



JAMES SORENSEN
COMMUNITY DEVELOPMENT
DIRECTOR

KURT BRADBURN
MAYOR

MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

MEMORANDUM

April 26, 2019

To: Planning Commission
From: Community Development Department
Subject: Firefly Forest Subdivision (Prelim Review & Special Exception Requests) - 1 New Lot
 3392 E. Deer Hollow Circle
 [Community #29 - The Dell]

SUB-12-18-5580
 SPEX-01-19-5593
 3.039 Acres
 R-1-40A, SAO Zone

HEARING NOTICE: *This item has been noticed to property owners within 500 feet of the subject area.*

PROPERTY CASE HISTORY	
Case Number	Case Summary
ANEX-09-12-2542	The Lone Springs Annexation added approximately 32.17 acres with 21 parcels of mostly developed land into Sandy City and given the R-1-40A Zone District on 12/14/2012.
ANEX-07-12-2459	The Payzant Annexation added approximately 5 acres with three parcels of vacant land into Sandy City and given the R-1-40A Zone District on 10/26/2012.
SUB-02-18-5360 SPEX-05-18-5406	On May 17 2018, the Planning Commission determined that subdivision review was not complete for the Lance Platt Subdivision (aka Firefly Forest) and special exception requests were denied as well. This proposal was for a flag lot design proposal that involved a total of 4 lots, but the intent was to create 1 new buildable lot as the other lots involved already had homes on them.

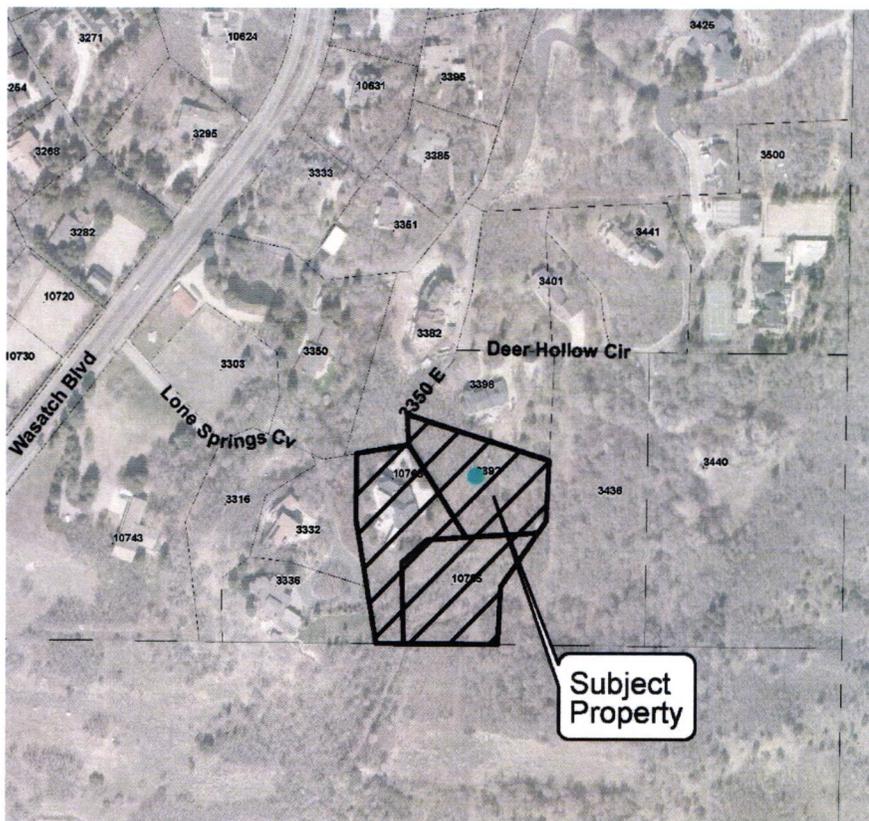
REQUEST

The applicants, Lance & Robyn Platt, are requesting preliminary subdivision and Sensitive Area Overlay review for a proposed two (2) lot subdivision. This application is revised from the design that was reviewed by the Planning Commission in May, 2018. The subject property is 3.039 acres in size and consists of one (1) existing lot and two (2) parcels. The proposed subdivision would create one new 1.89 acre lot (Lot 1), where the Platt's would build a new home, out of two parcels

that have not been created with a subdivision plat and are not yet considered buildable. It would amend the lot boundaries of an existing home (Lot 2). Lot 2 is included in the plat because the southern half of this lot was never legally split through a subdivision and is being incorporated into Lot 1.

BACKGROUND

The subject property is made up of three (3) parcels that the previous owners of the properties created by deed through the Salt Lake County Recorder's Office. One of the parcels (known as 10765 S 3350 E) was



determined to be a lot of record and granted a building permit by Salt Lake County in the mid 1980's before it was annexed into Sandy City. That original parcel included the southern part of the proposed Lot 1 and the proposed Lot 2. At some point in the early 2000's, the owner split this parcel in half to create the parcels as shown in the map above.

The applicant conducted extensive research to determine if the existing parcel (known as 3392 E Deer Hollow Cir) was created legally in the County as a lot of record (this is also the northern portion of the proposed Lot 1 area). The Community Development Director determined, after thorough review of the information provided by the applicant, that this property was not a legal buildable lot in the County prior to annexation into Sandy City (see attached decision). Staff will not allow building permits on these parcels unless they are approved through a subdivision process. Going through the subdivision process will clarify property boundaries for these parties and create a new lot that is legal for residential construction.

All of the prior development in this area has been approved under the code requirements of Salt Lake County. Since the Deer Hollow Circle area has been annexed into the City, there have been two (2) new homes built (3425 E. & 3382 E. Deer Hollow Cir). Those homes were built lots on legally created under the County's codes and were only required to make improvements that met minimum International Fire Code standards because they were already legally created lots.

The subject property is located within an area referred to as the Sensitive Area Overlay (SAO) Zone. The purpose of the SAO is to provide standards, guidelines, and criteria that will minimize environmental hazards and protect the natural scenic character of sensitive areas within Sandy City. This applies to areas located adjacent to faults, flood plain, watershed, or areas with 30% or greater slope. The project is located in an area with 30% or greater slope constraints, water

shed, and faults. Studies have found that no other geologic concerns are applicable to this proposal.

The subject property is zoned R-1-40A and is surrounded by the same zoning district to the north, west and east. There is undeveloped land zoned PUD(1.62) to the south. There are existing single-family homes to the north, west, and east of the property.

NOTICE

Notices were mailed to property owners within a 500-foot radius of the subject parcel to notify them of the Planning Commission meeting. The applicant held a neighborhood meeting on March 6, 2018. This was well attended and several questions and concerns were raised during the meeting. A full report from the meeting is attached to this report. A new neighborhood meeting has not been held regarding this revised subdivision plan.

ANALYSIS

The R-1-40A zone is a single-family zone that requires lots to be at least 40,000 square feet in size. The “A” designation provides property owners with rights to have large animals on their property, to the degree that they maintain compliance with regulations for housing and storing of animals as found in Section 15A-11-03 of the Development Code. The zone is a standard zone in the city, which means that all provisions for setbacks, building height, lot frontage, lot size, etc. are all pre-determined by ordinance and must be adhered to. The proposed plat conforms to these dimension standards of the zone.

