

DATE: February 16, 2006

TO: Salt Lake City Planning Commission

FROM: Sarah Carroll
Associate Planner

RE: Staff Report for the February 22, 2006 Meeting: Petition No. 400-05-41, Parley's Pointe Annexation by Romney/Carson, a request to annex approximately 405.59 acres of land into the corporate limits of Salt Lake City. The annexation area is located in the vicinity of 2982 East Benchmark Drive (east of approximately 3000 East and from approximately 2100 to 2600 South). If the annexation is approved the master plan and zoning map will need to be amended to include this area and reflect the proposed lots.

CASE NUMBER:
400-05-41: Parley's Pointe Annexation by Romney/Carson. A request for annexation and a review of the related zoning map and master plan amendments

APPLICANTS:
Romney Lumber Company and Dr. Robert and Honora Carson

STATUS OF APPLICANT:
Property Owners of a majority of the property

PROJECT LOCATION:
The annexation area is located in the vicinity of 2982 East Benchmark Drive (east of approximately 3000 East and from approximately 2100 to 2600 South).



PROJECT/PROPERTY SIZE: Approximately 405.59 acres

COUNCIL DISTRICT: 7 - Council Member Søren Simonsen

SURROUNDING ZONING DISTRICTS:

- North** – Open Space (OS)
- South** – I-80 and County Zoning (FR-5)
- East** – United States Forest Service and County Zoning (FR-20)
- West** – Foothills Residential (FR-3)

SURROUNDING LAND USES:

- North** – Open Space
- South** – Unincorporated County – vacant foothills and Freeway
- East** – United States Forest Service – vacant foothills open space
- West** – Single-Family Residential

REQUESTED ACTION:

This is a request to annex approximately 405.59 acres of land into the corporate limits of Salt Lake City. If the land is annexed the master plan and zoning map will need to be amended to include this area and reflect the appropriate land use, the number of proposed subdivision lots and the proposed zoning.

The approval body for annexations is the City Council. However, State Law requires that the Planning Commission make a recommendation to the City Council on master plan land use designations and zoning of property which is proposed for annexation.

APPLICABLE LAND USE REGULATIONS:

The Annexation is subject to Utah State Code Title 10, Chapter 2. The Master Plan amendment is subject to Utah State Code 10-9a-204, which identifies procedures for adopting and amending general plans. The Zoning Map amendment is subject to Salt Lake City Code, Chapter 21A.50.50, Standards for general amendments.

MASTER PLAN SPECIFICATIONS:

The current East Bench Zoning map and East Bench Master Plan do not include this area and will need to be amended to incorporate the annexation area. The Arcadia Heights, Benchmark and H Rock Small Area Plan identifies the potential zoning for the area proposed for annexation as open space without allowance for development at the end of Benchmark Drive and with allowance for a four lot subdivision and FR-2 zoning at the end of Scenic Drive. The Small Area Plan will need to be amended to incorporate the proposed number of subdivision lots and zoning off of the end of Benchmark Drive.

PROPOSED USE(S) AND PROPOSED ZONING:

Approximately 31.48 acres of the Romney/Carson property will be used for the development of 17 single-family home sites, with lot sizes ranging from approximately

0.43 to 1.51 acres in size. Planning staff recommends that the area proposed for subdivisions be zoned Foothill Residential (FR-2) zoning which is compatible with the abutting FR-3 zoned Benchmark Subdivision. The remainder of the Romney/Carson property is to be conveyed to an acceptable open space preservation entity for perpetual open space protection and planning staff is recommending Natural Open Space (NOS) zoning for this area. There are other privately owned properties that are included in this request for annexation and planning staff is recommending Open Space (OS) zoning for those properties. (Exhibit 3)

ACCESS: The property will be accessed from the currently stub-ended Scenic Drive and Benchmark Drive. These are existing dedicated public streets located within Salt Lake City's Corporate boundary.

