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ADMITTED TO PRACTICE IN UTAH

August 23, 2024

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Sent via e-mail and Submitted with Online Application for Alleged Error

**Re: Notice of Appeal; Willow Creek Conditional Use Permit (CUP) and
Equal Protection Concerns**

This appeal is submitted through counsel in compliance with Sandy City Code Sec. 21-35-1 on behalf of Steven Harries, Erin Harries, Brad Fogg, Mindy Fogg, Vivian Vonk, and Leonard Furus ("Etienne Way Residents"), adjacent property owners directly affected by the Sandy City Planning Commission's (the "Planning Commission") decision regarding the Willow Creek Country Club's Conditional Use Permit and site plan for the property located at approximately 8505 Willow Creek Dr, Sandy, UT 84093 (the "CUP"). The Etienne Way Residents have standing to bring this appeal because the proposed maintenance building will be directly impeding the views from their backyards, where they will also experience increased noise and exposure to hazards. These impacts are expected to diminish their property values and negatively affect their quality of life.

As required by Sec. 21-35-1(c), the Etienne Way Residents allege errors in the interpretation and application of relevant land use ordinances. This appeal is timely filed within ten calendar days of the publication of the official meeting minutes on August 16, 2024, per Sec. 21-35-1(d).

In accordance with Sec. 21-35-1(e), all relevant information and legal theories were presented to the land use authority during its proceedings, and no new information is being introduced on appeal. The appeal requests a review of legal issues under the "Correctness Standard" (Sec. 21-35-1(h)(1)) and a determination of whether the Planning

Commission's actions were arbitrary and capricious regarding factual matters (Sec. 21-35-1(h)(2)).

Documents Submitted Herewith

- Agenda for the July 18, 2024 Planning Commission Meeting.
- The Staff Report for the Preliminary Site Plan and Conditional Use Review
- The Meeting Minutes from the July 18, 2024 Planning Commission Meeting.
- A Letter from Erin and Steven Harries to Mike Wilcox, the Sandy City Planning Director.
- A List of the Etienne Way Residents and their addresses.

INTRODUCTION

Etienne Way Residents are all residents whose properties are on Etienne Way, which share their backyard lot lines with the Willow Creek Country Club. Willow Creek Country Club submitted a CUP application to construct a 16,663 sq. ft. maintenance/storage building and a 4,000 sq. ft. greenhouse. The Sandy City Planning Commission approved this application and related text amendment, allowing for parks, including golf courses, to have accessory structures under a CUP. However, the Commission's approval did not adequately address several key issues, including building size and height, lighting impacts, hazardous materials management, and safety concerns, all of which are critical to the well-being of nearby residents. The decision of the Planning Commission must be reconsidered, especially where crucial considerations were left wholly unaddressed by the Planning Commission.

BRIEF STATEMENT OF ISSUES ON APPEAL

1. Whether the Planning Commission failed to comply with Sandy City Code Sec. 21-5-3 by not holding separate public hearings and by not providing sufficient opportunity for public comment on the underlying zoning amendment that was required to approve the Willow Creek CUP.
2. Whether the Planning Commission's decision was arbitrary and capricious due to procedural deficiencies, including the failure to provide complete application materials and inadequate consideration of the impacts related to noise, air pollution, lighting, hazardous materials, safety, and building size and height as required under Sandy City Code Sec. 21-3-33.
3. Whether the proposed development has failed to comply with Site Plan application requirements.
4. Whether the proposed use is in violation of the Open Space District's permitted land uses.

5. Whether the decision by Planning Commission to issue the permit was against the clear weight of evidence.

ARGUMENT

1. The Invalid Ordinance Amendment Renders the Approval of the CUP Invalid

The Planning Commission's approval of the Conditional Use Permit (CUP) for the Willow Creek project is fundamentally flawed because it relied on an ordinance amendment that was not validly enacted. Sandy City Code § 21-10-2(b) clearly states that accessory structures are "not permitted (unless otherwise specified)" in the Open Space (OS) District. Initially, this restriction should have led to the denial of the CUP application, as the proposed 16,663-square-foot maintenance building and 4,160-square-foot greenhouse are clearly accessory structures within the OS District.

However, instead of denying the application based on this clear restriction, Sandy City staff attempted to circumvent the issue by reclassifying the proposed structures under the category of "outdoor recreation," which permits certain accessory structures like restrooms, dressing rooms, and maintenance buildings under § 21-37-19(9). This classification was inappropriate because a golf course is explicitly defined as a "park" under § 21-37-17(6), and parks do not allow such accessory structures under the existing code.

Recognizing this discrepancy, Sandy City staff initiated a text amendment to the ordinance to allow parks, including golf courses, to have accessory structures as a conditional use. However, the Planning Commission's approval of the CUP for the Willow Creek project is invalid because it failed to adhere to the statutory requirements for public hearings, as mandated by Sandy City Code Sec. 21-5-3 and 21-33-2(4)(a). The City inappropriately combined the comment periods for both matters and limited participants to just two minutes of speaking time.

In *Springdale Lodging, LLC v. Town of Springdale*, the Utah Court of Appeals clearly stated that "[f]ailure to strictly follow the statutory requirements in enacting the ordinance renders it invalid." 2024 UT App 83, ¶25. *Springdale* also emphasized that public hearings are crucial for ensuring that interested parties have a reasonable opportunity to comment, as required by law. *Id* at ¶34. Failure to provide this opportunity violates procedural due process, undermining the legitimacy of the decision-making process. Moreover, Utah Code § 10-9a-103(54) defines a public hearing as "a hearing at which members of the public are provided a reasonable opportunity to comment." By allowing only two minutes per speaker for two significant items, the Planning Commission did not meet this standard, thereby violating both state law and local ordinance requirements.

In this case, the failure to properly enact the ordinance amendment renders the amendment itself invalid. Since the approval of the CUP was contingent on this invalid ordinance amendment, the CUP approval is also invalid. The Planning Commission's decision, therefore, lacks legal foundation and should be overturned to comply with the statutory requirements.

By relying on an improperly enacted ordinance amendment to justify the CUP, the Planning Commission compromised the integrity of its decision-making process. The Etienne Way Residents intend to file an appropriate challenge to the district court pursuant to 10-9a-801(5).

2. The City's Failure to Review Important Facts and Make Findings that Adhere to the Standards of Sec. 21-33-3 Rendered Its Decision Invalid

A land use decision is arbitrary and capricious if it is not supported by "substantial evidence in the record," as provided in Utah Code § 10-9a-801. The Utah Supreme Court in *McElhaney v. City of Moab* emphasized that "a land use authority cannot fulfill the requirement of transmitting its orders and supporting findings to the reviewing court unless such orders and findings exist." 2017 UT 65, ¶32, 423 P.3d 1284. Without "sufficiently detailed findings that disclose the steps by which an administrative agency reaches its ultimate factual conclusions," an appellate court "cannot perform its duty of reviewing the order in accordance with established legal principles and of protecting the parties and the public from arbitrary and capricious administrative action." *Id* at ¶ 36.

Similarly, in *Springdale Lodging, LLC v. Town of Springdale*, the court held that a legislative body must "gather available pertinent information from all possible sources and give consideration to it in making [its] determination." 2024 UT App ¶38 (quoting *Harmon City, Inc. v. Draper City*, 2000 UT App 31, ¶ 27, 997 P.2d 321). While the Planning Commission may be considered an administrative body, the fact that Planning Commission was responsible pursuant to Sandy City Code Sec. 21-33-321-10-1 to "[s]et appropriate building height, size, and setback requirements for each specific development proposal" this standard should be applied. The Utah Supreme Court in *Thurston v. Cache County* highlighted the need for zoning ordinances to establish boundaries and standards holding that "a zoning ordinance must set some ascertainable boundaries on the exercise of discretion by a zoning authority." 626 P.2d 440, 443 (Utah 1981) (referencing *Osius v. City of St. Clair Shores*, 693, 700, 75 N.W.2d 25 (1956), holding that "[w]here a zoning ordinance permits officials to grant or refuse permits without the guidance of any standard, but according to their own ideas, it does not afford equal protection.") Similarly, in *Suarez v. Grand County*, the court emphasized that it is legislative power that is based on weighing of broad, competing policy considerations. 2012 UT 72, ¶19, 296 P.3d 688. As the Planning Commission was free to set any setback, height, or building size requirements by imposing their own policy considerations, this decision should be considered a delegation of legislative authority.

Under Sandy City Code Sec. 21-33-3, the City is obligated to ensure that any conditional use approved within its jurisdiction adheres to several critical standards. The overarching requirement is that any detrimental impacts “**shall not** exceed those that could reasonably be expected to arise from a use that is permitted in the district.” This analysis must consider factors such as health, safety, welfare, prosperity, and property values, ensuring that the proposed use does not disproportionately harm the surrounding community. *Id.* Further “the proposed conditional use **shall not** limit the effectiveness of land use controls, imperil the success of the General Plan for the community, promote blight, or **injure property values.**” See Sandy City Code Sec. 21-33-3(3).

The City’s decision to issue the conditional use permit is arbitrary and capricious because it failed to adequately address the requirements of Sandy City Code Sec. 21-33-3, which mandates that the detrimental impacts of a proposed conditional use must not exceed those of a permitted use in the district. Specifically, the City did not provide adequate findings of fact or substantial evidence in the record regarding (a) building size, height and setback (b) lighting (c) pollution and hazardous materials, (d) property values, (e) visual impacts and (d) noise pollution.

A. Insufficient Findings on Building Size, Height, and Set Back

The Planning Commission did not sufficiently analyze whether the proposed 16,000 sq. ft. two-story building of unspecified height is appropriate for the location or how it compares to other permitted uses in the area. This omission is particularly concerning given the potential for the structure to obstruct views, dominate the landscape, and alter the neighborhood’s character, contrary to the objectives of the Open Space District. Even though there was discussion regarding setback, there was no substantial evidence or reasoning as to why the Planning Commission settled on 50 feet.

B. Insufficient Findings Regarding Lighting Impact

The Commission’s decision also does not adequately address the lighting impacts associated with the new structures and operations at the maintenance facility. The introduction of bright lighting, especially during evening and nighttime hours, has the potential to significantly affect the visual environment and disturb the residential character of the surrounding area. The Planning Commission granted approval of the CUP prior to review of a detailed lighting plan and with no conditions to minimize light pollution. Additionally, as the Open Space District has no codified lighting standards, a board requirement that Willow Creek comply with the City’s lighting requirements is meaningless.

C. Insufficient Analysis of Air Pollution and Hazardous Materials Impacts

The Planning Commission also neglected to adequately consider the potential impacts of air pollution and hazardous materials associated with the proposed maintenance facility. The Planning Commission gave no analysis of the hazardous chemicals and emissions from machinery, vehicles, and chemicals used in maintenance activities might affect air quality, particularly given the proximity to residential areas. Additionally, the facility's likely use and storage of hazardous materials pose significant risks to public health and the environment. The decision fails to provide any analysis or propose mitigation measures for these critical issues, nor does it address compliance with Sandy City Code Chapter 20-10, which sets forth stringent requirements for the safe storage, use, and disposal of hazardous substances. This omission is particularly concerning, as it leaves the community vulnerable to both immediate and long-term health and environmental injury.