Because the property lies within Sandy City’s Sensitive Area Overlay (SAO), the subdivision and any structure built on the proposed lots would need to conform to the provisions of the Overlay in addition to the underlying zone. Both lots appear to meet the minimum usable area of 5,000 square feet as required by the SAO. The buildable areas for each lot will need to be shown on the final plat and ensure they comply with required setbacks, which include setback from property lines and required setback distances from areas of greater than 30% slope and fault lines. The properties are also subject to the requirements of the Wildland Urban Interface Area, which has additional requirements for building permits in the area.

There are several waivers and special exception requests associated with this proposed application. The applicant’s proposal for improvements associated with the subdivision plat does not comply with the Land Development Code unless **all** of the following waivers and special exceptions are granted:

1. Waiver of curb, gutter, parkstrip, and sidewalk
2. Special Exceptions for:
 - a. lots without public frontage
 - b. fewer than two (2) points of access
 - c. less than twenty-seven feet (27’) of asphalt width
 - d. length of cul-de-sac over 600 feet in SAO

The applicant, via their attorney, has submitted a letter providing their analysis of why these waivers and exceptions meet the criteria of the Land Development Code (see attached). If the Planning Commission approves these requests, then the applicant’s current subdivision design and the associated improvements could proceed through the review process. If they are not

approved, then it could require significant changes to the proposed improvements and may require that the revised application return to the Planning Commission for another preliminary and/or final review.

Access:

The subject properties only have a single point of access via a fifty-foot (50') wide private road easement, Deer Hollow Circle. Though the easement is fifty-foot (50') wide, the existing road varies in width from seventeen (17') to twenty-five feet (25') with no curb and gutter, parkstrips, or sidewalks. Most of the road width is closer to twenty-feet (20'). It currently services twelve (12) homes. The proposed subdivision shows a new private road, called Firefly Forest Circle, which replaces an existing private driveway that leads back to the existing home, 10765 South 3350 East. This private road would begin at the ninety-degree bend in Deer Hollow Circle between the two proposed lots and end in a modified "T" hammerhead on the proposed Lot 1. The proposed private road would have an improved width of twenty-feet (20'), with no curb or gutter. As proposed, Firefly Circle would have shared ownership and easement between Lots 1 and 2 once it enters the boundary of the subdivision (the first 200' of the road is within a previously established fifty-foot (50') private roadway easement). The applicant is proposing no further improvements to Deer Hollow Circle. Beginning at Wasatch Boulevard, the overall length of Deer Hollow Circle is approximately 1400 feet. The proposed Firefly Circle connects to Deer Hollow Circle at a point that is 950 feet from Wasatch Boulevard and is approximately 450 feet long, making it 1400 feet in length overall.

The proposed improvements as shown in the application do not meet all of the minimum requirements of the Sandy City Land Development Code. The standards require that any new development on a private street to be further improved to meet our current standards, which include:

1. lots with public street frontage
2. subdivisions design with two points of access
3. private road improvements of twenty-seven feet (27') of asphalt, curb and gutter, and potentially parkstrip and sidewalk improvements
4. maximum lengths of cul-de-sac (or single access) roads of 600 feet in a SAO zone, which is 200 feet longer than what would be allowed outside of the SAO.

These standards would require that Deer Hollow Circle be upgraded to current roadway width and improvement standards and that Firefly Circle also be designed to these standards. The standards would also require that a secondary access point be provided. The proposal falls short of meeting these development code requirements. As such, the applicants are seeking several waivers and special exceptions from the requirements stated above. Staff will analyze each request in detail below. The recommendations from the Fire Marshal and City Engineer are attached to this report. It is important to note that the response from the Fire Marshal only discusses whether the requested waivers or special exceptions are allowable under the International Fire Code and does not analyze the requirements of the Land Development Code.

Waivers:**WAIVER - Curb, Gutter, Parkstrip, and Sidewalk**

The applicant is not proposing any curb, gutter, parkstrip, or sidewalk to be installed in connection with the proposed development. The Planning Commission **may waive** the requirement for curb and gutter, parkstrip, and sidewalk with a recommendation from the City

Engineer and after evaluating the following criteria found in the sections of Land Development Code shown below:

Section 15A-21-02(**bold** and underline added for emphasis):

15A-21-02 Curbs, Gutters, Sidewalks and Drive Approaches

The City Engineer may recommend that curbs, gutters, and sidewalks be installed on all existing and proposed streets and along the frontage of any lot within a subdivision in conformance with the Sandy City Standard Specifications and Details for Municipal Construction. Inspections by the Engineering Division are required for the installation of all curbs, gutters, sidewalks, and drive approaches. If the developer/builder fails to notify the Engineering Division for inspection prior to installation, the City Engineer may require remedial action, including, but not limited to, the removal and replacement of the improvements in question. Unless waived by the Planning Commission upon recommendation from the City Engineer, these improvements will be required.

Section 15A-21-10(N) (**bold** and underline added for emphasis):

15A-21-10 Streets

N. Parkstrips and sidewalks shall be required on all streets. They shall be designed and installed according to the City's Standard Specifications and Details for Municipal Construction. The Planning Commission may waive, either one or both of these improvements, after considering a recommendation from the City Engineer and Fire Marshal. The following criteria **must** be evaluated prior to waiving these improvements:

1. The number of homes within the subdivision.
2. The length of a cul-de-sac.
3. The precedence of adjoining improvements.
4. The configuration of lots.
5. Where the only other alternative is a private road design.

Staff Analysis and Recommendation for Waiver

There are twelve (12) existing homes serviced on the existing private road, and the proposal would add one (1) more home. The cul-de-sac length is approximately 1400 feet long. Sidewalks and parkstrips do not exist in the adjoining developments. The lots are large and homes are spaced far away from one another. The area has an existing rural aesthetic where there is not a formal separation of pedestrians and automobiles. All homes are accessed from a private road design. The City Engineer supports the waiver of sidewalks and parkstrips to this requirement.

The waiver of curb and gutter requirements are not supported by the City Engineer. The existing streets have City water lines under the road. The proposed street will also have City water lines extended under the road to provide service to the development. Part of the purpose of curb and gutter is to control water from flooding adjacent homes. When a water line breaks, the curb and gutter is there for protection and convey the water away from adjacent properties.

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Special Exceptions:**SPECIAL EXCEPTION #1 - Lots without Public Frontage**

As these lots will be accessed from a new private street that extends from an existing private street, they will not have frontage onto a public street. The Planning Commission may grant a special exception for this after evaluating the section of Land Development Code shown below:

Section 15A-21-21(B) (**bold** and underline added for emphasis):

15A-21-21 Lots

- B. Except as may be otherwise provided in this Development Code, **all lots shall have the required frontage upon a dedicated and improved street.** Exceptions may include the following:
1. Residential building lots that do not have frontage upon a public street shall obtain a special exception from the Planning Commission as part of the preliminary review process.

Staff Analysis and Recommendation for #1

There is no reasonable way to extend a public road to the proposed development. As the existing main access road is a private street, this continuation of private roads and lots without public frontage is acceptable. The lots meet the minimum lot width frontages on the proposed private street, Firefly Circle. Therefore, this is a reasonable request for deviation from the standard and Staff and the City Engineer support it.

