



Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Planning Commission
From: Aaron Barlow, Principal Planner, aaron.barlow@slcgov.com, 385-386-2764
Date: December 15, 2021
Re: PLNPCM2021-00614 – Partial Street Vacation at 601 South 900 East

STREET VACATION

PROPERTY ADDRESS: 601 South 900 East
MASTER PLAN: Central Community
ZONING DISTRICT: R-2 Single- and Two-Family Residential
COUNCIL DISTRICT: District 4, Analia Valdemoros

REQUEST:

On behalf of the owners of 601 South 900 East, Justin Matkin of Parr Brown Gee & Loveless has requested Salt Lake City vacate (or give up public ownership of) the 875 square-foot portion of public right-of-way along 600 South and 900 East that sits between the public sidewalk and the subject property.

RECOMMENDATION:

Based on the information in this staff report, Planning Staff recommends that the Planning Commission forwards a favorable recommendation to the City Council for the request to vacate this portion of right-of-way adjacent to 601 South 900 East.

ATTACHMENTS:

- A. Maps & Illustrations
- B. Site Visit Photographs
- C. Application Materials
- D. Analysis of Standards
- E. Public Process and Comments
- F. Department Review Comments

PROJECT DESCRIPTION:

Background

According to the letter submitted by the applicant (included with Attachment C), the owners of the subject property (Michael and Amy Kennedy) received a letter from the Civil Enforcement Division asserting that the fence in the front yard encroached on the public right-of-way. In that letter, the enforcement official provided them with three possible options that would resolve the encroachment:

1. Remove the fence,
2. Enter into a lease with the City for the area, or
3. Apply for a vacation of the relevant portion and purchase the encroached area.

The property owners have directed the applicant to pursue the third option and work toward purchasing the area of encroachment. According to the applicant, the fence in question “has been in place for several years.” The wood fence along the north property line is currently in disrepair and needs to be replaced. According to the applicant, the property owners cannot make the necessary repairs until they own the encroachment area.

Scope of Request

The area in question is an L-shaped strip of public right-of-way between the subject property at 601 South 900 East and the existing public sidewalk. This request would not impact the adjacent sidewalk. The encroachment area is about five feet wide and runs along the 120-foot long north property line facing 600 South and the 50-foot long property line that faces 900 East (see [Attachment A](#)). According to the applicant, the encroaching fence has been in the same location for over 30 years. Aerial Imagery and Google Street View both confirm that the fence has been at its current location since at least 2006. If approved by Council, the abutting property owners would be required to pay fair market value for the land. The Real Estate Services Division requires that the applicant get an appraisal for the area in question before the sale.

Street Context

600 South

The subject property sits at the corner of 600 South and 900 East. East of 900 East, 600 South is classified as a Local Street by the [Transportation Master Plan’s Major Street Plan](#) (Included with Attachment A). The right-of-way is approximately 132 feet wide, measured from front property line to front property line—the street itself (curb to curb) is about 50 feet wide. There are wide park strips with continuous sidewalks on both sides of the road; both sides are over 30 feet wide. Neither the subject property nor the 600 East right-of-way is part of a subdivision.

900 East

The Transportation Master Plan’s Major Street Plan classifies 900 East as a City Arterial Street. There are three lanes of traffic, one in each direction with a center turning lane. The right-of-way is approximately 135 feet wide, measured from property line to property line, while the street itself (curb to curb) is 50 feet wide. Wide park strips with continuous sidewalks are also a feature of 900 East—there is 45 feet between the subject property’s front line and the curb. The street is also not part of any subdivision.

Applicable Review Processes and Standards

Review Process: Street Vacation

Street Vacation requests are ultimately up to the City Council’s discretion and are not controlled by any one standard. If approved by the City Council, the area in question would be vacated, declared surplus property, and sold to the adjacent property owners for a fair market value.

KEY CONSIDERATIONS:

The key considerations and concerns below have been identified through the analysis of the project, neighbor & community input, and department reviews:

1. Utah State Code
2. City Council Policies
3. Master Plan Considerations
4. Street Design Standards

Consideration 1 - Utah State Code

[Section 10-9a-609.5 of the Utah Code](#) Annotated establishes the power for cities to vacate streets upon the request of the governing body or a property owner. The City Council must determine that good cause exists for the vacation, and neither the public interest nor any person will be materially injured by the vacation. Aerial imagery shows that encroachments consisting of accessory structures and fencing have existed in this portion of right-of-way since at least 2006. The fence in question has been in place for at least 15 years. Staff finds that a transfer to private ownership would not be detrimental to the public interest, especially since it would result in the adjacent property owners compensating the City for the property at market rate.