D. Insufficient Findings on Property Value Impacts

The Planning Commission did not adequately consider the potential negative effects of the proposed development on property values in the surrounding community. Again, this is a strict requirement under Sandy City Code Sec. 21-33-3(3). The decision lacks any substantial analysis of how the size and nature of the new structures, combined with increased activity at the maintenance facility, might lead to a depreciation of nearby property values. This omission is particularly concerning given the likelihood that the development could diminish the views, the aesthetic appeal of the neighborhood therefore injuring the property values of the Etienne Way Residents.

E. Insufficient Findings on Visual Impact

The Planning Commission also failed to thoroughly evaluate the visual impacts of the proposed structures on the surrounding area. The large size of the buildings, combined with their location within the Open Space District, has the potential to create significant visual blight. The decision does not include a detailed assessment of how the development might detract from the natural and residential character of the neighborhood, nor does it propose any measures to mitigate these visual impacts.

F. Insufficient Findings on Noise Pollution

The Planning Commission did not provide an analysis of the noise pollution that would likely result from the operations at the proposed maintenance facility. The decision lacks any comparison of expected noise levels with those from other permitted uses in the district. Given the potential for loud machinery and vehicle noise to disrupt the tranquility of the nearby residential areas, this omission is particularly troubling. The absence of proposed mitigation measures further highlights the inadequacy of the Commission's decision regarding noise impacts.

3. The CUP Includes Specified Not-Permitted Uses and Should Therefore be Denied.

Under the Sandy City Open Space District (OS) code, several uses proposed as part of the Willow Creek Project are explicitly not permitted, as indicated by an "N" in the Table of Uses. *See* Sandy City Code Sec. 21-10-2. These include:

- Automotive service and repair – major and minor: Both major and minor automotive service and repair activities are not permitted within the Open Space District.
- Auto, truck, RV, equipment storage: The storage of vehicles, including autos, trucks, RVs, and other equipment, is not permitted.
- Automotive service station, non-mechanical: Similar to the major and minor automotive services, even non-mechanical service stations are not permitted.
- Plant nursery: Plant nurseries are not allowed in the Open Space District.
- Professional office: The establishment of professional offices is not permitted.

These uses are strictly prohibited in Open Space District, which aims to preserve the natural and generally undeveloped character of these areas. As such, their inclusion in the Willow Creek Project would be illegal and should be reconsidered. At a minimum, conditions should be imposed which clearly prevent Willow Creek from abusing their permit to include any of the included prohibited uses.

4. Willow Creek's Site Plan Application Was Incomplete Because It Failed to Submit All Required Items Under Section 21-32-2(c)

The Willow Creek Country Club's site plan application for the proposed maintenance area reconstruction was incomplete as it failed to include several critical components mandated by Sandy City Code Section 21-32-2. Specifically, the application lacked:

- i. **Landscaping and Irrigation Plan:** While the site plan mentions some landscaping and irrigation improvements, the plan does not seem to provide a detailed Landscaping and Irrigation Plan that meets the Sandy City water conservation requirements in Sandy City Code Section 21-25-4, as required by Sandy City Code 21-25-4.
- ii. **Grading and Drainage Plan:** The report mentions grading to lower the building floor level but lacks a comprehensive Grading and Drainage Plan that addresses site drainage, stormwater runoff, and water quality improvements, as required by the Sandy City Code.
- iii. **Utility Plan:** Although there is mention of utilities being present and available, the site plan does not appear to include a detailed Utility Plan

- that shows the exact location of utility boxes and addresses their placement, screening, and compliance with City standards.
- iv. **Architectural Building Elevations:** The site plan refers to changes in building design, such as wall heights and roof structures, but it does not include a comprehensive Architectural Building Elevation Plan that provides detailed views of all building faces and materials as required by the code.
- v. **Adjacent Property Information:** There is no detailed documentation of the names and addresses of property owners within 300 feet of the proposed project, which is a requirement in the site plan application process.
- vi. **Storm Water Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI):** The site plan lacks a SWPPP and NOI, which are required for managing stormwater and ensuring compliance with Sandy City's environmental regulations. This is especially concerning where we believe automotive, and landscaping chemicals will be stored at the building.
- vii. **Fencing, Screening, and Landscaping Treatments:** Although there is some discussion about a fence and landscaping to buffer the new building from adjacent properties, the details seem incomplete, particularly regarding specific landscaping treatments and the type and height of fencing.
- viii. **Lighting Plan:** There is no mention of a detailed Lighting Plan, which should be included to address the location and design of all lighting fixtures, and their potential impacts on neighboring properties.

5. Approval of the Willow Creek CUP in the Open Space District Cannot be Supported by the Evidence.

Even if remanded for additional findings, the approval of the CUP in the Open Space District cannot be supported. The stated purpose of the Open Space (OS) District, is to provide for an enhanced natural environment, protecting the City's limited natural and developed open spaces from further intrusions." See Sandy City Code Sec. 21-10-1(a). It further provides that "[r]estrictions in this zone are designed to prevent the encroachment of residential, commercial, and industrial uses into these open space areas that would be contrary to the objectives and characteristics of this zone." *Id.*

The proposed 16,663-square-foot maintenance building and 4,160-square-foot greenhouse are large, industrial-type structures that directly conflict with the "generally undeveloped" intent of the OS zone. These structures, as approved in the Willow Creek CUP, are more fitting for commercial or industrial settings—precisely the types of uses that the OS district is designed to exclude. The evidence does not demonstrate that these buildings are compatible with the natural, open environment that the OS zone seeks to preserve. Additionally, the Code clearly indicates that accessory structures are generally "Not Permitted" in the OS District unless specifically allowed elsewhere. The

code amendment intended to justify these structures failed to adhere to statutory procedures and is, therefore, invalid.

CONCLUSION

For the reasons outlined above, the Etienne Way Residents respectfully request that the Board of Adjustments overturn the Planning Commission's approval of the Conditional Use Permit (CUP) for the Willow Creek project. The approval is fundamentally flawed, as it relied on an improperly enacted ordinance amendment, failed to meet statutory requirements for public hearings, and did not provide sufficient findings or evidence to support the decision. The structures proposed in the CUP directly conflict with the intent and regulations of the Open Space (OS) District, and their approval undermines the purpose of preserving the City's natural and undeveloped areas. The Planning Commission's decision violates applicable law and should therefore be declared invalid.

Respectfully submitted,

MILLER HARRISON LLC

A handwritten signature in black ink that reads "Amy C. Walker". The signature is written in a cursive, flowing style.

Amy C. Walker
Attorney at Law
Attorney for Steven Harries

**Sandy City, Utah**
Meeting Agenda
Planning Commission

Dave Bromley
Cameron Duncan
David Hart
Ron Mortimer
Daniel Schoenfeld
Jamie Tsandes
Steven Wrigley
Craig Kitterman (Alternate)
Jennifer George (Alternate)

Thursday, July 18, 2024**6:15 PM****Council Chambers and Online**

Meeting procedures are found at the end of this agenda.

This Planning Commission meeting will be conducted both in-person, in the Sandy City Council Chambers at City Hall, and via Zoom Webinar. Residents may attend and participate in the meeting either in-person or via the webinar link below. Register in advance for this webinar:

https://us02web.zoom.us/webinar/register/WN_70LyLJFMSQO4S5wIEveSXQ

After registering, you will receive a confirmation email containing information about joining the webinar.

You can join the meeting with the following link:

<https://us02web.zoom.us/j/83574974375>

Or join via phone by dialing:

US: 253 215 8782 or 346 248 7799 or 669 444 9171 or 669 900 6833 or 719 359 4580 or 253 205 0468

(for higher quality, dial a number based on your current location)

International numbers available: <https://us02web.zoom.us/j/83574974375>

Webinar ID: 835 7497 4375

Passcode: 508405

4:00 PM FIELD TRIP

1. [24-262](#) Map

Attachments: [071824.pdf](#)

6:15 PM REGULAR SESSION

Welcome

Pledge of Allegiance

Introductions

Public Hearings

2. [CA04262024-0006762 \(PC\)](#) Amendments to Title 21 of the Land Development Code related to Home-based Microschools, Micro-education Entities, Charter and Public Schools

Attachments: [Staff Report with Exhibits](#)
3. [CA07032024-0006794 \(PC\)](#) Amendments to Title 21 of the Land Development Code related to Accessory Structures in the Open Space District

Attachments: [Staff Report and Exhibits](#)

Public Meeting Items

4. [SPR05172024-0006771](#) Willow Creek CC Maintenance Area Reconstruction Project (Preliminary Site Plan Review)
8505 S. Willow Creek Dr.
[Community #18, Willow Creek]

Attachments: [Staff Report](#)
[Exhibit B](#)
5. [CUP05272024-0006775](#) Willow Creek CC Maintenance Area Reconstruction Project (Conditional Use Review)
8505 S. Willow Creek Dr.
[Community #18, Willow Creek]
6. [SPR04172024-0006752](#) Larkin's Sunset Gardens Cemetery Expansion - Garden of Resurrection
1950 E. Dimple Dell Rd.
[Community #26]

Attachments: [Staff Report](#)
[Exhibit A](#)
7. [SPX06262024-0006791](#) Southeast Industrial Park (Special Exception Review)
8496 S. Harrison Street
[Community #1, Northwest Exposure]

Attachments: [Staff Report](#)
[Exhibit A Application Letter](#)
[Exhibit B Application Materials](#)

Administrative Business

1. Minutes

[24-263](#) Minutes from the June 20, 2024 Meeting

Attachments: [06.20.2024 Minutes \(DRAFT\)](#)

2. Sandy City Development Report

[24-264](#)

Development Report

Attachments:[07.01.2024 DEV REPORT](#)

3. Director's Report

Adjournment

Meeting Procedure

1. Staff Introduction
2. Developer/Project Applicant presentation
3. Staff Presentation
4. Open Public Comment (if item has been noticed to the public)
5. Close Public Comment
6. Planning Commission Deliberation
7. Planning Commission Motion

In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comments will be limited to 2 minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Comments which cannot be made within these time limits should be submitted in writing to the Community Development Department prior to noon the day before the scheduled meeting.

Planning Commission applications may be tabled if: 1) Additional information is needed in order to take action on the item; OR 2) The Planning Commission feels there are unresolved issues that may need further attention before the Commission is ready to make a motion. No agenda item will begin after 11 pm without a unanimous vote of the Commission. The Commission may carry over agenda items, scheduled late in the evening and not heard, to the next regular scheduled meeting.