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SPECIAL EXCEPTION #2 - Less than Twenty-Seven Feet (27') of Road Width

The applicant is not proposing to widen or further improve Deer Hollow Circle, nor does Firefly Circle have the required improvements. The Planning Commission may grant a special exception to allow less than a 27-foot pavement width, after considering a recommendation from the City Engineer and Fire Marshal and after evaluating the following criteria found in the sections of Land Development Code shown below:

Section 15A-21-11(A)(1) (**bold** and underline added for emphasis):

15A-21-11 Additional Standards for Private Streets/Lanes

1. Approved private streets for access to residential dwelling structures shall have a 27 foot minimum width paved surface (32 foot right-of-way).

The Planning Commission **may grant a special exception** to allow less than a 27 foot pavement width, after considering a recommendation from the City Engineer and Fire Marshal. The City Engineer and Fire Marshal will consider the following conditions when making a recommendation to the Planning Commission for approval of a narrower pavement width:

- (a). Existing site conditions, topography, and improvements, etc.;
- (b). Fire access and water availability;
- (c). Number of lots based on zoning;
- (d). Lot dimensions including frontage;

- (e). Flood control and storm drain; and
- (f). Public utilities.

Section 15A-15-04(B)(7)(c) (**bold** and underline added for emphasis)

15A-15-04 Development Standards for Sensitive Areas

7. Streets and Ways. Streets, roadways, and private streets, lanes and driveways shall follow as nearly as possible the natural terrain minimizing cuts and fills. In addition to the standards identified in the Subdivision Design Standards within this Title, the following additional standards shall apply:
 - c. Variations of the street design standards developed to solve special visual aesthetics and functional problems may be presented to the Planning Commission upon recommendation from the City Engineer for consideration and approval. Examples of such variations may be the use of split roadways to avoid deep cuts, one-way streets, modifications of surface drainage treatments, sidewalk design, or the extension of a cul-de-sac.

Staff Analysis and Recommendation for #2

The site is located in the high bench area where there are steep slopes, geologic hazards, and forest fire risks. There are competing interests with hillside developments. One of the purposes of the SAO is to protect the natural scenic character of the area and promote minimal removal of natural vegetation by minimizing improvements and disturbance to the natural environment. The Land Development Code seeks to balance that interest with the needs to provide adequate public services of water, emergency vehicle access, and adequate fire breaks. The recent fires in California provide a reminder that these concerns are valid issues that affect the health, safety and welfare of our City. Deficient improvements can lead to loss of property and life.

The existing improvements on Deer Hollow Circle and the proposed improvements of Firefly Circle are deficient in road width to adequately service the number of homes in the area especially because of the length of the single access road. The existing single point access road, Deer Hollow Circle, is already more than double the lengths that has been determined appropriate by the Land Development Code. While the existing improvements may meet the minimums of the International Fire Code, they do not meet the requirement of the City's Land Development Code. There is a major concern with regard to emergency access, especially in the event of a home fire or wild fire. It would be unsafe to require fire-fighting and other emergency personnel to enter the area if there is only a narrow single point of access road to service the development. Personnel could be trapped and their lives put at unnecessarily heightened risk.

Staff would **support** some modification to this width standard in an effort to balance these competing interests, but does not support the requested exception to allow no additional improvement beyond the bare minimum International Fire Code requirements (20' pavement width). The City Engineer has recommended **not approving** this request.

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SPECIAL EXCEPTION #3 - Fewer than Two (2) Points of Access

The development code also requires two (2) points of ingress/egress for a subdivision. The applicant is not proposing to provide a looped road to achieve this standard nor provide a stub street that would eventually create a second point of access to the area. The Planning Commission may grant a special exception to allow a subdivision to have only one point of ingress/egress, after considering a recommendation from the City Engineer and Fire Marshal and after evaluating the following criteria found in the sections of Land Development Code shown below:

Section 15A-21-10(D) (**bold** and underline added for emphasis):

15A-21-10 Streets

- D. At least two points of ingress/egress **shall be provided** for each subdivision, PUD, or multi-family project.

Special Exception: The Planning Commission may grant a special exception to allow a subdivision to have only one point of ingress/egress, after considering a recommendation from the City Engineer and Fire Marshal, under the following circumstances:

1. 30 or fewer lots are accessed from the single ingress/egress; and
2. The City Engineer and Fire Marshal have reviewed the potential for impairment of such single access resulting from vehicle congestion, condition of the terrain, climatic conditions or other factors that could limit access and have made either a positive or negative recommendation to the Planning Commission with regards to a single point of ingress/egress; and
3. The proposed development project has one or more of the following, as determined and recommended for approval or denial by the City Engineer and Fire Marshal to the Planning Commission:
 - a. One or more cul-de-sac(s), hammerhead(s), or other approved turn-around(s) approved by the Fire Marshal and City Engineer, that comply with all development standards herein.
 - b. An emergency access (a point of ingress/egress that provides access for emergency vehicles to respond to a building, or facility, in the event the main access is compromised. The design of this access must meet the International Fire Code).
 - c. The future extension of a stub street that will provide additional access, including a temporary turn-around.
 - d. All buildings are equipped throughout with automatic sprinkler systems approved by the Fire Marshal and Chief Building Official.

Staff Analysis and Recommendation for #3

This area does service fewer than thirty (30) homes, but this area is at a higher safety risk than typical subdivisions due to the hillside, climatic, and geotechnical complexities of the area. There is high potential for impairment of Dimple Dell Circle, a single access road, due to the high snow potential this area has with narrow widths and insufficient area to push and store snow. Also, there is a high risk that this road could become compromised from a wildfire, earthquake or water line break. It would leave the existing

and future residents in the area trapped with no way to escape or send emergency responders to the homes. The proposed improvements would represent an improvement to some of the deficiencies in the area in the form of additional hydrants, fire turn-around(s), fire sprinklers in the proposed new home, and a twenty-foot (20') road improvement that would access an existing home. However, Firefly Circle is just as susceptible to the issues discussed on Dimple Dell Circle. This application causes a concern of increasing the potential risk to the area by adding a new home and accessory buildings without requiring sufficient improvements to address the issues of a single access road with these conditions.

Staff and the City Engineer do not recommend approval of this request. We **support a solution** that involves a full access connection of Firefly Circle to other roads in the area, or provide an emergency access that connects to another nearby road network.

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SPECIAL EXCEPTION #4 - Length of Cul-de-sac Over 600 Feet

The applicant is proposing to add an additional home to a single access road, Firefly Circle via Deer Hollow Circle, which currently exceeds the maximum length allowed in the code. The typical maximum length of a cul-de-sac in a typical subdivision is 400 feet. There is no exception allowed for these instances. In the SAO, these are permitted up to 600 feet. The Planning Commission may grant a special exception to have a cul-de-sac or single access road extend beyond the 600 feet, after considering a recommendation from the City Engineer and Fire Marshal and after evaluating the following criteria found in the sections of Land Development Code shown below:

Section 15A-15-04(B)(7)(b) (**bold** and underline added for emphasis)

15A-15-04 Development Standards for Sensitive Areas

B. Development Standards for All Sensitive Areas

7. **Streets and Ways.** Streets, roadways, and private streets, lanes and driveways shall follow as nearly as possible the natural terrain minimizing cuts and fills. In addition to the standards identified in the Subdivision Design Standards within this Title, the following additional standards shall apply:
 - b. A cul-de-sac may not exceed 600 feet in length. However, the Planning Commission may grant a special exception to extend the length of the cul-de-sac after considering a recommendation from the City Engineer and Fire Marshal based upon geographical constraints or if public safety will be improved above existing conditions.