PROJECT DESCRIPTION:

Development: The property proposed for annexation is in the vicinity of 2982 East Benchmark Drive (east of approximately 3000 East and from approximately 2100 to 2600 South). A public cul-de-sac will be constructed at the east end of Benchmark Drive to provide street frontage for one new lot in the proposed subdivision and to provide access to the gated, private road proposed for Parley's Pointe Subdivision Phase I, lots 2 through 15. Phase I will be approved and recorded by the County and consists of 16 lots, of which three will be conveyed for natural open space within one year. Another public cul-de-sac will be constructed at the east end of Scenic Drive for the purposes of creating a four lot subdivision, Parley's Pointe Subdivision Phase II. Phase II will be approved by either the City or the County at a future date.

Open Space: According to the settlement agreement, "Romney/Carson confirms that they will donate or sell at a discount from fair market value for use as perpetual open space lots 14a, 14b, and 15 of the Parley's Pointe Subdivision Phase I together with approximately 260 acres of land located adjacent to and running from the proposed Phase I and Phase II Subdivisions to the border of adjacent United States Forest Service property, including all of the remainder of the Subject Property beyond what is designated as building lots, common areas, roadway and related roadway improvements in the Phase I and Phase II subdivision plats. The donation or conveyance of these open space properties shall occur within twelve (12) months after final approval of each subdivision plat, unless the time for doing so is mutually extended by the parties."

Trails: The public will have access to the trails shown on Exhibit 4 since the City will obtain public easements across these trails. The trails may be accessed from either of the proposed public cul-de-sacs.

HISTORY OF SUBJECT PROPERTY:

Romney/Carson and Salt Lake City Corporation have entered into a Settlement Agreement (Exhibit 1) which outlines specific terms under which the Romney/Carson property should be annexed into the corporate limits of Salt Lake City.

The settlement agreement specifies that the Romney/Carson property should be annexed into the corporate limits of Salt Lake City within 120 days following the filing of a renewed annexation petition. The completed application was received by the Salt Lake City Planning office on January 9, 2006.

In order to avoid the creation of unincorporated islands or peninsula's of land, which are prohibited by state law, this petition also includes seven (7) other parcels of land that are owned by property owners other than Romney/Carson. (See Annexation Plat, Exhibit 2).

An outline of the Settlement Agreement is below:

- 1) Petition for Annexation: Romney/Carson shall file a renewed petition for annexation.
- 2) Annexation Ordinance: The City shall annex the Romney/Carson property, subject to the terms of the Agreement, within 120 days of receipt of a renewed annexation petition.
- 3) Costs: Romney/Carson have previously paid substantial planning and processing fees. Therefore, the City shall annex the property without additional charges.
- 4) Subdivision Approvals: Final plat approval of the Phase I subdivision (Extension off Benchmark Drive) shall be obtained from the County. The City sewer and storm water services shall not be available until the subdivision is annexed into the City. If the County refuses to grant approval of Phase I the litigation will continue.
- 5) Phase II Subdivision Approval and Annexation: Final plat approval of the Phase II subdivision (extension off Scenic Drive) approval may be obtained from the County or the City.
- 6) Roadways and Trails: A public cul-de-sac will be constructed at the end of Benchmark Drive and at the end of Scenic Drive. Lots 2-15 of Phase I will be accessed by a private road. A twenty foot public trail easement will be recorded with the final plat to allow pedestrian traffic access to the trails delineated in the settlement agreement.
- 7) Waterline Easement – Relocation: A waterline was constructed by the City in 1979. A portion of the waterline will be relocated to lie within the waterline easement.
- 8) Utilities: The City commits to provide water, sewer and storm drain services upon the completion of all applicable conditions of the Agreement.
- 9) Romney/Carson Open Space Donation: As a condition of annexation, Romney/Carson will sell or donate lots 14a, 14b, and 15 as well as Perpetual Open Space parcels A, B and C for preservation as undeveloped open space.
- 10) Protection against Further Foothills Development: As a condition of annexation, Romney/Carson agrees to donate a one-foot strip of property around the perimeter of the property to Salt Lake City.
- 11) Common Area Open Space Parcels: There are common area open space parcels throughout the Phase I and Phase II subdivisions that will be part of the Home Owners Association. When the final plat is recorded Romney/Carson will grant a