In compliance with the Americans With Disabilities Act, reasonable accommodations for individuals with disabilities will be provided upon request. For assistance, or if you have any questions regarding the Planning Commission Agenda or any of the items, please call the Sandy City Planning Department at (801) 568-7256

SANDY CITY COMMUNITY DEVELOPMENT



JAMES SORENSEN
COMMUNITY DEVELOPMENT
DIRECTOR

MONICA ZOLTANSKI
MAYOR

SHANE E. PACE
CHIEF ADMINISTRATIVE OFFICER

Staff Report Memorandum

July 18, 2024

To: Planning Commission
From: Community Development Department
Subject: Willow Creek CC Maintenance Area Reconstruction Project (Preliminary Site Plan and Conditional Use Review)
8505 S. Willow Creek Dr.
(Community #18, Willow Creek)

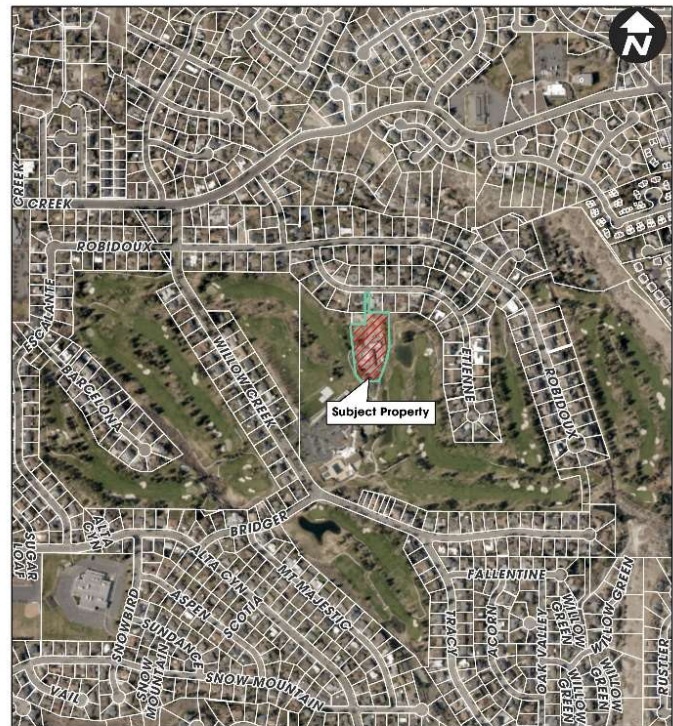
SPR05172024-006771
CUP05172024-006775
Open Space (OS) Zone
Approx. 2.75 Acres

Public Meeting Notice:

This item has been noticed to property owners within 500 feet of the subject area, on public websites, at public locations, and a sign posted on site.

Request

The applicant, Mr. James Glascock, Architect, representing the Willow Creek Country Club, is requesting Site Plan Review (SPR) and Conditional Use Permit (CUP) approval for the reconstruction and relocation of the existing maintenance area facilities for the property located at 8505 S. Willow Creek Dr. The proposed project area includes approximately 2.75 acres and is located on the northern boundary of the golf course property and abutting existing single-family homes. (These existing homes front onto Etienne Way and are located within the Un-incorporated Salt Lake County zoning jurisdiction.) The proposal is to construct: a new 16,663 square foot, single story, maintenance equipment storage, repair shop, and office use building; a 4,160 square foot greenhouse; a parking lot and other related improvements (such as landscaping). The new maintenance area complex is proposed to be located between the existing single-family homes to the north and the current maintenance buildings to the south. After the new construction is completed, the old maintenance facilities will be demolished and that area re-landscaped. Please see the applicant's request letter attached as (Exhibit A) and application materials (Exhibit B).



SPR05172024-006771
CUP05272024-006775
Willow Creek Country
Club Maintenance Area
8505 S Willow Creek Dr.

Property Case History	
Case Number	Case Summary
Ordinance #18-35	Sandy City annexed the subject property and designated the zoning classification as Open Space (OS). Adopted Dec. 26, 2018

Background

The Willow Creek Country Club complex consists of 158 acres containing a golf course, driving range, clubhouse with restaurant, golf pro shop, outdoor swimming pool, a maintenance area with buildings and a green house and a large vehicle parking lot for members of the club. The complex was developed entirely while the property was located within the zoning jurisdiction of Un-incorporated Salt Lake County. Sandy City annexed the country club property in December of 2018, and zoned the entire country club property as Open Space (OS). Upon annexation into Sandy City, the country club’s existing land uses, facilities and property automatically became either conforming or legal non-conforming to the Sandy City zoning ordinance as to land use classifications and physical site improvements. Since the property was annexed the County is no longer the land use authority. This is the first land use application sought by the country club seeking to amend any of the physical site improvements since being annexed into Sandy City.



Figure 1 - Existing drive access from Etienne Way



Figure 2 - Existing home on the west side of drive access.



Figure 3 - Existing drive access (looking north)



Figure 4 - Looking northeast and seeing the rear of the existing home on the east side of the drive access



Figure 5 - Existing dirt mound (where new building would be located) (looking east)



Figure 6 – Dirt mound and one of the existing buildings & current improvements (looking southeast)

The surrounding zoning to the south of the country club property is generally located within Sandy City and is zoned for larger lot single-family-dwelling use. The existing single-family homes abutting the northern side of the country club property are generally within an un-incorporated Salt Lake County jurisdictional island between Sandy City and Cottonwood Heights City. These abutting homes on the north of the golf course property are zoned A-1, under Salt Lake County's zoning regulations (which allows for the existing single-family-residential homes on at least 10,000 lots.) The country club property is the only Open Space zoned property in the area.

Sandy City Code Chapter 21-10, *Open Space District*, includes a land use matrix that designates the listed land use designations as either permitted (P), conditional (C) or not allowed (N). Country club or golf course land use designations are not specifically listed in the matrix of land uses. The closest land use designations to describe these existing activities and site improvements are "Parks, Public and Private" and "Recreation, Outdoor". Both categories are listed in the existing matrix as (C) conditional uses within the OS Zone. In the definitions section of the Sandy City Development Code, Chapter 21-37, *Definitions*, under the "**Parks, Public and Private**" land use category, a specific reference is made as examples, to "...open space, playground, swimming pool, golf course, or athletic field available for recreational...use". Under the definition of "**Recreation, Outdoor**" land use category, a specific reference is made as examples, to "... restrooms, dressing rooms, equipment storage, maintenance buildings, and open-air pavilions, and used primarily for recreation activities...."

Also in Chapter 21-10, *Open Space District*, in the land use matrix is listed "**Accessory Structure, (Unless otherwise specified)**" and is designated as (N), not allowed. The intent of this language is to restrict accessory structures unless they are associated with and support a primary use, in which case they would be allowed. While it is customary for parks and golf courses to feature accessory structures such as restrooms and maintenance buildings, the current code language can cause confusion whether an accessory structure is permitted for a park or golf course. Staff has put forward a code amendment to provide clarity and eliminate any doubt that accessory structures are permitted for parks and golf courses with conditional use review in the Open Space Zone District. (See related code amendment application CA07032024-0006794, for full details.)

Sandy City Code requires any new site construction, building permit activity or infrastructure improvements must first receive Site Plan Review by the Planning Commission. The existing land uses are proposed to be reconstructed and relocated on the same property by these applications, are determined to be ancillary to and in support of "**Parks, Public or Private**" and "**Recreation, Outdoor**". Those land use categories are both listed as (C) Conditional Uses in the open space zone matrix and require a conditional use permit to be reviewed along with the proposed site plan.

A **Conditional Use Permit** is required to be approved by the Planning Commission, to assess reasonably anticipated negative impacts of the proposed uses and the site improvements and buildings, and to impose mitigating measures and requirements to the extent possible, to reduce those anticipated impacts to surrounding properties. A **Site Plan Review** is required to approve the requested buildings and site improvements being made by the relocation and reconstruction of the maintenance area facilities of the country club and golf course property.

Public Notice and Outreach

Applications for the site plan review and the conditional use permit were made on May 17, 2024. Planning staff sent the plans and documents to the reviewing city departments and divisions and requested preliminary site plan review by them. Staff prepared a neighborhood meeting public notice mailing for a Zoom meeting to be held for this project on June 10, 2024. On June 7, 2024, staff posted a public meeting notice sign on the property for the Planning Commission meeting to be held on June 20, 2024. The abutting residential neighbors residing on Etienne Way in the county saw the posted sign noticing the Planning Commission meeting scheduled for the 20th of June and called and emailed city staff about the project on Monday, June 10, 2024, and stated that they had not received any mailed notice for the neighborhood meeting to be held that night on June 10, but only saw the posted sign.

This information caused the planning staff to research the mailing list for the June 10, 2024, neighborhood meeting and staff found that the wrong portion of the Willow Creek area had been noticed and the more impacted area was not noticed. Planning staff went ahead and held the neighborhood meeting that night on June 10, 2024, but informed those in attendance that another neighborhood meeting would also be held on June 25, 2024, with a new Planning Commission meeting date of July 18, 2024. A revised public notice was mailed on June 12, 2024, to over 400 property owners surrounding the entire country club property for the second neighborhood meeting and stating the rescheduled Planning Commission meeting date of July 18, 2024.

Neighborhood Meeting

Due to the noticing error, staff held two neighborhood meetings. Both meetings were well attended and there were several questions and concerns voiced by those in attendance and those that emailed staff prior to the meetings. Participants were generally from the neighborhood to the north of the golf course property. Please see Exhibit C for the minutes of both neighborhood meetings and a portion of presentation with responses to known questions and issues raised prior to the second meeting. The issues that were generally expressed during both meetings are summarized as follows:

- Questioning the need for any change from the existing facilities and activities.
- Statements that the proposed building for the maintenance activities was too tall at 35 feet to the ridge and too close to their rear property lines at 20 feet.
- Statements that existing views from residents' backyards would be negatively impacted by the new building.
- Questioning why the new buildings and related activities could not be replaced at their current locations and therefore not moved closer to their properties.
- Noise from activities and equipment.
- Vehicle traffic using their residential street to access the maintenance area.
- Odors coming from the maintenance area.
- Materials delivery and storage on site.
- Concerns about where construction workers might park their private vehicles during construction impacting their residential street.
- Assertions that the existing uses were not allowed to be changed or expanded.
- Assertions that accessory structures are not allowed in the OS zoning district.

Analysis

This staff report includes two action items for consideration by the Planning Commission. The Site Plan Review will be analyzed first, followed by an analysis of the Conditional Use request. Following the analysis of the two requests, staff will present two separate suggested motions, each to be considered and voted upon by the Planning Commission in sequence.

Site Design Concepts

The design concept from the beginning of this project has been to:

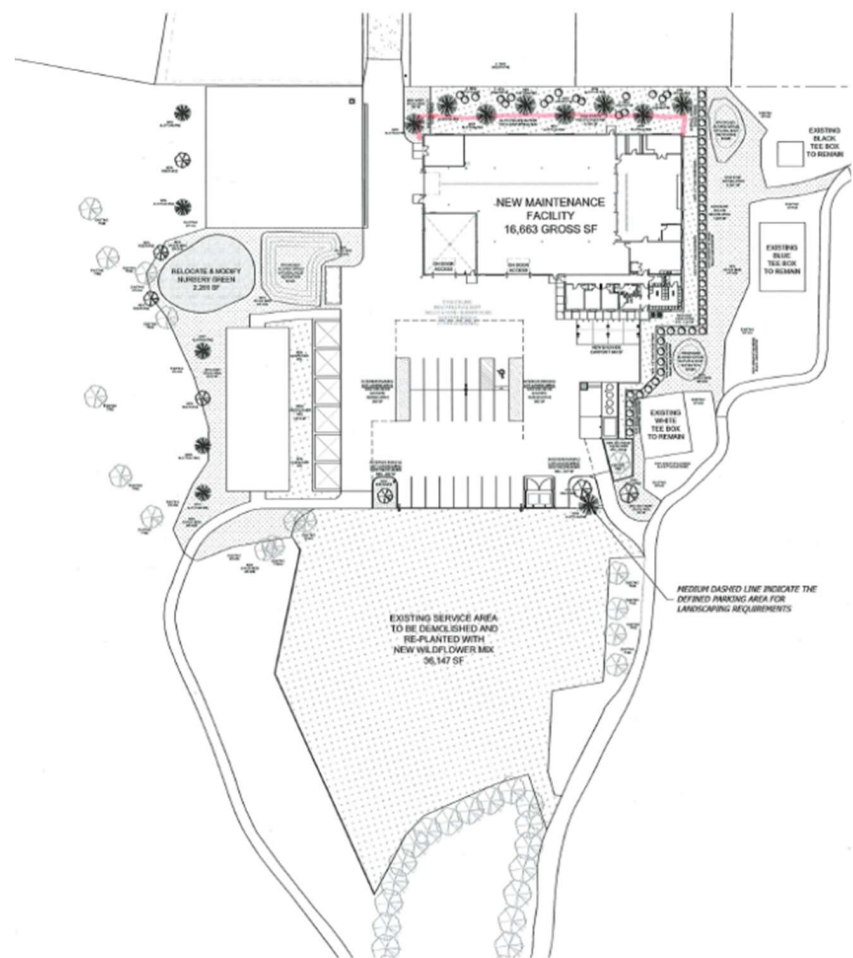
- Upgrade the maintenance area and buildings to the same architectural design level and building value as the rest of the country club buildings and site improvements, which have already been upgraded over the many years of operation.
- Locate the new facilities in the same general area but allow the existing functions of the maintenance area to continue during construction of the new facilities and then move the functions into the new facilities without operation interruption.
- Build a new larger building to consolidate several existing buildings into one energy efficient building, with all the activities and functions that are currently spread amongst three old metal buildings and include some outdoor activities that can be moved indoors.
- Located the new building as far north on the site as possible to act as a visual buffer and a noise buffer to the vehicle parking and the other outdoor activities that will continue.
- Design the roof structure of the new building to be more residential in appearance to the abutting neighborhood and less industrial in appearance and to provide more of a noise and activity buffer to the neighbors.
- Reclaim the south half of the 2.75-acre disturbed site area for new open space use and re-vegetation and possible future inclusion as part of the golf course layout.

Revised Site and Building Plans

After the two neighborhood meetings were held, and in response to the issues which were raised by the community, the Willow Creek CC directors and the architect have submitted revised site and building plans, and a modified building design for the 16,663 square foot maintenance building. The following analysis is for the revised site and building plan.

Access and Parking Lot Circulation

Access and parking for employee-owned vehicles, for country club vehicles, and for deliveries of materials and supplies to the



REVISED SCHEMATIC LANDSCAPE PLAN

SCALE: 1" = 30'-0"

GRAPHIC SCALE: 0' 10' 20' 30' 40' 50' 60' 70' 80' 90' 100'



maintenance area is existing and will not change or increase in intensity with the relocation and reconstruction. This same existing access will be used for all construction activities until completed. The new plans will relocate and formalize with improvements, the maintenance area parking lot to the south of the new maintenance building.

Parking

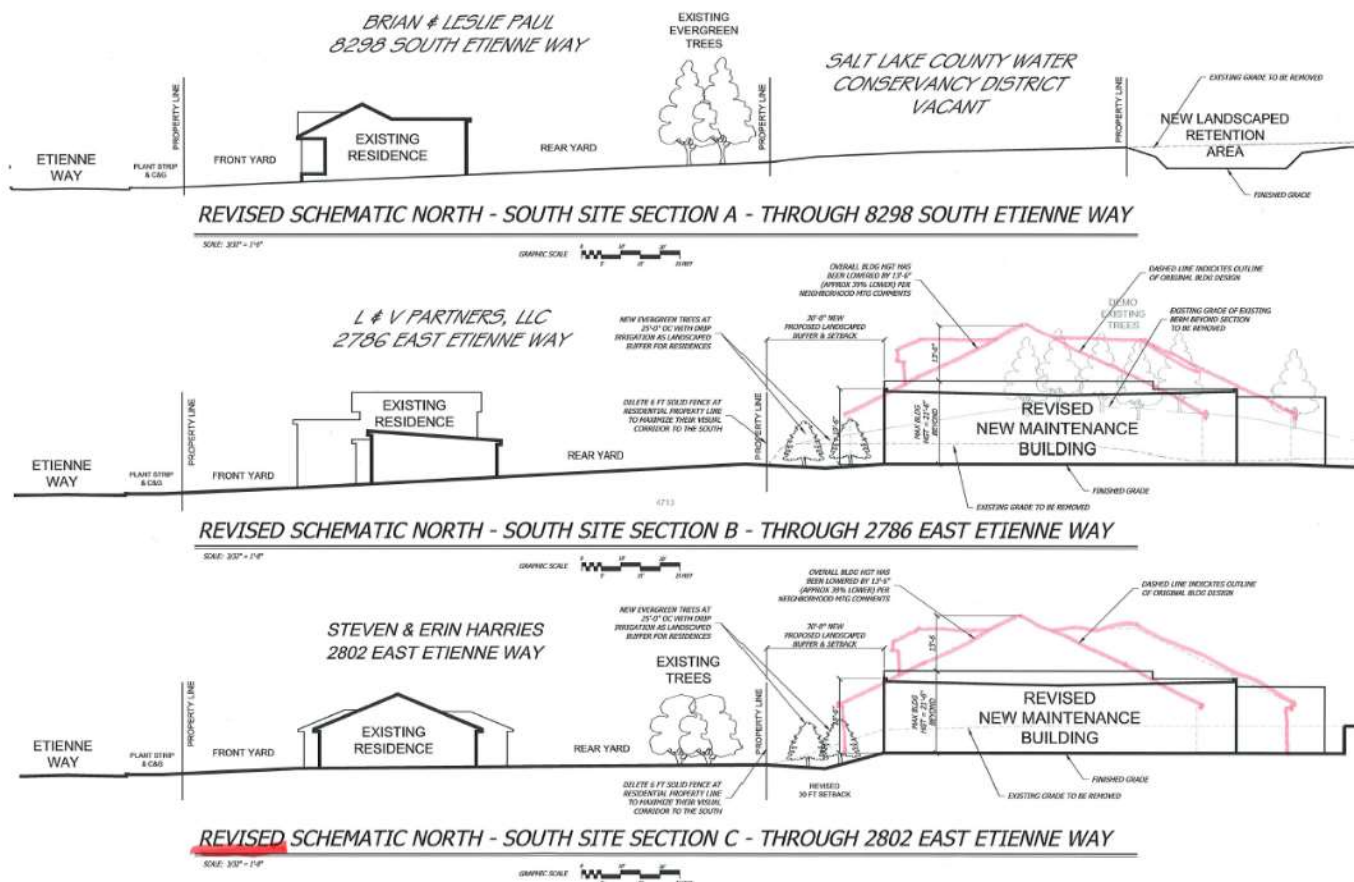
Parking on the maintenance facilities site is and will be restricted to employees of the maintenance facility and club vehicles and equipment and for materials and supplies deliveries. These activities exist now and will not increase due to the reconstruction. Parking is adequate for the operations. During the new construction, all construction parking and staging will be from the existing maintenance area portion of the site, located to the south of the proposed new facilities.

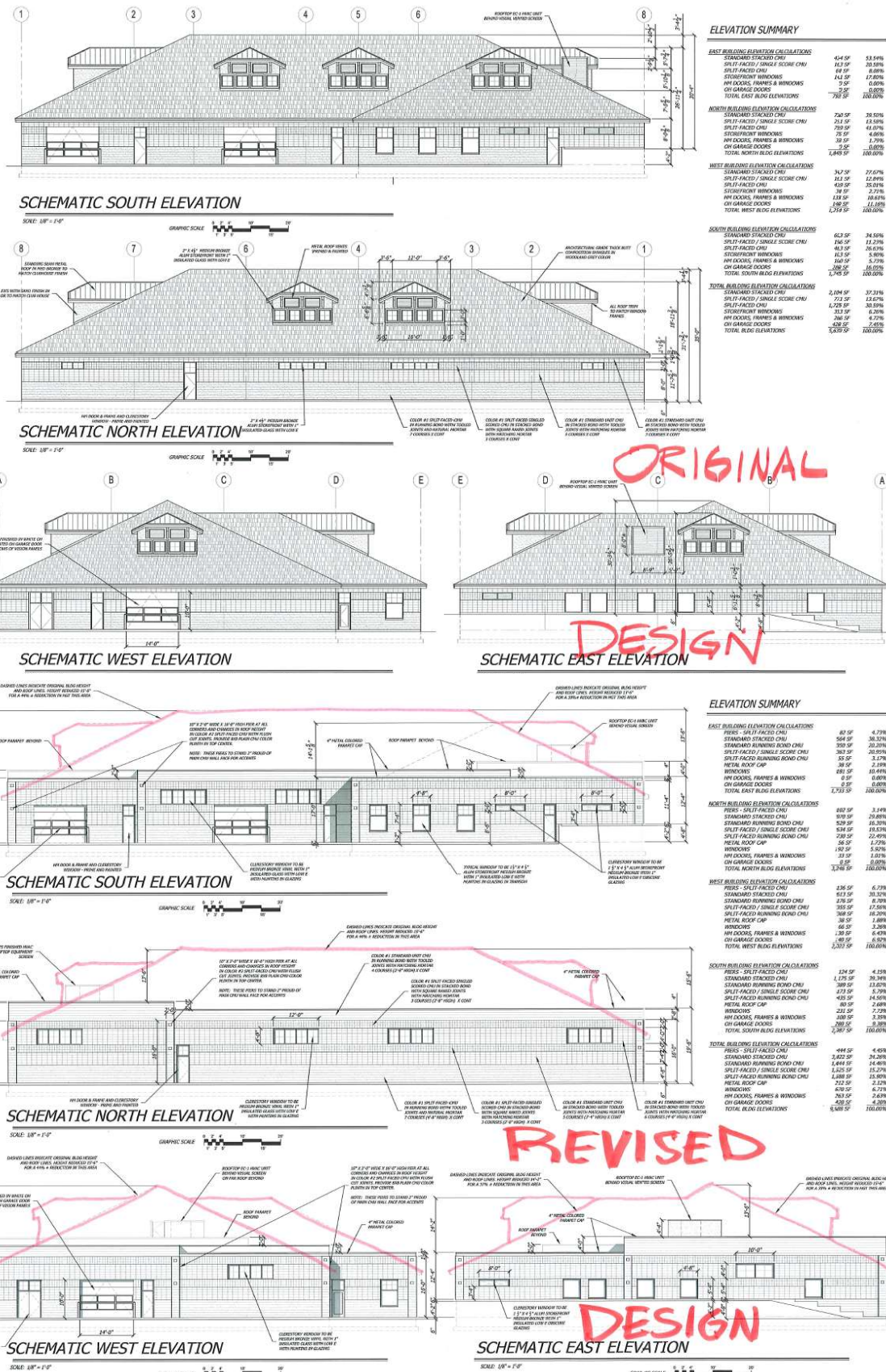
New Building Location

The revised site plan shifts the location of the proposed new building from 20 feet to 30 feet south of the existing property line. This is the same rear yard setback minimum allowed by the county zoning of the residential neighbors to the north in the A-1 zoning district. The rest of the new site plan has been adjusted to accommodate this building location shift and still allow the new facilities to be constructed north of the current site buildings and facilities.