Staff Analysis and Recommendation for #4

The existing roads go far beyond the maximum lengths permitted in the code. These limitations are founded on principles of safety. This proposed development would perpetuate what Staff views as an unsafe situation. This decision must be based upon the geographical constraints of the site or if public safety will be improved above existing conditions. While there are some proposed additional improvements to access the existing homes in the area that would not occur without this development, Staff does not

feel that the geographic constraints of the area merit extending a single access road beyond 600 feet. The proper resolution to this issue is to connect this development to other roads in the area. Staff and the City Engineer do not support this request.

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CONCERNS

Staff has the following concerns regarding this proposal as submitted by the applicant:

1. City Engineer and Fire Marshal Recommendations. The City Engineer and Fire Marshal have made diverging recommendations in some instances. The City Engineer does not support most of the requested special exceptions and waivers as proposed by the applicant. His stance is based on not having sufficiently designed and sized infrastructure improvements for additional densification to an area that has deficient improvements to adequately service the area and does not meet current codes and standards for new development. The Fire Marshal does support the requests, if they will provide improved access that would meet the International Fire Code standards which would help improve access and ability to service the existing homes in the area and the new development. The Fire Marshal's review does not reflect an analysis of the City's Land Development Code Requirements and is only a review of International Fire Code requirements.
2. Precedent. Staff is concerned with the number of special exceptions and waivers being requested for this subdivision and the potential impact this decision will have on similarly situated properties. While each situation and application has its own unique set of circumstances (which is why we have special exceptions from the typical standards to adapt to those circumstances), it is not anticipated that all available waivers and special exceptions will be combined to create a long, narrow single access road in a geographical location that is uniquely susceptible to fire, earthquake, and topographical constraints. This case *is* similar to other areas that have been annexed from Salt Lake County and other properties east of Wasatch Boulevard in the SAO zone. There are standards established in the development code for the promotion of the health, safety and welfare of the public. Deviations or special exceptions should still promote the health, safety and welfare. Staff is concerned that a less than ideal situation will be made worse by not requiring full improvements as required by city code.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission determine that the following waivers and special exception requests be **approved** for the **Firefly Forest Subdivision**, located at approximately 3392 E. Deer Hollow Circle:

1. Waiver of sidewalk and parkstrip
2. Special Exceptions for lots without public frontage

This determination is based on the following findings:

1. The City Engineer and Fire Marshal recommend approving the special exceptions and waivers shown above from the Land Development Code requirements.
2. The criteria to approve the waiver and special exception as required in the code has been met in that the adjoining development has an existing precedent of no sidewalks or parkstrips, and is a private street.

Staff recommends that the Planning Commission determine that the following waivers and special exception requests be **denied** for the **Firefly Forest Subdivision**, located at approximately 3392 E. Deer Hollow Circle:

1. Waiver of curb and gutter
2. Special Exceptions for:
 - a. less than two (2) points of access
 - b. less than twenty-seven feet (27') of asphalt width
 - c. length of cul-de-sac over 600 feet

This determination is based on the following findings:

1. The City Engineer does not recommend approving the special exceptions or waivers that have been requested from the City Development Code requirements.
2. The criteria to approve the Special Exceptions as required in the code have not been met in that the intent of the Standard Specifications and Details for Municipal Construction is not met in the proposal in that there is high potential for impairment of a single access road; there is no emergency access, nor stub street to provide secondary access; the geographical constraints of the site do not warrant deviations from public safety interests; and, the existing site conditions, and existing improvements are insufficient to ensure the health, safety, and welfare without further improvement.

Staff recommends that the Planning Commission determine that the preliminary subdivision and Sensitive Area Overlay zone reviews area **are not** complete for the **Firefly Forest Subdivision**, located at approximately 3392 E. Deer Hollow Circle, based on the following findings:

1. That the proposed subdivision does not meet city code requirements for private road design, two (2) points of ingress/egress, exceeds maximum lengths of cul-de-sac (or single access) roads of 600 feet in a SAO zone.
2. The City Engineer does not recommend approving the special exceptions that have been requested from the Land Development Code requirements.
3. The criteria to approve the special exceptions as required in the code have not been met.

* * * * *

If the Planning Commission *disagrees* with staff and would rather *approve* the proposed subdivision with one or all of the waivers or special exceptions that have been requested, the following is some recommended language:

That the Planning Commission determines that the preliminary subdivision and Sensitive Area Overlay zone reviews area **are complete** for the **Firefly Forest Subdivision**, located at approximately 3392 E. Deer Hollow Circle, and that the following waivers and special exception requests be approved:

1. Waiver of curb, gutter, parkstrip, and sidewalk
2. Special Exceptions for:
 - a. lots without public frontage
 - b. less than two (2) points of access
 - c. less than twenty-seven feet (27') of asphalt width
 - d. length of cul-de-sac over 600 feet in SAO

This determination is based on the following findings and conditions:

Findings:

1. *(You'll need to provide findings for each of the waivers and special exceptions that are to be approved based on the criteria listed above)*

Conditions:

1. That the applicant complies with each department's comments and redlines throughout the final review process and that all issues be resolved before the subdivision can be recorded.
2. That all City provisions, codes and ordinances are adhered to during the review, construction and operations process of this project, except as otherwise approved by waivers or special exceptions granted by the Planning Commission.
3. That all residential lots comply with all requirements of the R-1-40A zone, Wildland Urban Interface Area, and Sensitive Area Overlay zone.
4. That a vegetation plan be submitted to staff for final review.
5. That any area equal to or in excess of a 30% slope be indicated (crosshatched) on the final plat, and that perspective builders and homeowners be apprised of the restrictive nature of the hillside lots.
6. That the existing slope ratio be unaltered and that grading and landscaping of any of the hillside areas have approval of the Sandy City Engineering Division in accordance with the Sensitive Area Overlay Zone prior to building permits being issued.
7. That grading, home placement, and vegetation plans be submitted and approved for all lots prior to issuance of a building permit. The grading plan shall include a driveway plan and profile to assure conforming driveway slope. Any down sloping driveway will require approval by the City Engineer.
8. That structures comply with the Urban Wildland Interface requirements. This means that all homes and accessory structure be constructed of materials approved with a minimum of a one hour rated fire resistive construction on the exterior side or constructed with approved noncombustible materials. This will be determined on a case-by-case basis at building permit review. Also, that an approved noncombustible or fire treated roof covering be utilized for each home.
9. That homes be placed in a manner that minimizes the removal of vegetation on each property. Where it must be removed to accommodate a house, areas with the least mature vegetation should be prioritized for home locations over areas with more mature vegetation.
10. That compliance be made with the Sandy City Water Policy, e.g., water line extensions,

connections, water rights, and fire protection.