- conservation easement to the City which requires the common areas to be maintained as perpetual open space.
- 12) Dismissal of the Litigation: Within 30 days following the recording of the subdivision plats and the City Council vote to annex, Romney/Carson shall file a stipulation for Dismissal of the Litigation. If the County does not grant final approval of the Phase I subdivision within 4 months of the execution of the Settlement Agreement, the Litigation shall continue and the Romney/Carson property will not be annexed.
 - 13) Joint Cooperation: The City shall support the subdivision applications before the County and shall cooperate with the County in securing the required approvals.
 - 14) Notice Recorded: The parties have executed a Notice of Settlement and Annexation Agreement which has been recorded against the Subject Property.
 - 15) Agreement Not to be Used as Evidence: If this Agreement is not completed, it shall not be used for evidence for any other purposes in the Litigation.
 - 16) Remedies: If the City fails to adopt an ordinance approving the annexation or the County fails to approve the Phase I subdivision and roadway, the Litigation shall continue.

COMMENTS, ANALYSIS AND FINDINGS

COMMENTS

Comments from pertinent City departments/divisions and the Community Council have been attached and are summarized below (Exhibits 5).

- **Permits Office (Building Services and Licensing):** Building Services has no concerns at this time.
- **Property Management:** Property management has no comment on the annexation, the rezoning and the master plan amendment. However, in reviewing the settlement agreement they are requesting that property management be involved in the conveyance of open space when that occurs.
- **Police Department:** The Police Department does not have any concerns.
- **Public Services:** Public Services has no comments.
- **Airport Planning:** The annexation area is not located in an established airport influence zone and will not require aviation easements. However, future residents can expect regular flights in this vicinity from general aviation aircraft. Smaller aircraft use the Parley's Canyon east-west flight corridor en route to and from the Salt Lake area.
- **Transportation:** The proposed subdivisions will not create undue impact on the existing transportation corridor system. The development of the public road extensions of Benchmark and Scenic Drive must comply with current city roadway design standards. The private roadway geometrics are not required to comply with current city design standards but must meet requirements for emergency fire access standards for grades, curves, turning radii, etc. The public trail alignment and development will need to be reviewed for compliance with national public safety standards. (See Exhibit 5 for full comments)

- **Public Utilities:** Public Utilities' concurs with the annexation proposal.
- **Engineering:** If the City is involved in the approval of the Phase II subdivision the developer must enter into a subdivision improvement construction agreement which requires the payment of a 5% fee based on the estimated cost of roadway improvements. See the attached exhibit for additional comments pertaining to Phase II if it is annexed before it is platted.
- **Fire Department:** The private roadway drawings that were reviewed by the Fire Department do not meet the International Fire Code. This road will need to comply with the International Fire Code, 2003 Edition, as adopted by the State of Utah. If the roadway is only 20 feet, there must be an emergency vehicle turnout every 500 feet. Grades may not exceed 10%. The end of the roadway needs to extend to the last fire hydrant. The residential structures should be fire sprinkled as needed and the roofing material should be restricted to Class A or B fire-resistant material. The attached comments from the Fire Department refer to specific chapters of the International Fire Code.
- **Community Council:** An open house was held on December 15, 2005. The Planning Division presented the annexation and discussed the potential zoning recommendations. On January 12, 2006 the petition for annexation, the proposed zoning designations and the terms of the settlement agreement were presented by planning staff at the Arcadia Heights/Benchmark and H Rock combined community council meeting. The open house and community council meeting allowed the public an opportunity to view the petition, to view the future subdivisions and to ask questions about the annexation. The Community Council did not have a statement.
- **Public Comment:** Andrea and Louis Barrows own property that is included in the annexation area and have requested that their property be zoned FR-3, rather than OS, in order to combine parcels and create a rear addition to their home (Exhibit 8). Staff believes that the slopes on the one acre parcel that is owned by the Barrows mostly exceed 30% which would prohibit development. Staff recommends that the Barrows apply for a subdivision amendment and FR-3 zoning at a future date and that they submit slope analysis data at that time.