Consideration 2 - Housing Goals

In 1999, the City Council adopted a street closure policy, which applies to street vacations. A complete analysis can be found in [Attachment D](#).

Consideration 3 - Master Plan Considerations

The [Central Community Master Plan \(2005\)](#) does not include any specific policies or action items related to street vacations or the sale of City-owned property to private property owners. Staff finds that the street vacation request neither supports nor violates any policy or goal found in the *Central Community Master Plan*.

The [Salt Lake City Urban Design Element \(1990\)](#) includes a section titled *Street as Elements of Open Space*, with a Policy Concept that states, “Decline to vacate streets, alleys, and other public rights-of-way unless it is demonstrated that the vacation will result in a public benefit.” Though this proposal does not violate public policies, it does not have a stated public benefit. However, the property isn’t needed for a public purpose, and the City would benefit financially from the sale of the land—proceeds would be placed in the General Fund.

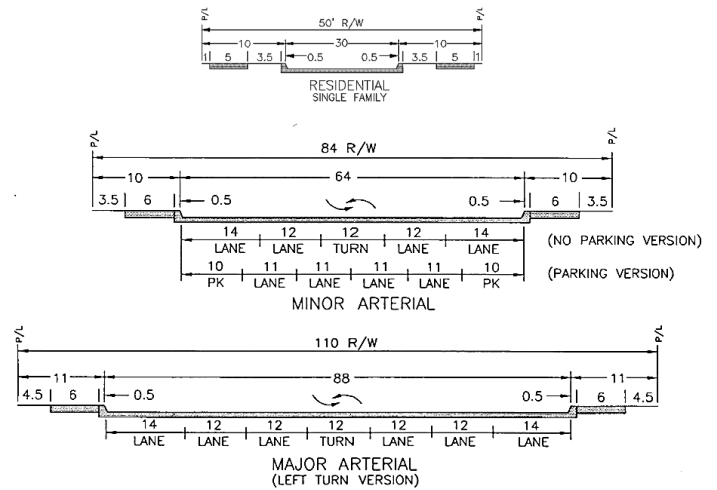
The *Salt Lake City Transportation Master Plan’s* [Major Street Plan \(2018\)](#) designates 900 East as an Arterial Street. While the master plan does not give specific dimensions, it does describe these streets as “generally multi-lane streets carrying high traffic volumes at relatively high speeds.” The area in question sits between the existing sidewalk and the subject property. Vacating it will not impact the stated purpose of arterial streets.

Consideration 4 - Street Design Standards

[Section 20.12](#) of the City’s Subdivision Ordinance provides design standards for new City streets and modifications of City streets through vacation or closure. The Street Design standards (found in 20.12.030) require that streets conform to street and right-of-way cross-section typologies (20.12.030.A.2). These typologies are found in the [Street Design Regulations](#) (included with [Attachment A](#)). For arterial streets, they call for a street section between 84 and 110 feet wide from the outside of the sidewalk on each end, and for local streets serving single-family residential neighborhoods, they call for a 50-foot-wide street section (see illustration on the next page). However, the portion of the right-of-way on the property side of a

sidewalk is not included in the cross-sections. Therefore, because the encroachment area is not within the cross-section typology of an arterial street, it does not violate the City's street design standards in section 20.12.130 of the Salt Lake City Subdivision Ordinance.

The Planning Commission should be aware that the Transportation Division is currently updating the [Streets and Intersection Typologies Design Guide](#), which may impact future street vacation requests. However, they have not yet been adopted.