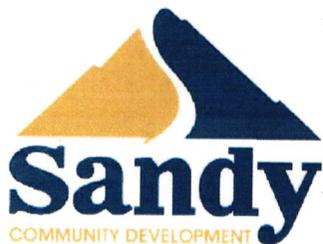
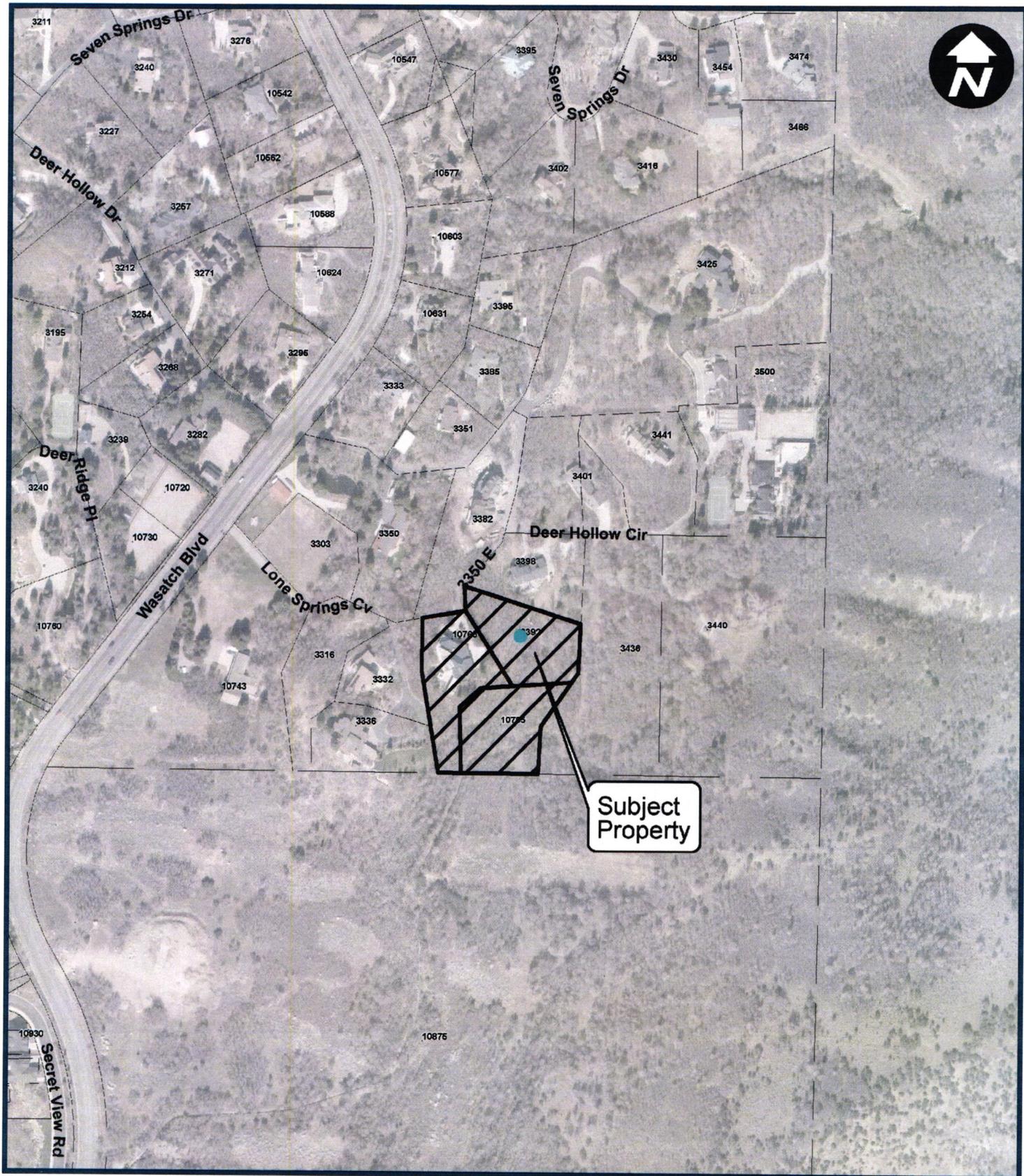
11. That a shared maintenance and access agreement for Lots 1 and 2 be recorded with the plat for the shared private road, Firefly Circle.
12. That the private road, Firefly Circle, be installed as part of the subdivision improvements and be bonded as part of the subdivision improvements, and that the engineering and configuration of the driveway be reviewed and approved by the City Engineer.
13. That the subdivision be brought back to the Planning Commission for Final Subdivision review.
14. All requirements of the International Fire Code be met for Deer Hollow Circle and Firefly Circle.

Planner:

Reviewed by:



Mike Wilcox
Zoning Administrator



SUB-12-18-5580
Firefly Forest Subdivision
3392 E Deer Hollow Circle



PRODUCED BY MIKE WILCOX
 THE COMMUNITY DEVELOPMENT DEPARTMENT



SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN
COMMUNITY DEVELOPMENT
DIRECTOR

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MAYOR

MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

Community #29 Meeting Summary

Date: Wednesday, 3/13/18

Location: Alta Canyon Sports Center

Community #/Name: 29, The Dell

Community Coordinator: Aaron Erickson

Project Name: Lance Platt Subdivision

Number of Attendees: 15

Applicants: Lance and Robyn Platt

Number of Invitees: 21 Properties

Length of Meeting: 90 minutes

Notice Radius: 500 ft.

Project Description: Applicant's intent is to build 1 new home on 2 parcels. They want to propose two different options, a flag lot or private road to meet lot frontage requirements. They only want to widen the private lane that leads to the Gou's home from 12 ft. to 20 ft. Instead of widening the road all the way to Wasatch.

Community Comments:

1. Positive: N/A
2. Concerns:
 - Widening of the road – 2012 City Council meeting, it was promised not to widen the roads at the time of the annexation. No curbs, no street lights, no changes.
 - In the minutes of the City Council meeting – Steve Smith promised that. They only annexed into the city under that promise.
 - If the road is widened how will this be expanded?
 - Number of trees being taken down
 - Widening the road will take out some trees on the Olsen's lot
 - Fire protection states that you have to wipe out 50 ft. of trees, unless you build exterior of home with certain fire-rated materials.
 - Neighboring residents are worried about total number of trees that will be taken out.
 - Proximity to neighboring homes
 - Storm drainage
 - They will have storm ponds
 - Water flow and pressure
 - Due to some changes with a new tank they have met code without having to loop.
 - Private property rights of the Olsen's Pearce's and Gou's
 - The Gou's will have to give consent for the subdivision



SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN
COMMUNITY DEVELOPMENT
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MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

- The Olsen's and Pearce's will have to give consent to widen the road
- Fire Protection
 - Applicant will be meeting fire code requirements
 - They will have to have a T or Y-turn around
- Can they build on the southern lot?
 - The applicants stated that due to the slope of the land – the City will not allow them to do this on portions where there is 30% or greater slope.
- Fault/Earthquake
 - Applicants completed a study – dug 140 ft. long, 7 ft. deep to verify it is okay to build there.