GENERAL ANALYSIS AND FINDINGS

The Planning Commission must make a determination on whether or not they will transmit a favorable recommendation to the City Council to zone the subject properties as requested (thereby creating a zoning map and master plan amendment) based on the Analysis and Findings as related to the standards for general amendments. The Zoning Ordinance, Chapter 21A.50.050, Standards for general amendments, states:

A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making its decision concerning a proposed amendment, the City Council should consider the following factors:

A. Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.

Discussion: There are several sources to consider in reviewing the purposes, goals objectives, and policies for this area:

- The City's Declaration of Intent to Annex (1979)
- The East Bench Community Master Plan (1987)
- The Salt Lake City Open Space Master Plan (1992)
- The East Bench Community Zoning Map (1995)
- The Arcadia Heights, Benchmark and H Rock Small Area Plan (1998)
- The Salt Lake City Council Growth Policy (1999)

City's Declaration of Intent to Annex: In 2000, the Salt Lake City Council adopted Resolution No.34, which reaffirms the City's 1979 declaration of intent to annex portions of unincorporated Salt Lake County. On January 6, 2004, the Salt Lake City Council adopted Resolution No. 1, which documented the City's intent to consider annexation of this portion of unincorporated Salt Lake County.

On January 17, 2006 the City Council accepted a resolution to receive the proposed annexation for purposes of City Council review which requires that the Planning Commission review the annexation and make a recommendation on the proposed master plan amendments and zoning amendments relating to the area proposed for annexation. The Council Transmittal cover letter is attached, see Exhibit 7.

East Bench Community Master Plan: The East Bench Master Plan addresses annexation, residential density, and foothill development as follows:

Planning Goal: Preserve the present unique scenic beauty, environmental habitat, recreational use, and accessibility of the Wasatch foothills, and ensure City control over foothill development in the East Bench Community.

Annexation Policy: Most undeveloped foothill property east of the city is under the jurisdiction of Salt Lake County. Development under county jurisdiction is possible but not likely. Salt Lake City is the only government jurisdiction with the ability to provide urban services, and annexation is a vital first step in the development process. The City should refuse to provide water or sewer services to accommodate development of property outside of City boundaries.

Areas for potential development: The area east of the Benchmark Subdivision, subject to slope and geological analysis.

Recommended densities for Foothill Development: The three areas that have development potential should be limited to a maximum density of 4 units per gross acre or less as physical conditions indicate. Single-family homes or Planned-unit developments are recommended.

Recommendations for Areas Considered Undevelopable: Areas that are undevelopable, from a geological standpoint, should be preserved as natural

foothill open space. The City should work with the State and Federal governments to acquire privately-owned property for public open space and recreation purposes.

Salt Lake City Open Space Master Plan: The Open Space Master Plan contains recommendations for trails and trail corridors throughout the City. Recommendations that relate most directly to the Romney/Carson Property address the Emigration Canyon to Parley's Canyon segment of the Bonneville Shoreline Trail. At the time the Plan was adopted, it was recommended that the trail alignment be determined, that support of adjacent property owners be obtained, and that easements across private property be negotiated if necessary.