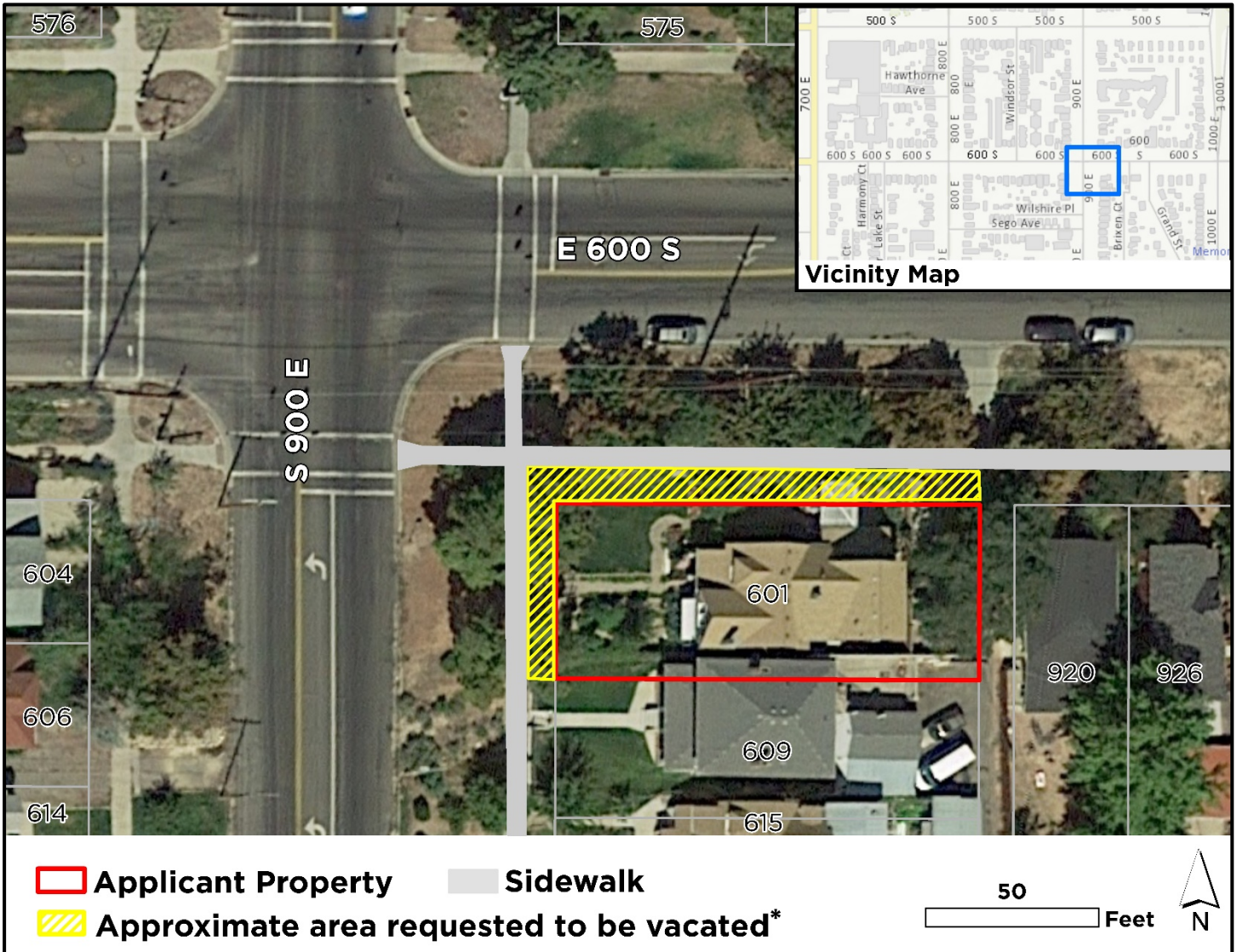
DISCUSSION:

Planning Staff has reviewed the proposal against Utah State Code, the City Council policies regarding street closures (Attachment D), applicable city master plans, and design guidelines. Based on this analysis, Staff finds that although no public policies would be explicitly accomplished with the requested partial street vacation, it also would not violate any public policies or design standards. Further, the City will benefit financially from the property sale to the adjacent property owners.