Architectural Building Design and Materials

The original exterior wall building materials, being split face concrete masonry units (CMU), building colors, openings, and windows remain generally the same as with the first design. The wall heights have increased slightly to accommodate the new flat roof and its flat roof truss structure, replacing the prior pitched roof design and its resultant 35-foot building height. The new wall height varies slightly around the parameter of the new building, topping out at approximately 22 feet at its highest building face exposure point.





Landscaping and Irrigation

The revised site plan and landscaping plan has been modified to increase the planting density proposed for the new 30-foot building setback on the north side of the new building location. These plans include introducing evergreen trees and deciduous trees and ground level bushes and plantings to help with buffering the neighbor's view of the new building. The landscaping and the irrigation will meet the Sandy City water conservation requirements.

Signage

No signage is proposed as part of this site plan review.

Fencing

The prior plan called for a 6-foot-high solid vinyl fence to be placed along the north property line to help buffer the view of the new building by the neighbors abutting the building site. The country club will build or not build this screening fence, upon future conversations with those abutting neighbors on a property by property negotiation basis.

Staff Concerns

Planning staff has no additional concerns with this project. The country club has made substantial changes to the site plan and the building to help mitigate the neighborhood's collective concerns.

Conditional Use Permit Analysis

As part of Conditional Use Permit analysis, the City may impose conditions on a Conditional Use, based upon certain standards of review found in section 21-33-04, "Conditional Use Permit", of the Sandy City Land Development Code. The following standards of review are applicable to this request and merit discussion or additional consideration by the Planning Commission before an approval can be given (staff's analysis response is found below each item written in italics):

Sec. 21-33-4. Conditions.

In order to achieve compliance with the standards set forth herein, the City may impose conditions that address:

- (1) Size, configuration and location of the site and the proposed site plan layout.

The size of the site is adequate to provide the required parking and other site improvements necessary to host the proposed new building and its use.

- (2) Proposed site ingress and egress to existing and proposed roads and streets.

The proposed site improvements will provide adequate vehicle access to the site.

- (3) The adequacy, provision, relocation, or protection of public facilities and amenities, including roads and streets, culinary water, secondary water, sanitary sewer, storm drainage, public safety and fire protections, and other utilities.

All necessary utility and street access infrastructure is present and available on site.

- (4) Design, location and amount of off-street parking, loading areas and solid waste disposal and collection areas.

The site plan provides the required amount of off-street parking for the use of the proposed portion of the 2.75-acre disturbed area. A permanent dumpster and dumpster enclosure will be provided on the revised site plan.

- (5) Site circulation patterns for vehicular, pedestrian, and other traffic.

The on-site vehicle circulation is adequate for the intended use.

- (6) Mass, size, number, location, design, exterior features, materials, and colors of buildings, structures and other facilities.

These factors have been considered and recommended for approval by the Planning Commission in the Site Plan Review application and determined to be appropriate and compatible. Both the proposed building setback increase from 20 to 30 feet and the change in the building design to the flat roof are being proposed by the applicant to mitigate reasonably anticipated impacts to adjoining properties.

- (7) The location and design of all site features, including proposed signage, lighting, and refuse collection.

These factors have been addressed in the proposed site improvement plans for the project. Commercial Signage is not being requested by the applicant.

- (8) The provision of useable open space, public features, and recreational amenities.

This standard is not applicable to this project. Although the vast majority of the total 158-acre site is landscaped as a golf course, the property is private and therefore public access is prohibited,

- (9) Fencing, screening and landscape treatments, and other features designed to increase the attractiveness and safety of the site and protect adjoining property owners from noise, visual, and other impacts.

The fencing of the north property line will be negotiated with the abutting neighbors to arrive at a mutually agreeable decision on fencing and range from no new fence to the six-foot-high solid vinyl fence originally proposed. Landscaping density, tree type variety and ground level plantings are now proposed for the rear yard building setback from the north property line to the new building to increase buffering of the new building visually and provide a reduction in noise transmission.

- (10) Measures directed at minimizing or eliminating possible nuisance factors, including, but not limited to, noise, vibrations, smoke, dust, dirt, debris, plant materials, odors, gases, noxious matter, heat, glare, electromagnetic disturbances, and radiation.

This new building and its location are intended to reduce current negative impacts to adjoining properties by its very presence and its structure being able to better contain noises, odors, smoke, glare, human presence on the site that is visible to the abutting residential neighbors. Consolidating as many current activities as possible into an enclosed, and insulated building will reduce potentially negative effects to the abutting residential neighbors from the current and future site development and activities

- (11) The Measures designed to protect the natural features of the site, including wetlands and drainage ways, ground water protection, soils, wildlife, and plant life.

The grading of the site to lower the building finished floor level and remove portions of the existing dirt mound, will remove some existing tree vegetation. This tree vegetation will be replaced with new tree planting of both evergreen and deciduous trees to eventually screen the new building from the adjoining neighbors' back yard views. Site drainage will be improved with drainage infrastructure and site detention measures proposed. Site storm water runoff water quality will be improved with the introduction of the paved parking lot, and oil and water separator structures which will be installed.

- (12) The regulation of operating hours for activities affecting normal schedules and functions.

Extended operating hours are not being requested, nor would they be expected for this service use.

- (13) Identifying a time for regular review and monitoring, as determined necessary, to ensure the use continues to operate in compliance with all conditions and requirements of approval.

Routine business licensing and plan review processes are in place to review and monitor factors relative to the CUP operations. Complaints will be investigated by the City Code Enforcement Staff and resolved or forwarded to the Planning Commission for reconsideration and possible revocation.

- (14) Measures to assure compliance with all conditions and requirements of approval, including, but not limited to, bonds, letters of credit, improvement agreements, agreements to conditions, road maintenance funds, and restrictive covenants.

All of these relative requirements will be implemented by city staff during the final review and approval processes.

- (15) Such other conditions determined reasonable and necessary by the city to allow the operation of the proposed conditional use, at the proposed location in compliance with the requirements of this title.

None have been identified.

Staff Concerns. Planning staff does not have any concerns about the approval of this conditional use. This use is existing and will be continued with new building and site improvements, consistent with Sandy City Code requirements and conditions. All the proposed site improvements will allow continuation of the existing maintenance area functions with better buffering of the existing neighboring properties in better facilities with less environmental impacts.

Recommendations:

Site Plan Review

- # 1 Staff recommends that the Planning Commission determine preliminary site plan review is complete for the proposed relocation and reconstruction of the Willow Creek Country Club Maintenance Area facilities, located at approximately 8505 S. Willow Creek Dr., based on the following findings and subject to the following conditions:

Findings:

1. That the proposed project will meet all the applicable requirements of the Sandy City Development Code and the Sandy City Architectural Design Standards as to building architectural design, materials and colors.
2. That the proposed new building and site improvements to this area of the country club complex will improve the visual appearance of the maintenance area and provide better impact mitigation compared to the existing conditions and facilities.

Conditions:

1. That the developer proceeds through the final site plan review process with staff prior to the start of any construction. The final site plan shall comply with all Development Code requirements and those modifications required or allowed by the Planning Commission.
2. That the development complies with all Building & Safety, Fire and Life Safety Codes applicable to this type of use.
3. All utility boxes (i.e. transformers, switchgear, telephone, cable TV, etc.) shall be shown on the site plan and shall be placed underground or moved behind the front setback of the buildings and screened from view. Each box shall be shown in its exact location and shall be noted with its exact height, width and length. Building utility meters shall be mounted to the side or rear elevation or screened.
4. That the developer be responsible for the placement of a temporary 6-foot-high chain link fence around the perimeter of the project during the construction phase of the project for security. Said fence shall also be required to include fabric to prohibit blowing dust problems, if it becomes necessary or if it is required by the Community Development Department during Site Plan Review.
5. That the applicant complies with all department requirements as noted in all Preliminary Review letters prior to submittal for final site plan review with staff.
6. Subject to final approval of the proposed Code Amendment CA07032024-0006794, by the City Council before final approval and building permit issuance.

Conditional Use Permit

- #2 Staff recommends that the Planning Commission approve a Conditional Use Permit for the proposed reconstruction and relocation of the Willow Creek Country Club's Maintenance Area, which is an accessory and ancillary use to the "Park, Public and Private" and "Recreation, Outdoor" primary land use, and based upon the staff report analysis and the following findings and conditions:

Findings:

1. These uses are existing and will be continued with new building and site improvements, consistent with Sandy City Code requirements and conditions.
2. All the proposed site improvements will allow continuation of the prior maintenance area functions with better buffering of the existing neighboring properties in better facilities with less environmental impacts.

Conditions:

1. That the operational hours be limited to the previous operations, seasonally adjusted.
2. That the site plan approval conditions and the proposed site improvements be installed as part of the SPR process finalization.
3. Subject to final approval of the proposed Code Amendment CA07032024-0006794, by the City Council before final approval and building permit issuance.

Planner:



Doug Wheelwright
Development Services Manager

File Name: S:\USERS\PLN\STAFFRPT\2024\SPR05172024-006771 WILLOW CREEK COUNTRY CLUB - MAINTENCE AREA\WILLOW CREEK CC MAINTENANCE AREA RECONSTRUCTION SPR AND CUP P.C. STAFF REPORT 07-18-2024.DOCX

Exhibit “A”

JAMES B. GLASCOCK, ARCHITECT P.C.
ARCHITECTURE & PLANNING
18901 East Lark Drive Queen Creek, Arizona 85142
PHONE/FAX (801) 860-8905
e-mail: glascock@mtcon.net

Friday, May 24, 2024

City of Sandy
Planning Commission
10000 South Centennial Parkway
Sandy, Utah 84070

Re: WCCC Maintenance Area – Proposed Conditional Use
Willow Creek Country Club

Conditional Use – Description of Project

The purpose of the project is to replace the existing outdated maintenance area service buildings and service yard with a new functional design. All existing service facilities will be demolished and the existing service area re-graded and temporarily seeded with natural Utah wildflowers. This area will be held for future Country Club functions to be determined over time by the Club Membership. There is a small bermed area of soil on the site that will be used in the re-grading of this natural landscaped area. We have also been working with Jordan Valley Water Conservancy District to coordinate our site design with the pumphouse they will be constructing on their property.

The new maintenance complex will be a single one-story building to house all the existing functions that currently occur in the 3 -4 structures that will be removed. This will allow us to enclose the service functions, club storage, maintenance storage, fertilizer & pesticide storage, maintenance offices, equipment repair shop and service employee break room and lockers into a single efficient building. It will be designed and sized for current and anticipated future needs. The existing greenhouse will be replaced with a newer prefabricated building that will provide the nursery needs that the existing greenhouse cannot provide for the course and grounds. The new facility design will provide an efficient onsite equipment recirculating wash station and a small fuel area. The facility will be fenced and landscaped to provide visual barriers for the single-family residences to the north and to the club golf course and clubhouse.

The building will be fire-sprinklered and a new fire hydrant will be installed for Fire Department Use. Underground utilities will be upgraded as required by the various utility department standards and to service the new building. There will be adequate on-site parking for maintenance employees and turnaround for deliveries and Fire Department Access.

There will be no additional impact to the neighborhood. No new functions are being added by this project. The maintenance staff in and out parking will be controlled and remain as is and the minimal material deliveries to the site will also be controlled as currently exists. We have requested a variance from widening the existing service drive as requested by the staff to keep the entrance to this non-public area as is. We do not want to make this private drive entrance on Etienne Way any more appealing for the public to enter and cause more unintended traffic to our facility and create more issues for the neighbors.