East Bench Community Zoning Map: This request involves amending the zoning map in order to add the area proposed for annexation and designate Salt Lake City zoning for the properties to be annexed. The suggested zoning for each respective property and the proposed subdivisions are identified on the attached map (Exhibit 3). A summary of the suggested zoning is outlined below:

- That the proposed subdivisions be zoned FR-2, Foothills Residential zoning which is similar to the FR-3 zoning of the abutting Benchmark Subdivision, but reflects larger lot sizes. (FR-3 minimum lot size is 12,000 square feet and FR-2 minimum lot size is 21,780 square feet).
- That the remaining Romney/Carson property which is to be conveyed as open space per the terms of the settlement agreement be zoned Natural Open Space (NOS).
- And that the remaining privately owned properties that are included in the annexation be zoned Open Space (OS).

Arcadia Heights, Benchmark and H Rock Small Area Plan: The City Council adopted this plan on October 6, 1998 as an amendment to the East Bench Master Plan. This plan identifies the recommended zoning for the area proposed for annexation as open space zoning and FR-2 zoning for a four-lot subdivision at the end of Scenic Drive. The Arcadia Heights, Benchmark and H Rock Small Area Plan will need to be amended with this petition to reflect the land use designations and proposed level of residential development and zoning as recommended in this report.

Salt Lake City Council Growth Policy: It is the policy of the Salt Lake City Council that growth in Salt Lake City will be deemed the most desirable if it meets the following criteria: a) is aesthetically pleasing; b) contributes to a livable community environment; c) yields no negative net fiscal impact unless an overriding public purpose is served; and d) forestalls negative impacts associated with inactivity.

Finding: The proposed annexation, and additions to the Master Plan and Zoning Map are consistent with the purposes, goals, objectives, and policies of the adopted plans listed above.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.

Discussion: The adjacent Benchmark Subdivision is zoned FR-3, Foothill Residential, and directly abuts the area proposed for future subdivision development. The land that will be conveyed for open space preservation abuts Forest Service property to the East, Open Space zoning to the North and Interstate 80 to the South.

Finding: Foothill Residential (FR-2) zoning is recommended for the proposed Parley's Pointe Subdivision, Phase I and Phase II. This zoning is harmonious with the abutting Benchmark Subdivision which is zoned FR-3. Natural Open Space (NOS) zoning is recommended for the remainder of the Romney/Carson property and Open Space (OS) zoning is recommended for the remaining, privately owned properties. NOS and OS zoning are harmonious with the Open Space Master plan, the undeveloped nature of the Forest Service property to the East and the Open Space zoning to the North.

C. The extent to which the proposed amendment will adversely affect adjacent properties.

Discussion: The area east of the proposed annexation is undeveloped Forest Service land. The area West of the proposed annexation and subdivision is developed with single-family homes and is zoned FR-3, Foothills Residential. The area to the North is open space and to the south is Interstate 80.

Finding: The proposed amendment will not adversely affect adjacent properties. The Transportation Division has stated that the proposed subdivisions will not noticeably impact the public transportation corridors.

D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts, which may impose additional standards.

Discussion: The property is located within the Primary Recharge Area of the Groundwater Source Protection Overlay District.

Finding: Staff finds that Salt Lake City Public Utilities concurs with the annexation. Salt Lake City will provide water, storm drainage and sewer services for the proposed development, thereby limiting impact to the recharge zone.

E. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

Discussion: Staff requested comments from City Departments/Divisions, including: Transportation, Engineering, the Fire Department, Public Utilities, Police, and Building Services. These departments/divisions did not have any objections to the proposed

annexation, the recommended zoning and the master plan amendment as long as the private roadway will comply with the International Fire Code 2003 Edition, fire sprinkling is installed as need and class A or B fire-resistant roofing is used.

Findings: Staff finds that public facilities and services intended to serve the subject property must meet all City regulations.