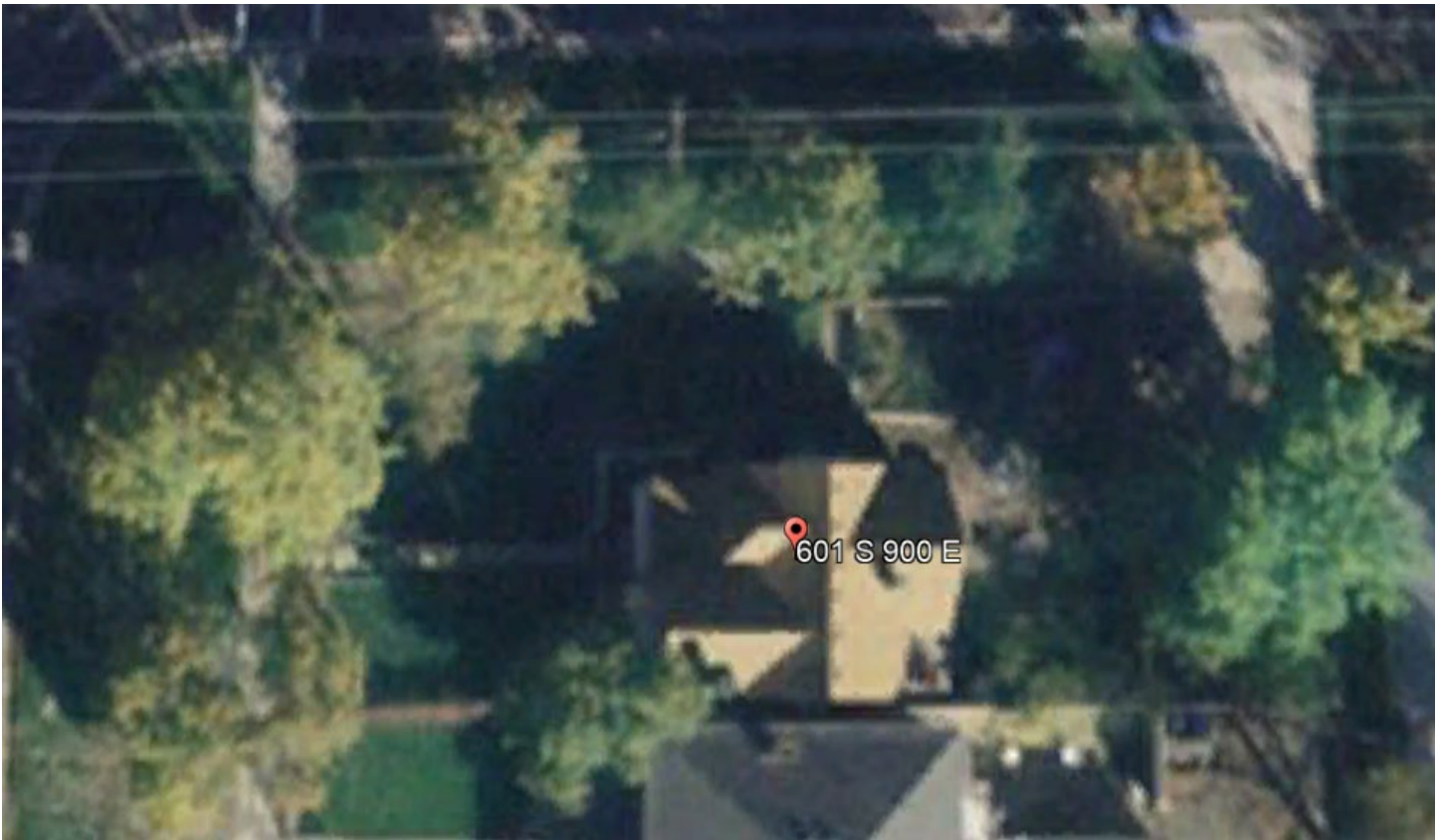
NEXT STEPS:

Once the Planning Commission has reviewed the request, their recommendation is forwarded to the City Council for consideration. The City Council has final decision authority regarding street vacations and closures.

ATTACHMENT A - MAPS & ILLUSTRATIONS



*Map is for informational use only and is not exact. Property lines and aerial photography do not line up perfectly. The official Survey can be found in [Attachment C](#).



Aerial from Google Earth dated 12/2006



Street View from Google Maps dated 7/2007

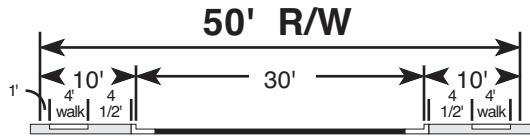


Standard

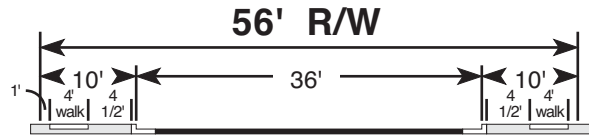
page 1 of 1

Section E1.a1

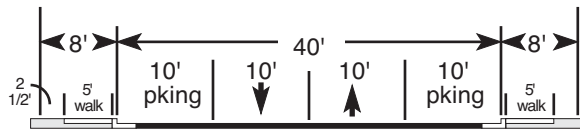
of the Division of Transportation Salt Lake City Community Development Typical Street & R/W Cross Sections



