

MEETING MINUTE SUMMARY
SALT LAKE COUNTY PLANNING COMMISSION MEETING
Wednesday, August 15, 2018 8:30 a.m.

****Meeting minutes approved on October 10, 2018****

Approximate meeting length: 1 hour 50 minutes

Number of public in attendance: 3

Summary Prepared by: Wendy Gurr

Meeting Conducted by: Commissioner Cohen

***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	Public Mtg	Business Mtg	Absent
Neil Cohen	x	x	
Ronald Vance	x	x	
Mark Elieson	x	x	
Bryan O’Meara			x
Kim Barbushev	x	x	

Planning Staff / DA	Public Mtg	Business Mtg
Wendy Gurr	x	x
Todd Draper	x	x
Max Johnson		
Curtis Woodward		
Zach Shaw (DA)	x	x

BUSINESS MEETING

Meeting began at – 8:35 a.m.

- 1) Approval of Minutes from the May 16, 2018 meeting.

Motion: To approve meeting minutes from the May 16, 2018 meeting with one amendment.

Motion by: Commissioner Vance

2nd by: Commissioner Elieson

Vote: Commissioners voted unanimous in favor (of commissioners present)

- 2) Other Business Items (as needed)
No other business items to discuss.

PUBLIC HEARINGS

Hearings began at – 8:39 a.m.

30417 – Adam Breen is requesting approval of amendments to the site plan and conditions of approval for the Janke Estates Planned Unit Development (PUD). **Location:** 3023 East Janke Flats Lane. **Zone:** R-1-21 (Single Family Residential). **Community Council:** Granite. **Planner:** Todd A. Draper, AICP

Salt Lake County Planning and Development Services Planner Todd Draper provided an analysis of the Staff Report.

Commissioner Cohen said the ordinance at that time is different than now. Mr. Draper said the PUD ordinance was revised. Mr. Draper said we are not here to discuss the acreage and a lot of public clamor regarding the acreage. Commissioner Cohen said the whole area to the west is depression and counted in the common area. Mr. Draper said rather than be individually owned they placed an ownership easement to the HOA over the area for enjoyment.

Commissioner Cohen said anything the development wants to do moving forward has to comply with the amended PUD ordinance. Commissioner Cohen asked about the setback to the garage. Mr. Draper said will go to the smallest setback to 15 feet and storage space. Commissioner Cohen said they want to put a drive way up to five feet of the fence. Mr. Draper said the county minimum is a 15 inch pipe, no irrigation lines came up during the whole subdivision process. Commissioner Cohen asked if they wanted to put a garage down there, would they need to come back to the planning commission. Mr. Draper said with review and approval by staff and didn't impact, an approval could be given.

Commissioner Cohen asked which ones of the nine changes are causing the staff to determine it needs to come before the planning commission. Mr. Draper said he didn't put them in, but the ordinance percentage increase of over 5% of coverage of structures, reduction in character of approved open space, and decrease in building setback. Commissioner Cohen said Commissioner Vance said they are in violation of the setbacks coming in. Mr. Draper said no they're not. Commissioner Vance said the home was not built to the original approval. Mr. Draper confirmed it was. Commissioner Cohen said there's a land use considerations table in the staff report and the standard column based on current PUD ordinance, wants to take a look at front and side yard setbacks.

Commissioner Vance said it appears to be higher because the basement is higher above ground. Mr. Draper confirmed. Commissioner Vance asked if there is an irrigation line underneath that they need to sign an irrigation need to verify it has to comply with state law, can't approve without the irrigation company approval. Mr. Draper said would be concerned if we took that as fact when they don't know that and did something that would negatively impact anyone. Commissioner Cohen said Commissioner Vance notified the staff there is an irrigation line and should be investigated. Commissioner Elieson said there is no grandfather clause into the previous approval. Any changes made would have to go under the new ordinances. Draper said if yes, they want to change they have to come back.

PUBLIC PORTION OF MEETING OPENED

Speaker # 1: Applicant representing home owner

Name: Adam Breen

Address: Not provided

Comments: Mr. Breen said received quite a few letters, majority have been pushing back to the size of the development and further four homeowners have all supported the approval of the PUD changes. Lot 4 was designed to sensitivity to the lot owners to the north to protect privacy, proposed addition is of major concern, could eliminate windows to keep the sensitivity to the northern homeowners. The deck does not encroach open space and stays within the envelope. Irrigation line has been rerouted and runs on the northern property line within three to five, back side of the retention pond. Went in and did development, there are some lines there and more than happy to pull away from and work around it. Must approach homeowners and an easement agreement.

Commissioner Cohen confirmed the home is built and the owner came to Mr. Breen to add a garage and deck and went to the county to come to the planning commission. Mr. Breen said put a ledger board up as the homeowners showed interest and put a halt to everything going on, on the property. Commissioner Cohen asked if he built all the homes there. Mr. Breen confirmed he did. Commissioner Vance said he appreciates the willingness to make things work out. Mr. Breen said he deals with two to eight neighbors and change is hard on the neighborhood and sensitivity to the new owners. Commissioner Cohen said the original condition the home be on a 45-degree angle, so the addition of the garage would be for storage. Mr. Breen said could be for a car, condition was new to him and will match the angle of the current house and won't be inhabitable. He'll determine where the drainage lines are and won't put concrete 7.5 feet on the southside. The back fence is existing.