Community #29, The Dell Meeting

Name	Address	Phone/Email
Jennifer Rogers	3336 E Lone Springs Cove	jennifer@lonespring.com
Bart Rogers	"	bart@lonesprings.com
DAVE BRONNEM	3350 E. DEER Hollow Cir.	DBRONNEM@ENSIGNPROPERTIES.COM
Car Bronnem		
Cathy Olsen	3398 Deer Hollow Cir	cto1951@gmail.com
Kirk Olsen	3398 Deer Holla	KIRKE@hospital.com 801-664-5442
Trent Pearce	3382 Deer Hollow Cir	trent121@gmail.com
Aaron Erickson	3216 E Bell Canyon Rd	Sandy UT 84092
Nelda Davidson	10743 S. Wasatch Blvd	Sandy
ROBERT WILSON	3401 E. Deer Hollow Dr	Sandy RWILSON@TIGTS.net
Helga Wilson	"	"
AARON RUST	3500 E. DEER FOLLOW DR,	rustedaaron@gmail.com
Viebar Parvar		vector007@gmail.com

BRUCE R. BAIRD PLLC

ATTORNEY AND COUNSELOR
2150 SOUTH 1300 EAST, FIFTH FLOOR
SALT LAKE CITY, UTAH 84106
TELEPHONE (801) 328-1400
BBAIRD@DIFFICULTDIRT.COM

April 22, 2019

Sandy City Planning Commission
Attn: Chair Person

**Re: Firefly
Opinion Regarding Requested Exceptions**

Dear Chair Person and Members of the Planning Commission:

I am counsel for Lance and Robyn Platt regarding the above-reference matter. In that connection I have reviewed the Platt's application, the City's applicable Codes and other standards, the prior application the Staff Reports and Department Reports related thereto and the minutes/transcript of the Planning Commission hearing on the prior application.

My findings clearly indicate that the exception requirements were not fully considered in the previous decision. Included with this letter you will find a summary of the requested "exceptions" for the Firefly project and why the project is entitled to the exceptions. I believe that the analysis in the summary is correct.

If the exceptions are not granted then the City is effectively rendering the property valueless. Sandy City has treated these parcels as separate legal parcels by way of taxation and other actions from the beginning. If the property is rendered valueless by regulatory actions of Sandy City that would constitute a regulatory taking requiring Sandy City to pay just compensation. In that regard I call your attention to *Arnell v Salt Lake County*, 2005 UT App 165. Here, given the Platt's proposal adequately addresses the safety requirement established by the Fire Code, Sandy City is not relieved of "Takings" liability by *Palazzolo v Rhode Island*, 533 U.S. 606 (2001).

I look forward to representing my clients at the Planning Commission hearing on this matter. I trust that the Planning Commission will do the right thing and approve the appropriate exceptions to allow the project to move forward.

Sincerely,



Bruce R. Baird

Code	Standard	Code	Exception
15A-21-02	<p>Curbs, Gutters, Sidewalks</p> <p>Curbs, gutters, and sidewalks to be installed on all existing and proposed streets along the frontage of any lot within a subdivision in conformance with the Sandy City Standard Specifications.</p>	15A-21-10(N)	<p>The Planning Commission may waive [the requirement for sidewalks] after considering a recommendation from the City Engineer and Fire Marshal. The following criteria must be evaluated prior to waiving these improvements:</p> <ol style="list-style-type: none"> 1. Number of homes within the subdivision 2. The length of a cul-de-sac 3. The precedence of adjoining improvements 4. The configuration of lots 5. Where the only other alternative is a private road design

Department	Comments	Requirement Met
City Engineer	<p>Required “to ensure any additional densification of the City occurs with adequately designed and sized infrastructure.” If the private road is improved from Wasatch Blvd to the subdivision with 27’ of asphalt with 5’ curb and gutter, then a recommendation to waive sidewalk...could be approved. <i>REF: SPECIAL EXCEPTION NON-RECOMMENDATIONS, Ryan Kump Staff Report</i></p>	<p>While it is unknown whether the City Engineer considered all 5 conditions, the CE made a recommendation which meets the requirement for the PC to grant an exception.</p>
Fire Department	No Comment	N/A
Zoning Administrator	<p>Public Works advised the DRC that this area does not have an underground drainage system to support curb and gutter and that the addition of such would only exacerbate a runoff problem. <i>REF: Development Committee Meeting, December 18, 2017.</i></p>	
Planning Commission	<p>Verbally agreed to waive. One Planning Commissioner stated that adding curb, gutter and sidewalks, "Would be a mistake and disastrous to the neighborhood and community." Not disputed by any other PC member. <i>REF: AUDION FILE, Planning Commission Meeting on May 17, 2018.</i></p>	
Platts’ Response	<p>There were promises made to the existing neighbors during the annexation process that the City would not require curb, gutter, sidewalks or street lights. <i>REF: Community #29 Meeting Summary, 03/13/18 Staff Report.</i></p> <p>Concerning Exception Ground # 3, “precedence”, if that is the word actually intended, it is defined as: 1) act or fact of <u>preceding</u>; 2) the right to <u>precede</u> in order, rank, or importance; priority; the fact of <u>preceding</u> in time; antedating; 4) the right to precede others in ceremonies or social formalities; 5) the order to be observed in ceremonies by persons of different ranks, as by diplomatic protocol. The “precedence” (or “precedents”) of what actually currently exists on the area supports the Platts’ request.</p>	<ol style="list-style-type: none"> 1. There are 12 total homes serviced by Deer Hollow Cir. 2. Length is approx. 1,100’. 3. See Comments 4. See Plat Map for Configuration of Lots 5. This is a Private Road design.

Code	Standard	Code	Exception
15A-21-10(F)	Standards for Private Streets Private Street: 32 feet (27 feet pavement width minimum)	15A-21-11(A)(1)	The Planning Commission may grant a special exception to allow less than a 27' pavement width, after considering a recommendation from the City Engineer and Fire Marshall. The following conditions are to be taken into consideration: <ul style="list-style-type: none"> a) Existing site conditions, topography, and improvements, etc. b) Fire access and water availability c) Number of lots based on zoning d) Lot dimensions including frontage e) Flood control and storm drain f) Public Utilities

Department	Comments	Requirement Met
City Engineer	Required "to ensure any additional densification of the City occurs with adequately designed and sized infrastructure." <i>REF: SPECIAL EXCEPTION NON-RECOMMENDATIONS, Ryan Kump Staff Report</i>	Yes. The CE made a recommendation which meets the requirement for the PC to grant an exception.
Fire Department	"I have found the plans to be compliant with all current Utah State Fire Code, concerning access and water supply." <i>REF: Letter of Recommendation for Firefly Forest Sub., Robert DeKorver, May 10, 2018 Staff Report</i>	Yes
Zoning Administrator	"Development Staff agrees that there may be some good that will come from the proposal, but the potential for negative outcomes outweigh the good...The City is concerned that we are making a less than ideal situation worse by not requiring full improvements as required by code." <i>REF: Staff Report Memorandum, Mike Wilcox, May 9, 2018</i>	
Planning Commission	Verbally agreed to waive this requirement at the Planning Commission meeting on May 17, 2018, but not specifically voted on. One Planning Commission member stated that widening the road to 27', "Would be a mistake and disastrous to the neighborhood and community." Not disputed by any other Planning Commission Member. <i>REF: Audio file Planning Commission Meeting, May 17, 2018.</i>	
Platts' Response	The Platts have a 50' Right-of-Way from the Platts property to Wasatch Blvd making the requirement possible, however it would cause significant destruction to the neighborhood.	b. Proposed plan includes fire access and water availability. c. Proposed plan reduces the number of lots by combining two parcels. e. Proposed plan accounts for flood control.