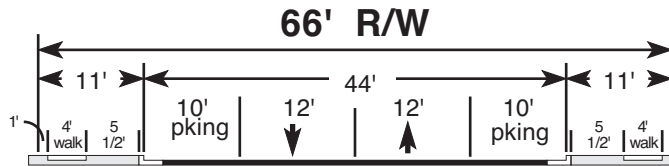
Single Family Cul-De-Sac



Local Residential
Multi-Family Cul-De-Sac



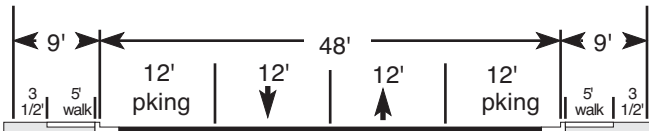
Industrial Cul-De-Sac



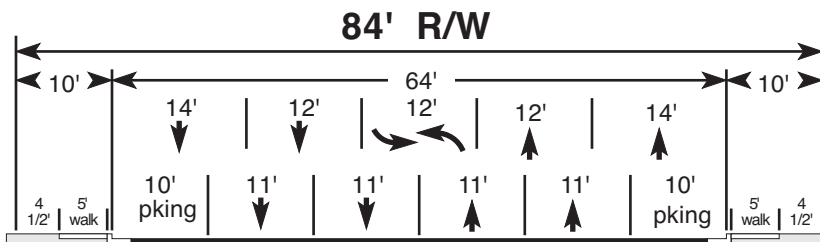
Multi-Family Local
Residential Collector



Commercial/Industrial Local

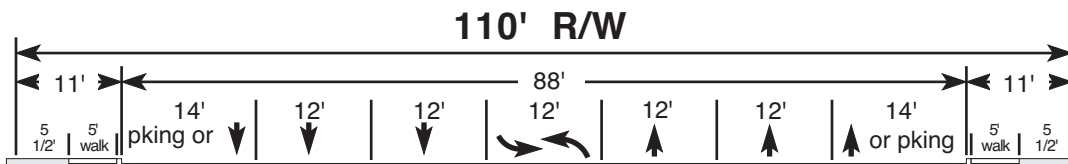


Commercial/Industrial/Bus Collector

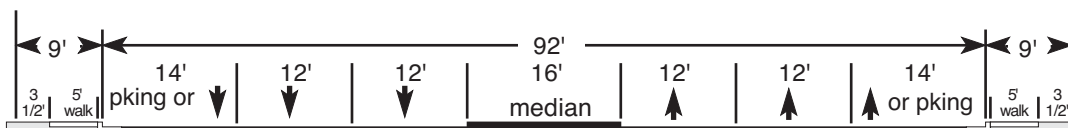


Minor Arterial
(No Parking Version)

Minor Arterial
(Parking Version)



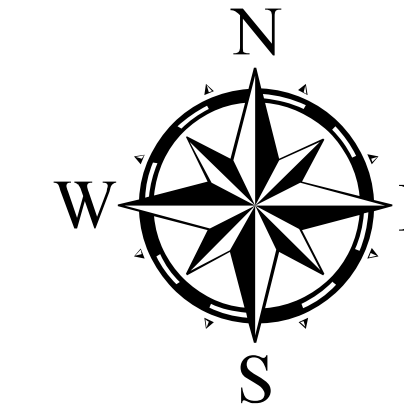
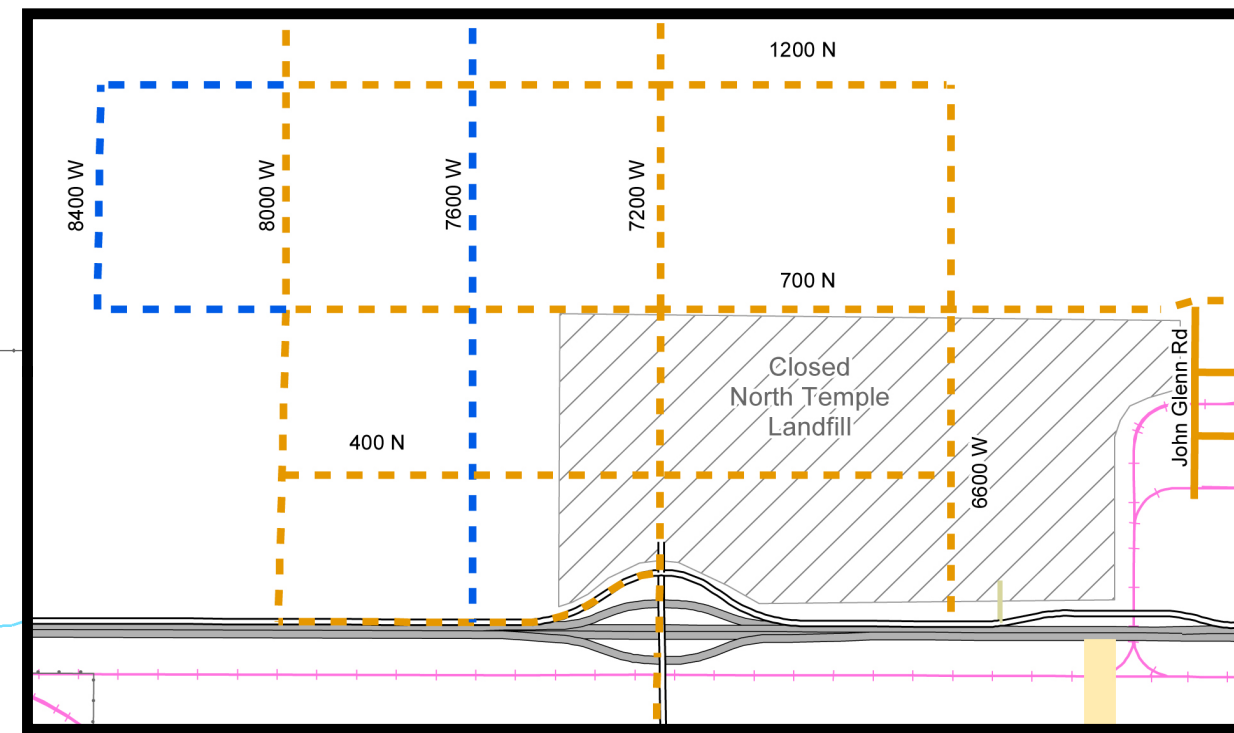
Major Arterial
(Continuous Left
Turn Version)