Exhibit “B”
See the attached files for the full plan set

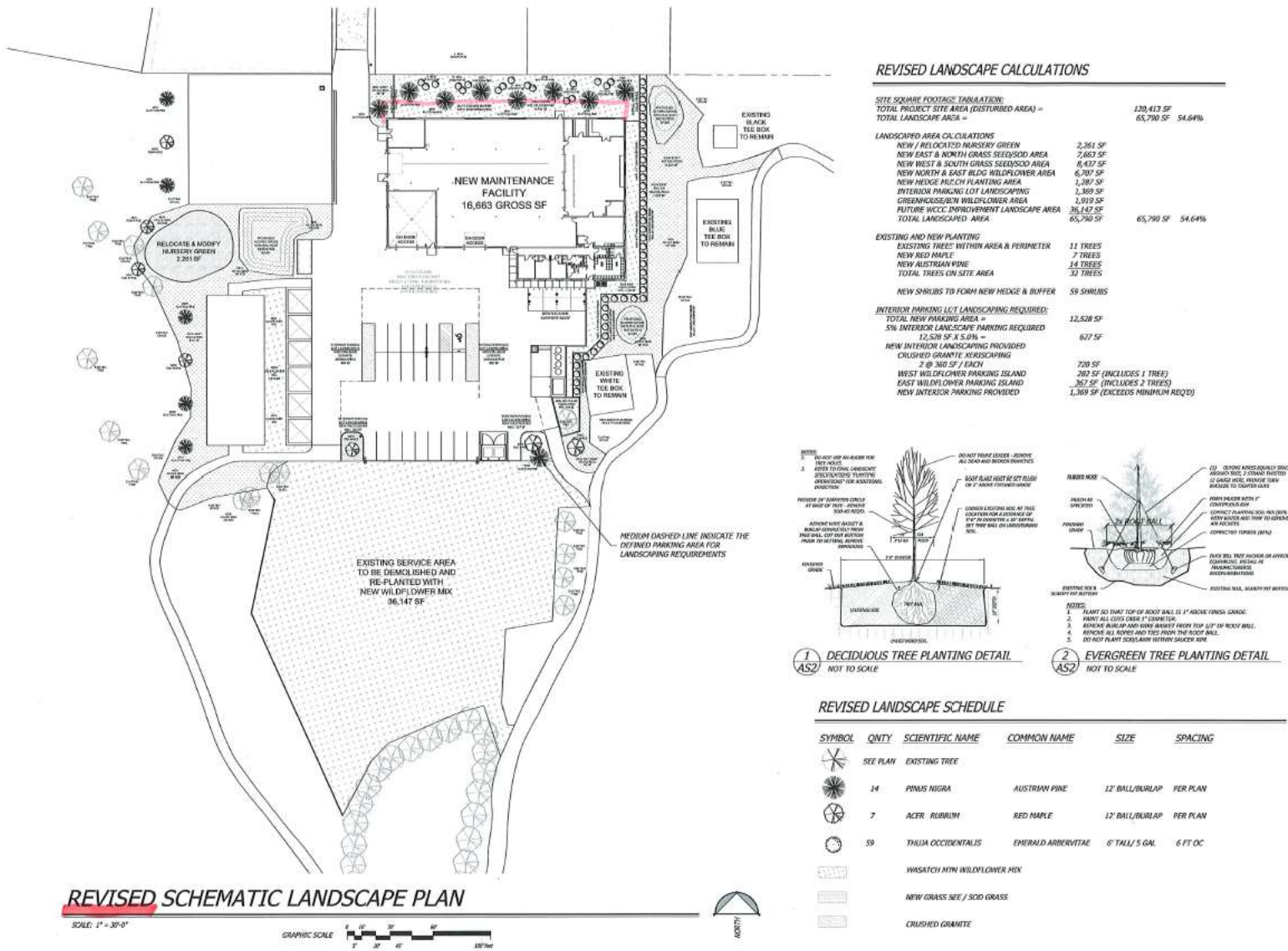


Exhibit “C”

Willow Creek Country Club Maintenance Building Neighborhood Meeting Minutes**June 10th, 2024, Meeting:**

Steven Harries explained he was opposed to the project and asked if the building could be built, where the existing structures are located. He also asked if anyone from the city council or administration/employees were members at Willow Creek

Alex with Willow Creek explained that there are no members of the city council or administration who are members of the country club.

Vivian Vonk explained that she had concerns about the project especially with the height being 35 feet tall and only 20 feet from the property lines and would feel better about it if it was moved to 60 feet from the property line. She also had concerns about the maintenance of the property because the landscaping there now isn't being maintained.

Doug Wheelwright, city staff, explained that the proposed height matches the same maximum building height allowed in the residential neighborhood.

Steven Harries asked what variances to the standards and requirements is the country club asking for that requires a conditional use permit from Sandy City.

James Glascock, the architect, explained that they are meeting all the requirements for the zone but it's the use in the zone that requires the conditional use and not the size or placement of the building.

Derek Wright with Willow Creek Country Club clarified that the purpose of the neighborhood meeting is not to necessarily decide on solutions but to inform and collect feedback so that the applicant and developers can then make any changes or add mitigations before it is brought to the Planning Commission.

Doug Wheelwright said yes to the comment by Mr. Wright. The purpose of the neighborhood meeting is to inform and educate what the proposal is, then take feedback and concerns from this meeting and address them in the staff report that will be presented to the Planning Commission for review.

Steve Fehlauer also expressed concern with the height and setbacks and asked that the proposed building be moved further away from the residential neighborhood.

Doug Wheelwright explained the conditional use and site plan permit process and that conditional use permits can't really be denied but only impose conditions to mitigate impacts. He explained that the Planning Commission is the land use authority and is the body to make sure that the concerns are mitigated.

Exhibit “C” cont.

Willow Creek Country Club Maintenance Building Neighborhood Meeting Minutes**June 25th, 2024, Meeting:**

Brad and Mindy Fogg asked about the design process of the site and if it is to accommodate a waterline or if that waterline can be relocated. He also asked why the building needs to be 35’ tall for a one-story building.

Steve Fehlauer is concerned about the height and setbacks of the proposed building. He is also concerned with the impact and traffic that could impact the neighborhood and the entrance to the maintenance area.

Vivian Vonk is concerned about the height of the structure and had questions about the landscaping.

Todd Sheeran asked why conditional use is required if an accessory structure isn’t allowed in the OS zone and asked for references for those requirements.

Doug Wheelwright explained that they are asking for approval for all the proposed buildings and site improvements of the new locations and the OS requires the approval by the Planning Commission. Doug also provided the references.

Steve Harries asked about land use development code 21-10 for the OS zone and asked for clarification because automotive repairs, auto truck storage, plant nurseries and professional offices are not allowed in the zone at all.

Doug Wheelwright explained that that is more of a general statement and it would certainly apply to a new project but the country club is an existing use that was annexed into Sandy City in 2018 and that this is a reasonable request for a recreational open space use like a golf course.

Steve Harries invited the planning department, developers and Planning Commission members to come to the site and see for themselves what the residents are concerned about.

Doug Wheelwright explained that the Planning Commission does do a site visit with city staff prior to the meeting.

Dawnell Keller asked what the agenda of the open space is and why it’s so fluid.

Michelle Terry asked why the building needs to be so tall and why it’s such a high-pitched roof if it is not being used for a second story

Doug Wheelwright explained that it was so that building would match the residential neighborhood character with the roofing to blend in more.

Michelle Terry explained that they would prefer a flat roof that isn’t as tall instead of a residential looking pitched roof.

Lesley and Brian Paul have concerns with the setbacks of the proposed building and the noise of it being so close to the residential neighborhood

Doug Wheelwright explained that during the construction the noise would be increased but after that there shouldn’t be much of an impact because all of the outdoor maintenance that is currently being done would be moved inside the building creating more of a noise buffer than what exists now.

Exhibit “C” cont.

Lesley and Brian Paul explained that they had heard that the proposed maintenance building would have a golf simulator and be used for other social events and are concerned about those impacts and traffic impacts.

Doug Wheelwright explained that none of those uses have been proposed.

Roxanne Fehlauer explained that she is against the project.

Nick Pappas asked about mitigations for construction workers parking in the residential neighborhood and how that would be managed. He is also concerned about A/C cooling and generators for the building and the noise that could produce.

Doug Wheelwright explained that there is a proposed roof top mechanical unit but that it is completely screened from view, and that the material of the building is concrete block.

Rob Voyer isn't against the project but would like to see everyone come to an agreement to make the building smaller somehow through the height of the proposed building to not impact the neighborhood as much.

Lenny Vonk expressed concerns with the height and would like to see the roof height reduced. He also asked about flammable materials and fertilizers being stored onsite and what would happen if it caught fire so close to the neighborhoods.

James Glascock, the architect, explained the design of the building and that process included trying to make it look as residential as possible but that he could discuss changes to the design with the client. He explained that all fertilizers are not combustible and are stored separately in the building. He explained that there is no cooling for the building besides the office area and are only on the south side of the building which the noise would be mitigated by the building and as far as possible from the residential areas. James explained that they can't tear down the current buildings without the new ones being built and that is why he has placed the proposed building where it is. He explained that all construction parking would be provided onsite and no one would be parking in the residential neighborhood.

Derek Wright with Willow Creek explained that building only has internal access or utilized space on the south side, the rest of the building will not be used to mitigate noise. He also explained that no social uses or areas are planned or proposed for the building and that it is for maintenance staff only.

James Glascock also explained that he will work with the Willow Creek Country Club committee to find ways to mitigate all of these concerns as much as possible. He also explained that there is a waterline that goes through the parking lot but that was not a factor in the site design.

Jason King expressed concerns with the placement and size of the building and if a buffer for the building could be landscaped and the building could be pushed further away instead to help mitigate the impact.

James Glascock explained that the new parking lot location is also a buffer.

Exhibit “C” cont.

GENERAL INFORMATION AND STAFF RESPONSES TO QUESTIONS RAISED ABOUT THE WILLOW CREEK CC MAINTENANCE AREA RECONSTRUCTION PROJECT SITE PLAN REVIEW AND CONDITIONAL USE PERMIT, JUNE 25, 2024, PART OF NEIGHBORHOOD MEETING PRESENTATION.