MASTER PLAN AMENDMENT:

The East Bench Community Master Plan, adopted in 1987 and the Arcadia Heights, Benchmark and H Rock Small Area Plan, adopted in 1998 will need to be amended with this proposal. The 1992 Open Space Master Plan will not need to be amended since the proposed trails accomplish the intent of this plan. State Law, Section 10-9a-204, Notice of public hearings and public meetings to consider general plan or modifications, outlines the criteria for noticing an amendment:

- (1) Each municipality shall provide:
 - (a) notice of the date, time, and place of the first public hearing to consider the original adoption or any modification of all or any portion of a general plan; and
 - (b) notice of each public meeting on the subject.
- (2) Each notice of a public hearing under Subsection (1)(a) shall be at least ten calendar days before the public hearing and shall be:
 - (a) published in a newspaper of general circulation in the area;
 - (b) mailed to each affected entity; and
 - (c) posted:
 - (i) in at least three public locations within the municipality; or
 - (ii) on the municipality's official website.
- (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours before the meeting and shall be:
 - (a) submitted to a newspaper of general circulation in the area; and
 - (b) posted:
 - (i) in at least three public locations within the municipality; or
 - (ii) on the municipality's official website.

A notice for the Master Plan amendment was published in the Salt Lake Tribune and Deseret News on February 8, 2005 (Exhibit 6). A notice was also mailed to affected property owners and posted, meeting State Law requirements for Master Plan amendments.

SUMMARY:

The Settlement Agreement is the result of a long standing dispute between Salt Lake City and Romney/Carson. There are many positive gains for the community that will be realized following the completion of the requested annexation and zoning of this property:

- There will be a final resolution to the dispute, without cost damage to Salt Lake City.
- There will be limited development.
- The use of septic tanks will be eliminated because the City will provide sewer services. Septic tanks would jeopardize Salt Lake City drinking water and be damaging to down slope lot owners.
- Trail access will be maintained through public easements.
- Approximately 260 acres of land will be dedicated to perpetual open space and preserved through public ownership.
- There will be increased protection against future development provided by the one foot holding strip and open space easements.
- Salt Lake City's zoning, which includes special foothill regulations, will apply to all building permits and to all dwellings and will help reduce the off site visibility of additional development.

RECOMMENDATION:

Based on the Findings of Fact identified in this report, staff recommends approval of the annexation as outlined in the attached Settlement Agreement, subject to the private roadway complying with the 2003 edition of the International Fire Code, the future residences being fire sprinkled as needed and Class A or B fire-resistant roofing materials.

Staff recommends approval of an amendment to the East Bench Community Master Plan to incorporate this area of land into the plan. It is recommended that Perpetual Open Space parcels A, B and C as identified in the Settlement Agreement and as specifically delineated on Exhibit 3, be categorized as Natural Open Space, that the other privately owned land be preserved as Open Space and that the future land use recommendation for the proposed subdivisions as outlined in the Settlement Agreement be "Very low density, 2-4 units per gross acres," which is consistent with the abutting neighborhood.

Staff recommends approval of an amendment to the Arcadia Heights, Benchmark and H Rock Small Area Plan to include the proposed zoning and level of residential development. The current plan outlines the potential development of four lots under very low residential density land use at the end of Scenic Drive and no development at the end of Benchmark Drive. Staff recommends that the plan be amended to include the proposed Phase I subdivision, as outlined in the Settlement Agreement.

Staff recommends approval of an amendment to the East Bench Community Zoning Map to include the area proposed for annexation, the proposed land use, the proposed zoning and the level of residential development which includes 13 single family lots and 3 single-single family lots that will be donated for perpetual open space in the Phase I subdivision along with four single-family lots in the Phase II subdivision. Staff recommends FR-2 zoning for the proposed subdivisions, NOS zoning for the remainder of the Romney/Carson property as outlined in the Settlement Agreement and OS zoning for the other privately owned properties that are included in the Annexation Plat (see exhibit 3 for proposed zoning).

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Exhibits:

1. Settlement Agreement
2. Annexation Plat
3. Recommended Zoning
4. Trails, Public Easement
5. Department/Division Comments
6. Newspaper Notice
7. City Council Resolution Cover Letter