Commissioner Barbushev motioned to open the public hearing, Commissioner Vance seconded that motion.

Speaker # 2: Granite Community Council Chair

Name: Michael Braun

Address: 3020 East Apple Hollow Cove

Comments: Mr. Braun said to clear the public record, citizens comments. He abstained from the meeting vote. Council met for over an hour and ten minutes, they came to some good conclusions and community council protected the citizens it represents and valid reasons to deny. He will speak as a resident when he's called. Granite is a very detailed organization and reviews ordinances, apply citizens lifestyle to their decisions.

Commissioner Cohen said he lives in granite and is familiar with the council. He knows how passionate they are about issues. Spent over an hour and assume heard from citizens that lived in the neighborhood and there were some citizens. Mr. Braun said Brad Zarbock attended and had detailed offline comments to the builder and planner. Strong citizen belief that they moved R-1-21 and lived there lives for a reason and continually being pushed to a city like environment and believes all comments should be help and are valid. Commissioner Cohen asked if there was discussion of original approval of the building. Mr. Braun said made no effect, as his wife has seen the neighbor three times, his fifteen windows are blinded now. Community Council recommends denial. Commissioner Cohen said a lot of the comments were regarding violation of rear yard setbacks in R-1-21. Mr. Braun said at the time of the hearings related to rezones, the R-1-21 was thirty feet, now everyone has their perceptions of the ordinances and are written as confusing. The house is twenty-six feet from my fence property line, by a laser measuring tool. Mr. Shaw said R-1-21 has a thirty-foot rear yard setback and can be adjusted so there is additional common area elsewhere in other places.

Speaker # 3: Citizen

Name: Linda Whitmore

Address: 2998 East Apple Hollow Cove

Comments: Ms. Whitmore said her husband measured on the setback. Biggest reason to agree with Mr. Braun, is he has a list of things they agree with. The irrigation lines have been there since 1948 and had a lawsuit with Mr. Layton. Had an agreement with Mr. Breen they would put in the lines to service five houses with Bell Canyon Irrigation. Have aerial photos in there and have been grandfathered in and husband put them in with the agreement Mr. Breen would record as an irrigation easement.

Commissioner Vance said the irrigation company will approve this and must be recorded. Commissioner Cohen asked who was suing who. Ms. Whitmore said Mr. Layton was suing them and with the new subdivision would be allowed to move to the end. They must protect their irrigation.

Speaker # 4: Citizen

Name: Michael Braun

Address: 3020 East Apple Hollow Cove

Comments: Mr. Braun said he is a 16-year resident. He provided a handout for the record and addressed his handout.

Speaker # 5: Applicant

Name: Adam Breen

Address: Not provided

Comments: Mr. Breen said as Ms. Whitmore mentioned irrigation, he was never the owner of the property and happy to facilitate representation of how this happens and design with how the additions would sit. He recognizes the sensitivity of the neighbors. He is correct within the area, knowing that as times change there is a large battle, we do realize the big picture of how they laid out the city and homes and won't continue to fight to go that way. This is already approved and built and not asking for more homes or more residents. This is a homeowners alteration and retirement home and wants to make changes to his home to positively increase his quality of life.

Commissioner Vance said all interested parties need to get together and come up with a solution and agreement, certain things need to be in place first.

Commissioner Barbushev motioned to close the public hearing, Commissioner Elieson seconded that motion.

PUBLIC PORTION OF MEETING CLOSED

Commissioners and Council had a brief discussion regarding nine items that cannot be considered minor changes.

Commissioner Barbushev motioned to reopen the public hearing, Commissioner Vance seconded that motion.

PUBLIC PORTION OF MEETING REOPENED

Mr. Braun said worked in clinical investigational drugs and disagrees the statement no change authorized under this section of major changes. Commissioner Cohen said staff can approve minor changes. Mr. Shaw said if any of these things apply, then must come back to the planning commission and planning director cannot make the decision.

Commissioner Elieson motioned to close the public hearing, commissioner Barbushev seconded that motion.

PUBLIC PORTION OF MEETING CLOSED

Mr. Shaw said recommend continuation to investigate issues and there is a legal issue he'd like to look in to. Mr. Shaw said he would like to hear commissions concerns up front.

Commissioners had a brief discussion regarding the original approval with setbacks and condition of the building oriented a certain way and thinks that condition was legitimate and didn't see a need to come back. Would like to look at the original approval minutes. Legal and irrigation issues need to be addressed prior to making a decision.

Motion: To continue application #30417 to the September 12th meeting.

Motion by: Commissioner Barbushev

2nd by: Commissioner Elieson

Vote: Commissioners voted unanimous in favor (of commissioners present)

MEETING ADJOURNED

Time Adjourned – 10:25 a.m.