1. **Sandy City Development Code Verses International Zoning Code (IZC)**. Neither the State of Utah nor Sandy City has adopted the IZC. Sandy City follows state law regarding zoning and land use regulation. Sandy City’s Zoning Ordinance is codified as Title 21 of the City Code, known as the Sandy City Development Code. There are approximately 500 pages to this ordinance. There are three main chapters in the development code that relate to this project specifically: Chapter 21-10, Open Space Zone; Chapter 21-32, Site Plan Review; and Chapter 21-33, Conditional Use Permit.
2. **Land Use Authority**. The designated Land Use Authority for these requested actions is the Sandy City Planning Commission. Decisions of the Planning commission are final. These actions are not appealable to the City Council or Mayor. Appeals of decisions of the Planning Commission by City Code and State law are to the Sandy City Board of Adjustment and then to the District Court.
3. **Current construction activity or permitting**. No construction activity has been approved for the site to date. Construction starts are only authorized after completion of the Site Plan Review Process and issuance of a building permit from the City.
4. **Prior site development activities by the Country Club**. It has been stated that the Country Club has altered their property in the past without notice or public process. This property was under the zoning and development review processes of Salt Lake County prior to its annexation into Sandy City on December 26, 2018. This is the first project proposed under Sandy City’s jurisdiction and processes.
5. **View Protection**. Sandy City does not guarantee any view protection through its development regulations. It is prohibited by State law. Viewshed protection is only available through ownership of the property or an easement. These would be private arrangements that the City is not involved in. There is some measure of view impact mitigation through the City zoning established building location limits on the property, its setbacks and building height limits. Tree planting on private property is not restricted as to location spacing or ultimate growing height, and these can limit existing viewsheds over time as they grow.
6. **Property value protections**. The City does not guarantee protections for perceived loss of property values. It is not a public responsibility. Loss of value claims are very subjective and difficult to establish.
7. **Environmental Impact Studies**. Unlike in California, EIS’s are not required by the State or County or local governments for new building projects. If there has been experiences with leaky underground storage tanks of petroleum products, there is a State of Utah process for addressing that. A level one environmental assessment is usually the vehicle to try to identify environmental damage at a site. Upon evidence or presumption, the City can require a level one environmental assessment to be performed. All new construction will be required to protect against environmental contamination through the zoning and life safety codes.



Sandy City, Utah

EXHIBIT A.30

10000 Centennial Parkway
Sandy, UT 84070
Phone: 801-568-7256

Meeting Minutes

Planning Commission

Dave Bromley
Cameron Duncan
David Hart
Ron Mortimer
Daniel Schoenfeld
Steven Wrigley
Craig Kitterman (Alternate)
Jennifer George (Alternate)

Thursday, July 18, 2024

6:15 PM

Council Chambers and Online

Meeting procedures are found at the end of this agenda.

This Planning Commission meeting will be conducted both in-person, in the Sandy City Council Chambers at City Hall, and via Zoom Webinar. Residents may attend and participate in the meeting either in-person or via the webinar link below. Register in advance for this webinar:

https://us02web.zoom.us/webinar/register/WN_70LyLJFMSQO4S5wIEveSXQ

After registering, you will receive a confirmation email containing information about joining the webinar.

You can join the meeting with the following link:

<https://us02web.zoom.us/j/83574974375>

Or join via phone by dialing:

US: 253 215 8782 or 346 248 7799 or 669 444 9171 or 669 900 6833 or 719 359 4580 or 253 205 0468

(for higher quality, dial a number based on your current location)

International numbers available: <https://us02web.zoom.us/j/83574974375>

Webinar ID: 835 7497 4375

Passcode: 508405

4:00 PM FIELD TRIP

1. [24-262](#) Map

Attachments: [071824.pdf](#)

6:15 PM REGULAR SESSION

Welcome

Pledge of Allegiance

Introductions

- Present** 6 - Commissioner Dave Bromley
Commissioner David Hart
Commissioner Daniel Schoenfeld
Commissioner Steven Wrigley
Commissioner Craig Kitterman
Commissioner Jennifer George
- Absent** 2 - Commissioner Cameron Duncan
Commissioner Ron Mortimer

Public Hearings

2. [CA04262024](#) Amendments to Title 21 of the Land Development Code related to
[-0006762](#) Home-based Microschools, Micro-education Entities, Charter and Public
[\(PC\)](#) Schools

Attachments: [Staff Report with Exhibits](#)

Melissa Anderson introduced this item to the Planning Commission.

Steven Wrigley asked if the city has a restriction on how many can be placed in a neighborhood.

Melissa Anderson said spacing requirements have not been proposed and state law says that both land uses are to be permitted throughout municipalities.

James Sorensen said that what's being proposed tonight is based on state law.

Melissa Anderson said standards are established which can help mitigate the number operating in a location.

David Hart opened this item for public comment.

David Hart closed this item to public comment.

A motion was made by Dave Bromley, seconded by Daniel Schoenfeld, that the Planning Commission forward a positive recommendation to the City Council to amend Title 21, of the Sandy Municipal Code, related to home-based microschools, micro-education entities, charter schools and public schools as shown in Exhibit "A", based on the four findings detailed in the staff report. The motion carried by the following roll call vote:

- Yes:** 6 - Dave Bromley
David Hart
Daniel Schoenfeld
Steven Wrigley
Craig Kitterman
Jennifer George
- Absent:** 2 - Cameron Duncan
Ron Mortimer

3. [CA07032024](#) Amendments to Title 21 of the Land Development Code related to
[-0006794](#) Accessory Structures in the Open Space District
[\(PC\)](#)

Attachments: [Staff Report and Exhibits](#)

Melissa Anderson introduced this item to the Planning Commission.

David Hart opened this item for public comment.

David Hart closed this item to public comment.

A motion was made by Daniel Schoenfeld, seconded by Dave Bromley, that the Planning Commission forward a positive recommendation to the City Council to amend Title 21, of the Sandy Municipal Code, related to Accessory Structures in the Open Space District as shown in Exhibit "A", based on the four findings detailed in the staff report. The motion carried by the following roll call vote:

Yes: 6 - Dave Bromley
David Hart
Daniel Schoenfeld
Steven Wrigley
Craig Kitterman
Jennifer George

Absent: 2 - Cameron Duncan
Ron Mortimer

Public Meeting Items

4. [SPR0517202](#) Willow Creek CC Maintenance Area Reconstruction Project (Preliminary
[4-006771](#) Site Plan Review)
8505 S. Willow Creek Dr.
[Community #18, Willow Creek]

Attachments: [Staff Report](#)
[Exhibit B](#)

Doug Wheelwright introduced this item to the Planning Commission.

James Glascock, Architect representing Willow Creek Country Club, further presented on this item.

Doug Wheelwright spoke about neighbor concerns and site plan issues.

Steven Wrigley asked Doug Wheelwright to define what a conditional use is.

Doug Wheelwright explained that municipalities cannot usually deny a conditional use but we can impose mitigating measures if it's conditional. Doug also said that it's an effort to achieve a balance between the applicant's property rights to develop their property and the impact on the abutting neighbors.

Craig Kitterman asked if staff feels that 30' feet enough for a setback.

Doug Wheelwright said that if the property was zoned for residential development there would be houses 30' feet away from the rear property lines of the existing homes. Doug also mentioned that a 35' foot building height is standard for a single family home.

Craig Kitterman said that the new building is massive and homes would not be that big.

James Sorensen pointed out that there would not be just one house but a row of homes and the code does allow for 35' feet in height.

Craig Kitterman said a row of homes would be preferable.

David Hart asked the applicant if he's read the staff report and is comfortable with it.

James Glascock said yes, he's read and is comfortable with the staff report.

David Hart opened this item for public comment.

Todd Sheran, Sandy resident that lives close to holes 2 and 3, spoke about city codes.

Vivian Vonk, Unincorporated Salt Lake County resident, spoke about property values and her requests regarding setbacks, berm and landscaping.

Leslie Paul, 8298 S Etienne Way, spoke about setbacks, views, privacy and had the same requests as Vivian.

Mindy Fogg, 8364 S Etienne Way, spoke about the distance between Willow Creek's existing building and proposed building to surrounding homes.

Steven Harries, 2802 E Etienne Way, spoke about maintenance building setbacks at

various golf courses throughout Utah and elsewhere.

Brad Fogg, Unincorporated Salt Lake County resident, doesn't feel that the 30' foot setback is reasonable.

Erin Harries, Unincorporated Salt Lake County resident, spoke about open space, setbacks and how this proposed building will obstruct their views.

Lennie, 2786 E Etienne Way, said that his property will be directly affected. He proposed conditions to mitigate noise and light.

Steven Fehlender, 2773 E Etienne Way, asked if a traffic study has been done.

Ronald, Utah resident, shared his concerns over this maintenance building.

Allison Terry, 8766 S Snowbird Circle, shared her concerns with golfers and maintenance workers being so close to her neighbor's property that she often visits so her kids can swim in their pool.

David Brockbank, unincorporated county resident, asked about the hours of operation and for a lighting plan.

David Hart closed this item to public comment.

Steven Wrigley asked if a 21' foot home would be considered a Rambler.

Doug Wheelwright said yes, with a pitched roof.

Steven Wrigley asked if conditions could be put on lighting and the hours of operation.

Doug Wheelwright replied that lighting requirements are covered in the code.

Steven Wrigley asked if the hours of operation could be conditioned.

Doug Wheelwright replied that it's covered by a conditional use.

Dave Bromley asked what the hours of operation are.

James Glascock said that he believes the employees begin arriving around 5:00am in the summer and leave around 5:00pm.

Dave Bromley asked when does the work begin in the building.

James Glascock said employees begin arriving at 5:00am and start doing maintenance on the grounds. James also pointed out that a lighting plan was submitted with the site plan.

Dave Bromley asked for a brief description of the functions that will be done in the facility & where.

James Glascock explained those different functions and locations by using the site plan.

Dave Bromley asked if there's work done outside of the building.

James Glascock said there's an area where they wash and gas up the mowers. He also said on the north side of the building is a one man door with insulation to minimize warehouse noise.

Daniel Schoenfeld asked if it were possible to flip the design layout to help address neighbor concerns.

James Glascock replied that the activity during the day is going to occur on the south of the building. The building is designed to create a buffer, for the homes, from all the noise. If it were flipped then all the maintenance facilities will be on the north side facing the neighborhood where more activity is going on.

Jennifer George asked if there's any consideration to push the setback further than 30' feet.

James Glascock said they prefer a 30' foot setback.

Steven Wrigley asked if they would be able to function if the setback were moved back to 50' feet.

James Glascock said yes but it would start to constrict things.

Steven Wrigley asked about the temporary berm.

James Glascock said it's a mound of dirt with trees on top.

David Hart said that at one time it was a tee box.

Craig Kitterman asked staff to clarify that the Planning Commission cannot deny a conditional use.

Doug Wheelwright said that is generally correct.

Craig Kitterman said this site plan is inappropriate and as a neighbor he'd much rather look at the parking lot rather than the building. He feels this needs to be redesigned.

David Hart asked the applicant what is the largest vehicle that will occupy inside the building.

James Glascock replied that mowers will be inside the building which is about the size of a pickup truck.

David Hart asked the applicant to explain the 6 square boxes located at the southern end of the maintenance facility.

James Glascock answered that it's a carport to park the back hoes.

Craig Kitterman asked about the sand delivery that occurs on the street and if it's allowed by city ordinance.

Doug Wheelwright said that the street is in Salt Lake county jurisdiction.

Allen Davis, Willow Creek Country Club Golf Course Superintendent, said that sand deliveries do not occur on the street and that their tractor trailers are able to access the

yard due to the driveway and a corner easement. He wanted to clarify that this facility is housing for their equipment and feels that flipping the layout would be more disturbing for residents.

James Sorensen added clarification about a conditional use by saying that if it's determined that a project cannot reasonably be mitigated, a conditional use can be denied.

Dave Bromley asked for clarification on height of the building.

James Glacock said 21.8" feet at the highest point.

Craig Kitterman said he feels the site plan cannot mitigate the impact on the neighborhood the way it's designed and asked if any commissioners agreed.

Dave Bromley said he does not agree.

Craig Kitterman said to use a 21' foot wall as a buffer seems improper. He said the building is far too big, too close and oriented the wrong way.

Daniel Schoenfeld feels the 30' foot setback is too close and feels better with a 50' foot setback.