Code	Standard	Code	Exception
15A-15-04(B)(7)(b)	Cul-de-sac May not exceed 600' in length	15A-15-04(B)(7)(b)	The Planning Commission may grant a special exception to extend the length of the cul-de-sac after considering a recommendation from the City Engineer and Fire Marshal based upon geographical constraints or if public safety will be improved above existing conditions.

Department	Comments	Requirement Met
City Engineer	Required "to ensure any additional densification of the City occurs with adequately designed and sized infrastructure." If the private road is improved from Wasatch Blvd to the subdivision with 27' of asphalt with 5' curb and gutter, then a recommendation to [an] exception the maximum lengths could be provided. <i>REF: SPECIAL EXCEPTION NON-RECOMMENDATIONS, RYAN KUMP STAFF REPORT</i>	Yes
Fire Department	"The applicants have improved the area for fire response by adding an additional hydrant that will service these two lots, provided for 20' of road access to their property and others, and provided for two fire department turn-arounds. They have also provided for their safety and any delay in fire operations by making the decision to sprinkler their home for early response fire suppression, when it was not a requirement to do so." <i>REF: Letter of Recommendation for Firefly Forest Sub., Robert DeKorver, May 10, 2018 Staff Report</i>	Yes
Zoning Administrator	"Development Staff agrees that there may be some good that will come from the proposal, but the potential for negative outcomes outweigh the good...The City is concerned that we are making a less than ideal situation worse by not requiring full improvements as required by code." <i>REF: Staff Report Memorandum, Mike Wilcox, May 9, 2018</i>	
Planning Commission	It was not understand that the Platts would be improving the current conditions for public safety with the addition of a fire hydrant, emergency turn-around, and vegetation removal.	
Platts' Response	The Platts clearly meet the requirement for an exception based on Platts proposal to improve the public safety above the existing conditions as referenced here: <ol style="list-style-type: none"> 1. Improve the existing dead end road to 20' width. 2. Add fire apparatus turn-around to support Guo residence. 3. Add fire hydrant to support Guo residence. 4. Removal of some existing vegetation reducing the fire threat to other homes. 5. Drainage retention system to support storm water minimizing run-off impact on the surrounding area. <i>REF: Platt Letter to Planning Commission, April 28, 2018</i>	

Code	Standard	Code	Exception
15A-21-10(D)	Two Points of Access At least two points of access shall be provided for each subdivision	15A-21-10(D)	The Planning commission may grant a special exception to allow a subdivision to have only one point of ingress/egress, after considering a recommendation from the City Engineer and Fire Marshal, under the following circumstances: <ol style="list-style-type: none"> 1. 30 or fewer lots are accessed from the single ingress/egress. 2. Reviewed the potential for impairment of such single access resulting from vehicle congestion, conditions of terrain, climatic conditions or other factors that could limit access and have made either a positive or negative recommendation. 3. The project has one or more of the following as, determined and recommended by the City Engineer and Fire Marshal: <ol style="list-style-type: none"> a) Cul-de-sac(s), hammerhead(s), or other approved turn-around(s) approved by the Fire Marshal and City Engineer b) An emergency access c) The future extension of a stub street that will provide additional access d) All buildings are equipped throughout with automatic sprinkler systems approved by the Fire Marshal and Chief Building Official

Department	Comments	Requirement Met
City Engineer	Required "to ensure any additional densification of the City occurs with adequately designed and sized infrastructure." <i>REF: SPECIAL EXCEPTION NON-RECOMMENDATIONS, Ryan Kump Staff Report</i>	Yes
Fire Department	"The applicants have improved the area for fire response by adding an additional hydrant that will service these two lots, provided for 20' of road access to their property and others, and provided for two fire department turn-arounds. They have also provided for their safety and any delay in fire operations by making the decision to sprinkler their home for early response fire suppression, when it was not a requirement to do so." <i>REF: Letter of Recommendation for Firefly Forest Sub., Robert DeKorver, May 10, 2018 Staff Report</i>	Yes
Zoning Administrator		
Planning Commission	Sticking point for the Planning Commission based on safety and "precedence". <i>REF: Planning Commission Meeting, May 17, 2018, Audio File</i>	
Platts' Response	While there is not a feasible solution available from the civil engineers who have evaluated two points of access, the Platts meet all of the conditions listed above required to receive an exception: <ol style="list-style-type: none"> 1. There are only 12 homes accessed from the single ingress, well under the requirement of 30 or fewer. 2. The City Engineer reviewed the potential for impairment and made a negative recommendation. The Fire Marshal made a positive recommendation. 3. The project does have one or more of the required criteria: <ol style="list-style-type: none"> a. The proposed turnaround has been approved by both the Fire Marshal and City Engineer. b. The proposed buildings will be equipped throughout with automatic sprinkler systems to be approved by the Fire Marshal and Chief Building Official. 	Yes



SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN
COMMUNITY DEVELOPMENT
DIRECTOR

KURT BRADBURN
MAYOR

MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

November 27, 2018

Dear Mr. Baird:

This letter is the final administrative decision in response to your letter of August 24, 2018 (the "August Letter"), regarding the Firefly Subdivision at 3392 East Deer Hollow Circle. I understand from your recent correspondence that you were unable to get anything from Salt Lake County in support of the claims set forth in the August Letter. Therefore, this determination is based on information provided in the August Letter and as further researched by Sandy City staff. The August Letter sets out the following events, chronologically:

- 1) May 5, 1970 – Claire Payzant acquired 5 acres of land from Venable Investment ("Payzant Parcel")
- 2) June 28, 1983 – Massoud Parvar acquired a 1.707-acre parcel immediately to the west of the Payzant Parcel ("1.7 Acre Parcel") from Clarence Bohm
- 3) January 9, 1989 – David & Marilyn Williams acquired one acre of the Payzant Parcel ("Williams Parcel")
- 4) September 27, 1993 – Massoud Parvar acquired 3/8 acre of land from Russ Gerson ("3/8 Acre Parcel")
- 5) July 11, 1996 – Lynette Slattery acquired one acre of the Payzant Parcel ("Slattery Parcel")
- 6) March 8, 2002 – Massoud Parvar combined the 1.7 Acre Parcel and the 3/8 Acre Parcel to create an approximately two-acre parcel ("Parvar Parcel")
- 7) April 26, 2004 – Parvar split the Parvar Parcel into two parcels of approximately one acre each ("Parvar Split").
- 8) April 9, 2018 – Platts acquired one of the one-acre Parvar Split parcels and the Slattery Parcel

Prior to March 1993, it is believed that the Salt Lake County definition of "subdivision" included a division of land into three or more lots. It is further believed that Salt Lake County adopted an ordinance that became effective on or about March 4, 1993, defining "subdivision" as a division of land into two or more lots.

On October 26, 2012, Sandy City annexed unincorporated Salt Lake County property into Sandy City in an annexation referred to as the "Payzant Annexation to Sandy City." This annexation included one of the Parvar Split parcels and all of the Payzant Parcel except the Williams Parcel.