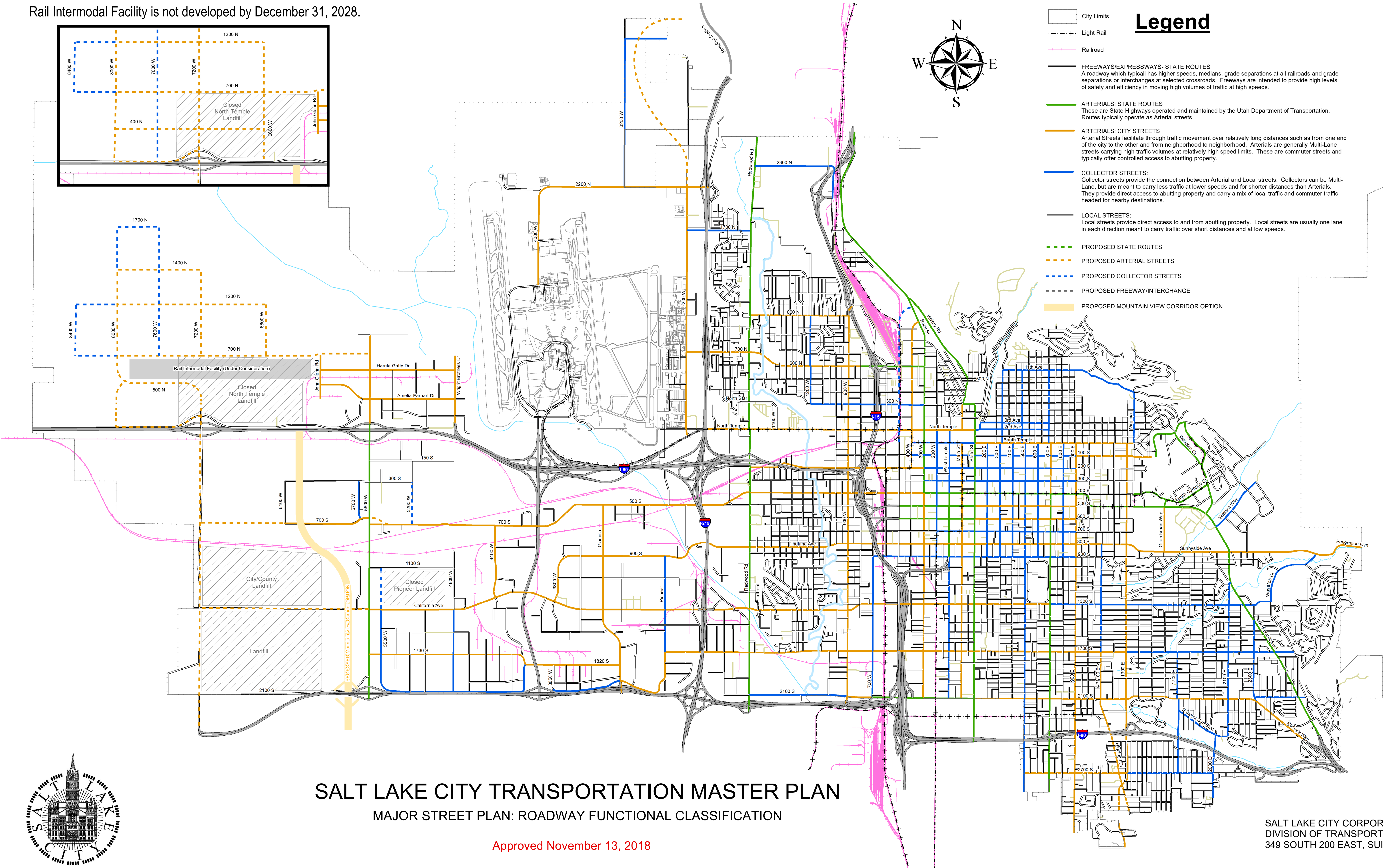
Major Arterial
(Raised Median Version)