Dave Bromley said that he doesn't agree with flipping the building and feels the noise, cars and light would disturb the neighbors. He also said the noise inside the building is mitigated and spoke about the hours of operation being similar to construction hours.

Craig Kitterman said the site plan is wrong.

David Hart said there's a big open space going directly into the golf course. If they slid the project a little further south he feels the applicant could maintain their plan with a balance of meeting the concerns of the neighborhood. David said he wants to put conditions on the site that provides a greater amount of buffer space and asked staff how would they do that?

Dave Bromley answered that it would be the setback and a 50' foot setback would be more than adequate.

David Hart suggested that they align the back of the building with the southern edge of Salt Lake County Water District Property Line.

Craig Kitterman said he agrees.

Dave Bromley said that neighbors spoke about being comfortable with a 50' foot setback.

A motion was made by Dave Bromley, seconded by Daniel Schoenfeld. An alternate motion was then made by Craig Kitterman and seconded by David Hart. The alternate motion was voted on first.

An alternate motion was made by Craig Kitterman, seconded by David Hart, that the Planning Commission determine preliminary site plan review is complete for the proposed relocation and reconstruction of the Willow Creek Country Club Maintenance Area facilities, located at approximately 8505 S Willow Creek Dr., based on the two findings and subject to the six conditions detailed in the staff report with a modification to add a 7th condition - That the structures on the site be setback no closer than 70' from the property line. The motion did not carry by the following roll call vote:

Yes: 2 - Craig Kitterman
David Hart

No: 4 - Dave Bromley
Daniel Schoenfeld
Steven Wrigley
Jennifer George

Absent: 2 - Cameron Duncan
Ron Mortimer

A motion was made by Dave Bromley, seconded by Daniel Schoenfeld, that the Planning Commission determine preliminary site plan review is complete for the proposed relocation and reconstruction of the Willow Creek Country Club Maintenance Area facilities, located at approximately 8505 S Willow Creek Dr., based on the two findings and subject to the six conditions detailed in the staff report with a modification to add a 7th condition - That the structures on the site be setback no closer than 50' from the property line. The motion carried by the following roll call vote:

Yes: 4 - Dave Bromley
Daniel Schoenfeld
Steven Wrigley
Jennifer George

No: 2 - David Hart
Craig Kitterman

Absent: 2 - Cameron Duncan
Ron Mortimer

5. [CUP0527202](#) Willow Creek CC Maintenance Area Reconstruction Project (Conditional
[4-006775](#) Use Review)
8505 S. Willow Creek Dr.
[Community #18, Willow Creek]

Dave Bromley asked staff for guidance on the noise ordinance relating to the conditions in the staff report.

Ryan Kump, Sandy City Public Works Director, said that he would reference the Salt Lake County noise ordinance, which is no noise over a certain decibel from 10:00pm to 7:00 am.

A motion was made by Daniel Schoenfeld, seconded by Steven Wrigley, that the Planning Commission approve a Conditional Use Permit for the proposed reconstruction and relocation of the Willow Creek Country Club's Maintenance Area, which is an accessory and ancillary use to the "Park, Public and Private" and "Recreation, Outdoor" primary land use, and based upon the staff report analysis and the two findings and three conditions detailed in the staff report with an amendment to add Condition #4 - That the applicant follows the Salt Lake County noise ordinance. The motion carried by the following roll call vote:

Yes: 5 - Dave Bromley
David Hart
Daniel Schoenfeld
Steven Wrigley
Jennifer George

No: 1 - Craig Kitterman

Absent: 2 - Cameron Duncan
Ron Mortimer

6. [SPR0417202](#) Larkin's Sunset Gardens Cemetery Expansion - Garden of Resurrection
[4-006752](#) 1950 E. Dimple Dell Rd.
[Community #26]

Attachments: [Staff Report](#)

[Exhibit A](#)

Doug Wheelwright introduced this item to the Planning Commission.

Rob Larkin, 1950 E Dimple Dell Road, said they want to expand the improved area of the cemetery over 6 acres.

David Hart asked if he's reviewed the staff report.

Rob Larkin said yes.

David Hart asked what the distance is between the south property line and dotted project area line.

Rob Larkin said between 200-300 feet.

David Hart opened this item for public comment.

David Hart closed this item to public comment.

A motion was made by Daniel Schoenfeld, seconded by Craig Kitterman, that the Planning Commission find that the proposed Site Plan Review for the Larkin's Sunset Gardens Cemetery Expansion Project, Garden of Resurrection Phase, be determined to be complete as proposed, based on the three findings and subject to the two conditions detailed in the staff report. The motion carried by the following roll call vote:

Yes: 6 - Dave Bromley
David Hart
Daniel Schoenfeld
Steven Wrigley
Craig Kitterman
Jennifer George

Absent: 2 - Cameron Duncan
Ron Mortimer

7. [SPX0626202](#) Southeast Industrial Park (Special Exception Review)
[4-006791](#) 8496 S. Harrison Street
[Community #1, Northwest Exposure]

Attachments: [Staff Report](#)
[Exhibit A Application Letter](#)
[Exhibit B Application Materials](#)

Thomas Irvin introduced this item to the Planning Commission.

Jessica Rice, UDOT project manager, said they are requesting a special exception with the condominium owner.

David Hart asked if she's read the staff report and is okay with it.

Jessica Rice said yes.

Thomas Irvin described the main issue as where the landscaping buffer was installed. It was built on the I-15 side instead of along the west side of the subject property. The intent of the ordinance is to provide a buffer from adjoining uses which is still being accomplished. Requiring the applicant to provide an additional buffer along the same corridor would only result in making large vehicle maneuvering difficult.

Dave Bromley asked if UDOT is responsible for maintaining the gravel area.

Thomas Irvin said yes.

David Hart opened this item for public comment.

Todd Codell, with Codell Properties, owns a couple of units, spoke about the existing landscaping and doesn't feel that having additional green space at the specified location would improve anything.

Troy Billiard, business owner on the property, said that if an additional buffer were installed, it would make it difficult for large vehicles to make it around the building.

David Hart said nothing is changing.

David Hart closed this item to public comment.

A motion was made by Jennifer George, seconded by Dave Bromley, that the Planning Commission approve a special exception to not provide a five-foot landscaping buffer along the west side of the property located at 8496 S Harrison St., based on the five findings detailed in the staff report. The motion carried by the following roll call vote:

Yes: 6 - Dave Bromley
David Hart
Daniel Schoenfeld
Steven Wrigley
Craig Kitterman
Jennifer George

Absent: 2 - Cameron Duncan
Ron Mortimer

Administrative Business

1. Minutes

An all in favor motion was made to approve the meeting minutes from 06.20.2024.

[24-263](#) Minutes from the June 20, 2024 Meeting

Attachments: [06.20.2024 Minutes \(DRAFT\)](#)

2. Sandy City Development Report

[24-264](#) Development Report

Attachments: [07.01.2024 DEV REPORT](#)

3. Director's Report

Adjournment

An all in favor motion was made to adjourn.

Meeting Procedure

1. Staff Introduction
2. Developer/Project Applicant presentation
3. Staff Presentation
4. Open Public Comment (if item has been noticed to the public)
5. Close Public Comment
6. Planning Commission Deliberation
7. Planning Commission Motion

In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comments will be limited to 2 minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Comments which cannot be made within these time limits should be submitted in writing to the Community Development Department prior to noon the day before the scheduled meeting.

Planning Commission applications may be tabled if: 1) Additional information is needed in order to take action on the item; OR 2) The Planning Commission feels there are unresolved issues that may need further attention before the Commission is ready to make a motion. No agenda item will begin after 11 pm without a unanimous vote of the Commission. The Commission may carry over agenda items, scheduled late in the evening and not heard, to the next regular scheduled meeting.

In compliance with the Americans With Disabilities Act, reasonable accommodations for individuals with disabilities will be provided upon request. For assistance, or if you have any questions regarding the Planning Commission Agenda or any of the items, please call the Sandy City Planning Department at (801) 568-7256

Dear Mr. Wilcox

Our names are Steven and Erin Harries. We are writing to you with our concern regarding the Willow Creek Country Club Proposed Maintenance Building Project, and the Sandy City Planning Commission Meeting to be held on Thursday, July 18, 2024 at approximately 6:15 P.M.

Our issue and frustration are with the plans in place for the Willow Creek Country Club's NEW build of a 16,500 square foot, 35 feet high, maintenance building and facility, to be built a mere 20 feet from the backyards and property lines of neighbors that now and have always enjoyed open space views of the golf course and the Wasatch Mountains. If and when these plans are approved by Sandy City Planning, and the maintenance facility is built, which is expected, will significantly decrease all of our property values and for many of us impact the views we have enjoyed since this area was developed in the mid 1970's. This process is being done without the representation of Salt Lake County of which is our government jurisdiction, and without concern or regard of the Willow Creek Country Club, nor its management and directors.

It is our opinion, as collective neighbors, that the Willow Creek proposal is not aligned with Sandy City zoning code, per Chapter 21-10 of the Sandy City Code, which references Open Space Districts, which does not allow Accessory Structures, plant nursery, commercial repair services, all of which is planned per the conditional use permit application by the Willow Creek Country Club. Additionally, it is of great concern that Sandy City is in the process of changing codes to align with the building needs of the Willow Creek Country Club, regarding accessory structures.

The surrounding homes and neighbors will all be impacted with noise; vehicles and machinery moving in and out of the space, garage doors being opened and closed, heating and air conditioning this large commercial sized building, vehicle repairs, and the noise of workers and the increased traffic this will create on the neighborhood streets. There are also concerns regarding what will be stored in this building. If it is fuel, fertilizer and pesticides, how will it be stored? A future above ground Well House is also being built by Jordan Valley Water near the facility. What is the environmental impact on the water supply as there is planned drainage right next to the building. A maintenance building that is 35 feet high will be highly noticeable for everyone in our neighborhood. It will most definitely affect the home values!

If you look at the proposed project plan, it not only shows the relocation and new build of a maintenance building, but a parking lot, a 4,100 sq ft greenhouse, and "other related improvements." This project will effectively wipe out our entire backyard view and our neighbors as well.

It is not clear why the current maintenance area needs to be relocated and such a large building be constructed that impedes on what is now, and has always been, open land with beautiful views of the mountains and golf course. The current maintenance area that is shielded by a fence now, includes 2.75 acres that are available to build and improve upon. Why couldn't that area be utilized without new structures being built to impede upon neighbors' current open views?

As the Planning Director of Sandy City, we as neighbors, are reaching out to you to help mitigate this project which falls within the power of the Planning Commission:

- Increase the set back of the new maintenance building 200 feet from the impacted neighbor's property line.
- Limit the height and size of the one-story building to a more reasonable height, size, feel, and look of the neighborhood.

We as neighbors invite and encourage you to come out to visit and view our neighborhood and see first-hand, the detrimental effects the Willow Creek proposal will have on our properties and neighborhood if approved.

Sincerely,

Steven and Erin Harries
2802 E Etienne Way
Sandy, Utah 84093

APPELLANT ETTIENE WAY RESIDENTS AND ADDRESSES

Erin and Steven Harries

2802 E Etienne Way
Sandy, UT 84093

Brad and Mindy Fogg

2816 E Etienne Way
Sandy, UT 84093

Vivian Vonk and Leonard Furs

2786 E Etienne Way
Sandy, UT 84093