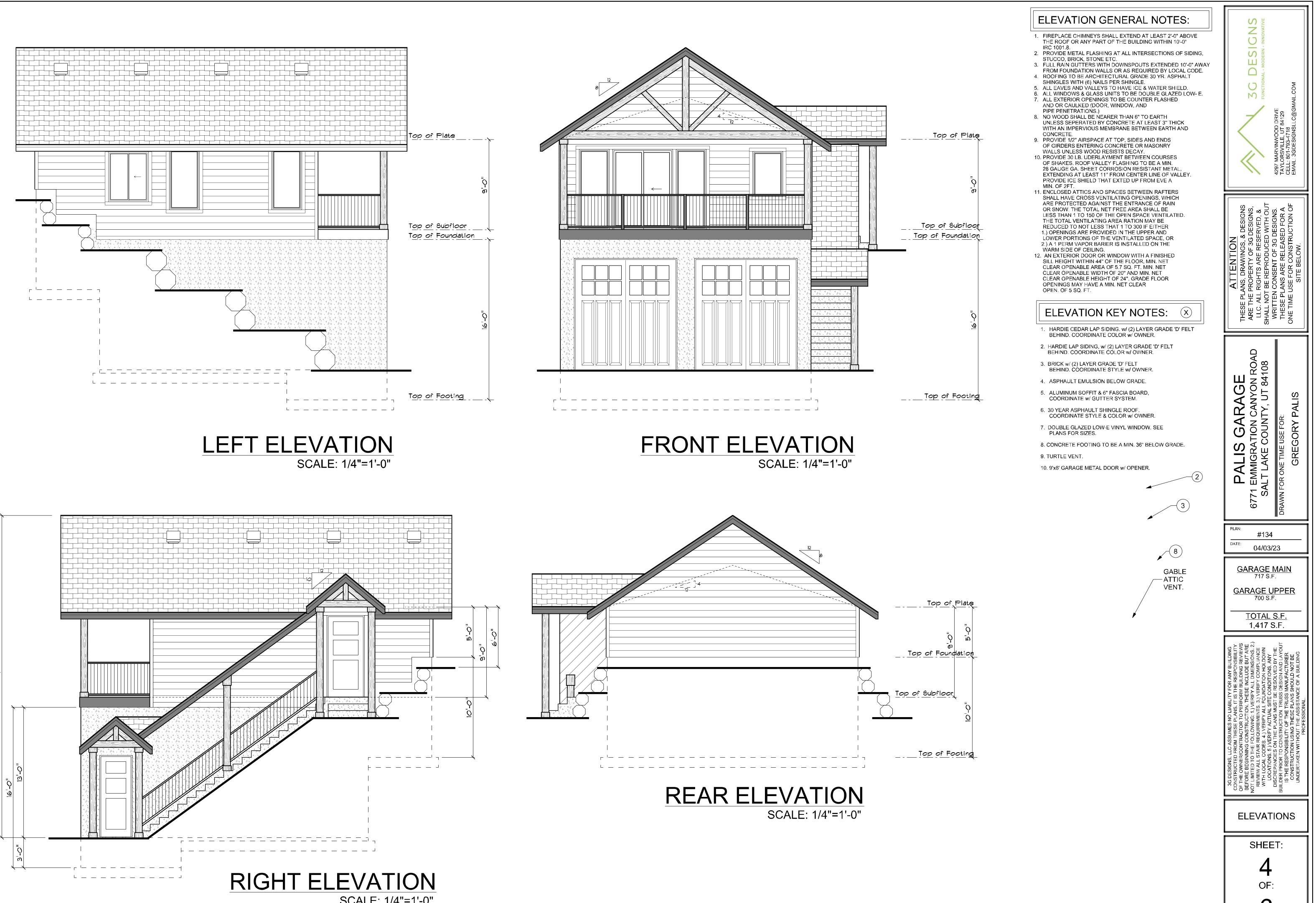
# **UPPER FLOOR PLAN**

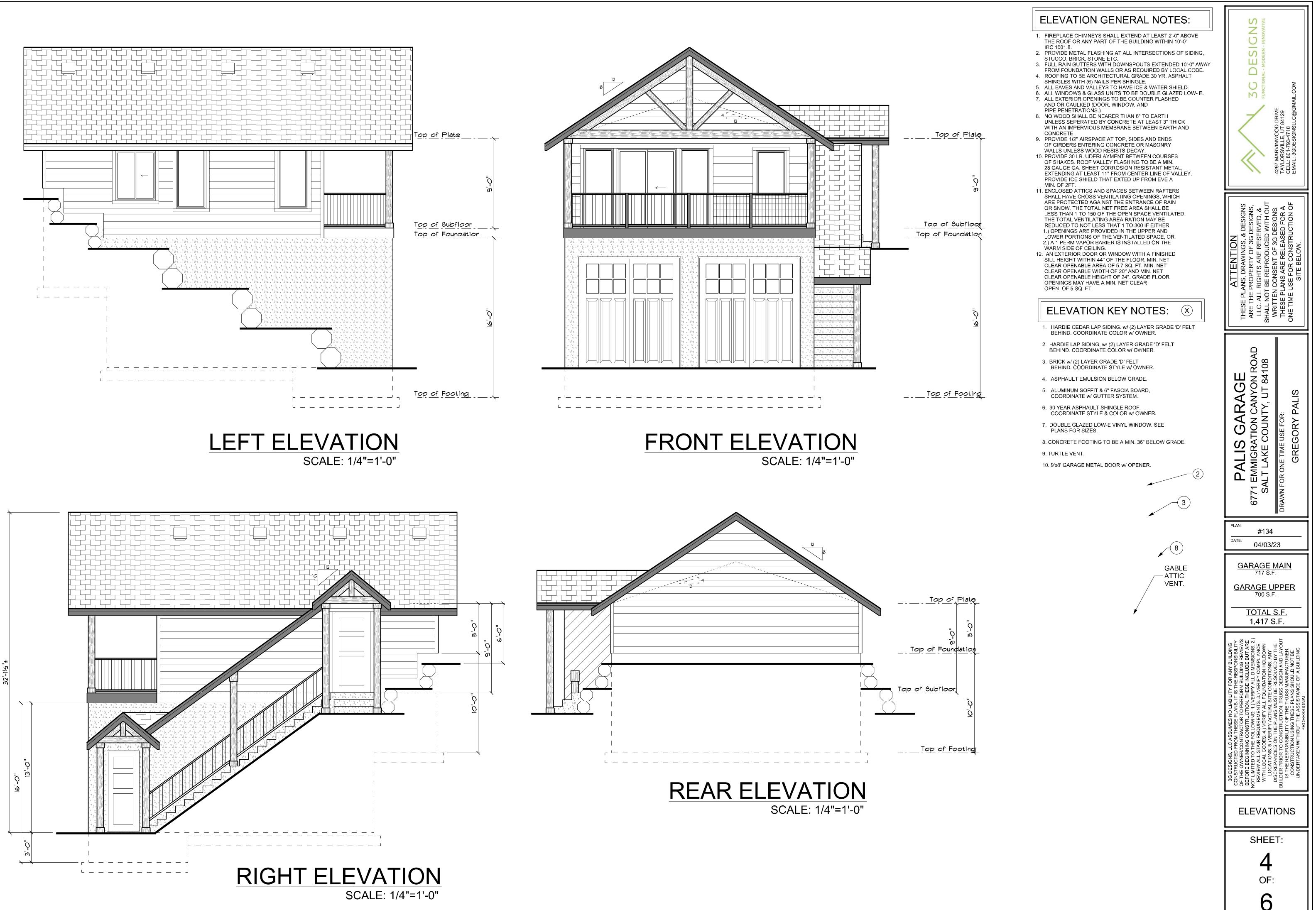


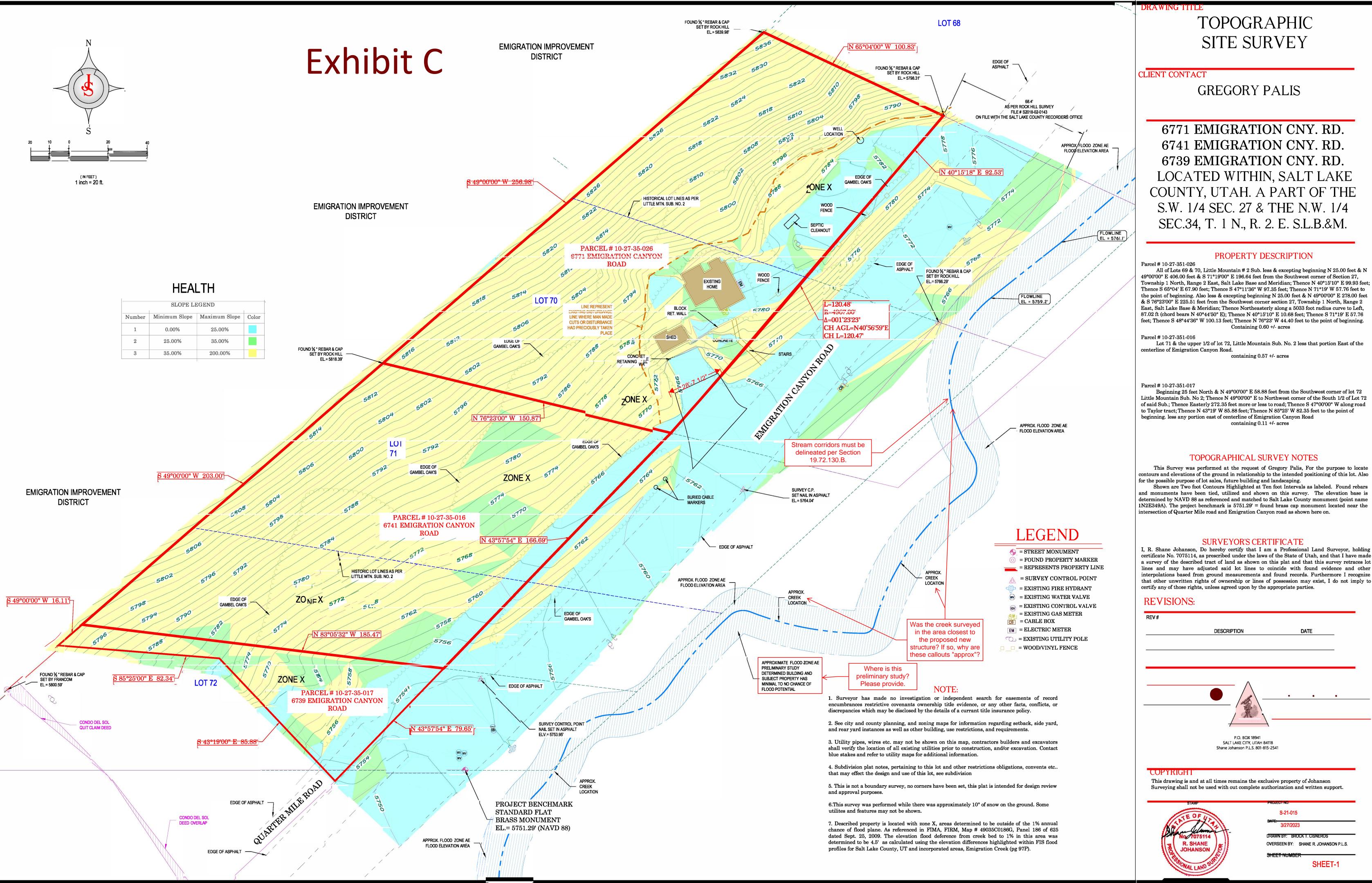
# Exhibit B







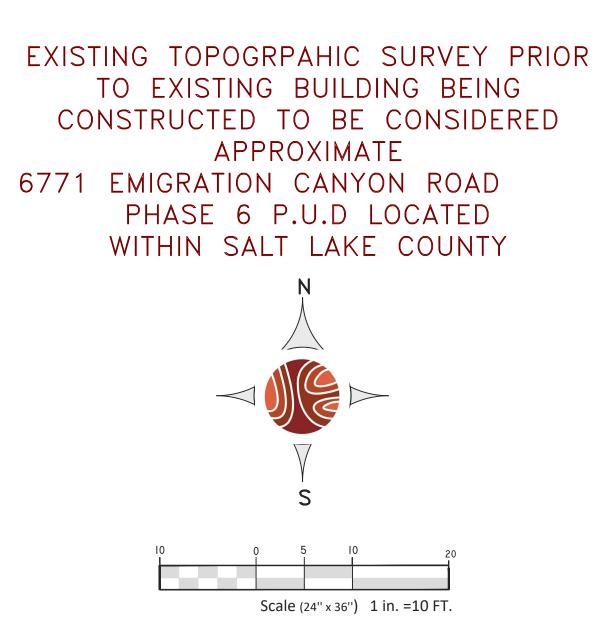




All of Lots 69 & 70, Little Mountain # 2 Sub. less & excepting beginning N 25.00 feet & N Township 1 North, Range 2 East, Salt Lake Base and Meridian; Thence N 40°15'10" E 99.93 feet

This Survey was performed at the request of Gregory Palis, For the purpose to locate contours and elevations of the ground in relationship to the intended positioning of this lot. Also

certificate No. 7075114, as prescribed under the laws of the State of Utah, and that I have made a survey of the described tract of land as shown on this plat and that this survey retraces lot lines and may have adjusted said lot lines to coincide with found evidence and other interpolations based from ground measurements and found records. Furthermore I recognize that other unwritten rights of ownership or lines of possession may exist. I do not imply to



SURFACE SLOPE DATA				
NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	COLOR	
1	1.000%	40.000%		
2	40.000%	62.000%		



# Exhibit D