Date	Revisions
8/12/91	changed layout/assigned #

Note: This street network will be followed if the Rail Intermodal Facility is not developed by December 31, 2028.



- ### Legend
- City Limits
 - Light Rail
 - Railroad
 - FREEWAYS/EXPRESSWAYS- STATE ROUTES
A roadway which typically has higher speeds, medians, grade separations at all railroads and grade separations or interchanges at selected crossroads. Freeways are intended to provide high levels of safety and efficiency in moving high volumes of traffic at high speeds.
 - ARTERIALS: STATE ROUTES
These are State Highways operated and maintained by the Utah Department of Transportation. Routes typically operate as Arterial streets.
 - ARTERIALS: CITY STREETS
Arterial Streets facilitate through traffic movement over relatively long distances such as from one end of the city to the other and from neighborhood to neighborhood. Arterials are generally Multi-Lane streets carrying high traffic volumes at relatively high speed limits. These are commuter streets and typically offer controlled access to abutting property.
 - COLLECTOR STREETS:
Collector streets provide the connection between Arterial and Local streets. Collectors can be Multi-Lane, but are meant to carry less traffic at lower speeds and for shorter distances than Arterials. They provide direct access to abutting property and carry a mix of local traffic and commuter traffic headed for nearby destinations.
 - LOCAL STREETS:
Local streets provide direct access to and from abutting property. Local streets are usually one lane in each direction meant to carry traffic over short distances and at low speeds.
 - PROPOSED STATE ROUTES
 - PROPOSED ARTERIAL STREETS
 - PROPOSED COLLECTOR STREETS
 - PROPOSED FREEWAY/INTERCHANGE
 - PROPOSED MOUNTAIN VIEW CORRIDOR OPTION



SALT LAKE CITY TRANSPORTATION MASTER PLAN

MAJOR STREET PLAN: ROADWAY FUNCTIONAL CLASSIFICATION

Approved November 13, 2018



SALT LAKE CITY CORPORATION
DIVISION OF TRANSPORTATION
349 SOUTH 200 EAST, SUITE 150

ATTACHMENT B - SITE VISIT PHOTOGRAPHS







ATTACHMENT C - APPLICATION MATERIALS

ATTACHMENT D – ANALYSIS OF STANDARDS

Salt Lake City Council Street Closure Policy

In 1999, the City Council adopted a street closure policy that includes the following provisions:

- 1. It is the policy of the City Council to close public streets and sell the underlying property. The Council does not close streets when the action would deny all access to other property.**

Analysis: The portion of right-of-way that the applicant has requested the City vacate does not contain any vehicular or pedestrian right-of-way—it is a strip of land between the sidewalk and the subject property. The existing fence has been at this location for at least 15 years.

Finding: The proposed vacation would not deny vehicular or pedestrian access to any adjacent properties.

- 2. The general policy when closing a street is to obtain fair market value for the land, whether the abutting property is residential, commercial, or industrial.**

Analysis: If approved by the City Council, approximately 875 square feet of right-of-way would be declared surplus and sold at a fair market value to the property owners.

Finding: The City would give up ownership of this property and obtain fair market value for the sale of the right-of-way to the abutting property owners.

- 3. There should be sufficient public policy reasons that justify the sale and/or closure of a public street and it should be sufficiently demonstrated by the applicant that the sale and/or closure of the street will accomplish the stated public policy reasons.**

Analysis: As outlined in the ‘Key Considerations’ section above, the Central Community Master Plan (2005) does not include any specific policy direction for the vacation of City-owned rights-of-way. Staff finds that this request does not violate this master plan.

The Salt Lake City Urban Design Element (1990) indicates that the City should decline to vacate rights-of-way unless it results in a public benefit. While there is no apparent direct public benefit, the City would benefit financially from the property sale to the adjacent property owners.

Finding: The proposed right-of-way vacation does not conflict with the Central City Master Plan but does not result in a direct public benefit per the Salt Lake City Urban Design Element. However, the property isn’t needed for a public purpose, and the City would benefit from the sale of the land, with proceeds going into the General Fund.

- 4. The City Council should determine whether the stated public policy reasons outweigh alternatives to the closure of the street.**

Analysis: As an alternative to the proposal, the City and property owners could enter into a lease agreement for the land occupied by the fencing and landscaping. All maintenance of the subject property would be by the lessee (the adjacent property owners) subject to required permits for any work. In exchange for the exclusive use of the subject property, the lessee would be required to pay annual rent based on fair market value.

A second alternative is for the property owners to remove the fencing and landscaping from the public right-of-way. This would involve relocating the fence so that it is entirely on private property and landscaping the park strip in a way that complies with the Zoning Ordinance.

Finding: Alternatives to the requested vacation maintain City ownership of the 875-square-foot portion of public right-of-way and require the property owners to either enter into a lease agreement for the encroachment or relocate the fence and re-landscape the park strip. From a Planning perspective, Staff finds that the right-of-way is wider than what is needed for the relevant street design standard. Aerial imagery shows that the improvements have encroached into the public right-of-way for at least 15 years. The City now has an opportunity to benefit financially from this occupation.

ATTACHMENT E – PUBLIC PROCESS

Public Notice & Comments:

October 7, 2021 – Notice of the project was provided to the East Central Community Council Chair. The Chair shared the request with the Council and has indicated that they are in favor of Planning Staff's recommendation. Letters were also mailed to property owners and residents within a 300-foot radius of the site.

December 3, 2021 – Public hearing notices were mailed for the Planning Commission meeting. Notice was also posted on City & State websites and emailed to the Planning Division listserv.

December 3, 2021 – A public hearing notice sign was posted at the subject property.

At the time that this report was published, Planning Staff has received two comments regarding this proposal; they are included with this attachment. If any more are submitted after this date, they will be forwarded to the Commission and included in the public record.

Barlow, Aaron

From: Mike Egan [REDACTED]
Sent: Tuesday, November 2, 2021 4:35 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Street vacation at 601 south

Follow Up Flag: Follow up
Flag Status: Completed

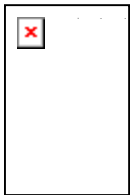
Hi,

I received the notice of street vacation at 601 south 900 east slc ut 84102. The applicant property lines on the map are into my property at 609 south 900 east by at least three to four feet and include part of my front yard, backyard, parking area and house. This is incorrect. Also this map shows part of my part property as requested area to be vacated. Also incorrect. There is a fence that runs on the north side of my property at 609 south and the south side of 601. This should represent the property line since that fence has been there for over 50 years. I want to confirm the approximate area requested to be vacated is only in front of 601 so 900 east and north of the fence line that runs between 601 and 609 south 900 east making the north/south boundary.

Thanks!

--

Michael Egan
The One Group Utah
Keller Williams SLC



Each Keller Williams office is an independently owned and operated franchise of Keller Williams Realty International and is an Equal Opportunity Employer and supports the Fair Housing Act. All information provided, is obtained from various sources and has not been, and will not be, verified by broker or MLS. All information should be independently reviewed and verified for accuracy. **WARNING – FRAUDULENT FUNDING INSTRUCTIONS**
Online banking fraud is on the rise. If you receive an email containing WIRE TRANSFER INSTRUCTIONS call your Realtor or the title company who's contact information you know is reliable immediately to verify the information prior to sending funds.

Barlow, Aaron

From: [REDACTED]
Sent: Thursday, December 2, 2021 5:47 PM
To: Barlow, Aaron
Subject: (EXTERNAL) 601 s 900 east

i have contacted the housing enforcement to ascertain if too could build a retaining wall like the one located at the above address. Housing enforcement has indicated i may not and that this property is under enforcement and has no knowledge of the above action although i saw it in a previous email.

housing enforcement that noone may build anything on parking strips due to the utility right away etc

what is the story

i own the property directly across the street on the north west corner of 600 south and 900 east

i attempted to scroll through old emails from planning but could not find the notice .

thanks

carolwicks aka blakely summerfield

ATTACHMENT F – DEPARTMENT REVIEW

Real Estate Services

The only comment RES has is the fee. Since this process takes a while to complete, we will be selling the land at current market value at the time of disposition

Public Utilities

Public Utilities has no concerns with vacating the 875-square-foot area described in this staff report.

Fire/Building (James McCormack at james.mccormack@slcgov.com or 801-535-76605)

No comments received.

Transportation (Michael Barry at michael.barry@slcgov.com or 801-535-7147)

No comments received.

Engineering

Engineering opposes the vacation of public rights-of-way.