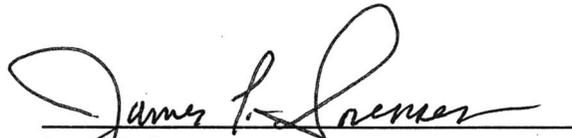
The analysis regarding the various parcels mentioned in the chronology above is as follows:

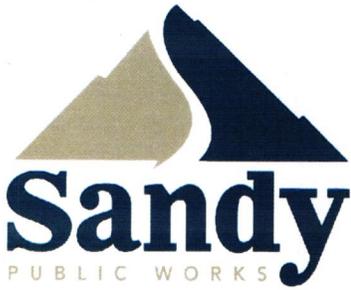
- 1) The acquisition of the Payzant Parcel occurred in 1970. The information presented to me indicates that this acquisition was a division of land into two parcels. It occurred when Salt Lake County defined "subdivision" as a division of land into three or more lots. Therefore, this acquisition appears to have not required a subdivision process to be followed in Salt Lake County.

- 2) The acquisition of the 1.7 Acre Parcel occurred in 1983. The information presented to me indicates that this acquisition was a division of land into two parcels. It occurred when Salt Lake County defined "subdivision" as a division of land into three or more lots. Therefore, this acquisition appears to have not required a subdivision process to be followed in Salt Lake County.
- 3) The acquisition of the Williams Parcel occurred in 1989. The information presented to me indicates that this acquisition was a division of land into two parcels. It occurred when Salt Lake County defined "subdivision" as a division of land into three or more lots. Therefore, this acquisition appears to have not required a subdivision process to be followed in Salt Lake County.
- 4) The acquisition of the 3/8 Acre Parcel occurred in September 1993. The information presented to me indicates that this acquisition was a division of land into two parcels. It occurred when Salt Lake County defined "subdivision" as a division of land into two or more lots. Therefore, this acquisition required a subdivision in Salt Lake County, but no subdivision process was followed.
- 5) The acquisition of the Slattery Parcel occurred in 1996. The information presented to me indicates that this acquisition was a division of land into two parcels. It occurred when Salt Lake County defined "subdivision" as a division of land into two or more lots. Therefore, this acquisition required a subdivision in Salt Lake County, but no subdivision process was followed.
- 6) The combining of the 1.7 Acre Parcel and the 3/8 Acre Parcel occurred in 2002. The information presented to me indicates that the owner combined two parcels, one of which was legally created and one of which was not. Therefore, this acquisition appears to have required an additional process to be followed in Salt Lake County, but no process was followed.
- 7) The Parvar Split occurred in 2004. The information presented to me indicates that this was a division of land into two parcels. It occurred when Salt Lake County defined "subdivision" as a division of land into two or more lots. Therefore, the Parvar Split required a subdivision in Salt Lake County, but no subdivision process was followed.

Neither of the two parcels purchased by the Platts, which included the Slattery Parcel (addressed in enumerated paragraph 5 above) and one of the Parvar Split parcels (addressed in enumerated paragraph 7 above), was created in compliance with Salt Lake County subdivision requirements. Therefore, if the Platts desire to develop the property, they must first seek and obtain subdivision approval in compliance with the requirements of the Sandy City Land Development Code.

The August letter additionally discusses annexation, taxation, etc. and suggests that tax assessments and annexation exempt the property from Sandy City's subdivision requirements. The August Letter provides no citation to any law that supports this claim, and I found no legal support in any State or local law or ordinance. The assertion that the Platts could not have known that they were purchasing illegally created, un-subdivided parcels is also not supported by fact or law.


James L. Sorensen
Community Development Director



DEPARTMENT OF PUBLIC WORKS

Kurt Bradburn
Mayor

Matthew Huish
Chief Administrative Officer

Michael Gladbach, P.E.
Director

MEMORANDUM OF RECOMMENDATIONS TO THE PLANNING COMMISSION

Date: April 26, 2019
To: Mike Wilcox, Zoning Administrator
From: Ryan C. Kump, P.E., City Engineer
Project Name: Firefly Forest Subdivision
Plan Case Number: SUB-12-18-005580
Project Address: 3392 Deer Hollow Circle

A review of the above-mentioned project has been made. Consideration of requests, by the Developer, for various waivers and exceptions, has also been made. Following are recommendations and comments from the Sandy City Engineer:

* * * * *

Developer Request: Grant waiver of requirement of curbs, gutters, drive approaches, sidewalks and parkstrips.

Land Development Code: 15A-21-02 Curbs, Gutters, Sidewalks and Drive Approaches

Land Development Code: 15A-21-10(N) (Parkstrips and Sidewalks)

City Engineer Response: Grant waiver for requirement of drive approaches, sidewalks and parkstrips. Do not grant waiver for requirement of curb and gutter.

The City Engineer supports a waiver of the sidewalk, parkstrip, and drive approaches. The roadway will be a private road, and it is common, in private roadway networks, that parkstrips and sidewalks are not included in the infrastructure. This lends to the more rural and rustic aesthetic which is desired in many of these neighborhoods.

The City Engineer recommends that no waiver be granted for curb and gutter. It should be required as part of the development of this subdivision. With a City-owned-and-maintained waterline in this road, should the waterline break, the curb and gutter will help to channel the

water and prevent flooding of homes and property along the roadway, thus reducing the City's liability. This is consistent with our "private street" standard (roadways more than 150 feet in length and providing access to more than two lots) , which requires a minimum of 27 feet of asphalt and with 2.5-foot-wide curb and gutter, for a total of 32 feet in width. This private street standard should be met as part of the subdivision.

* * * * *

Developer Request: Grant exception from requirement to provide lots with frontage upon a dedicated and improved street.

Land Development Code: 15A-21-21(B)

City Engineer Response: Grant exception from requirement to provide lots with frontage upon a dedicated and improved street.

An exception to fronting a public and fully-improved, dedicated street is recommended, as all access in the area is currently off of private streets. Should the private street network meet minimum requirements as per city code for private streets, the home frontage would be adequate.

* * * * *

Developer Request: Grant exception from requirement to provide a minimum of 27 feet (width) of paved roadway surface for the private street.

Land Development Code: 15A-21-11(A)(1)

Land Development Code: 15A-15-04(B)(7)(c) – Sensitive Area Overlay

City Engineer Response: Do not grant exception from requirement to provide a minimum of 27 feet (width) of paved roadway surface for the private street.

The City Engineer recommends that no exception be granted for the installation of a minimum of 27 feet (width) of paved surface for the entire length of the private lane from Wasatch Blvd to the proposed subdivision. The roadway will be approximately 1,000 feet long, far exceeding the length (150 linear feet, with a maximum of two homes accessing the lane) allowed for a 20-foot-wide lane. There is a major concern with regard to emergency access, especially in the event of a home fire or wild fire. It would be unsafe to require fire-fighting and other emergency personnel to enter the area if there is only a single accessed narrow road running through this development. Personnel could be trapped and their lives put at unnecessarily heightened risk. The existing network also prevents the looping of utility lines—an ancillary but important benefit and consideration. Approving subdivisions to develop without proper infrastructure upgrades creates potential for continued development and densification in the Sensitive Area without improved access and safety. The current infrastructure in question is severely underbuilt, and adding density without improvements compounds an already compromised situation.

* * * * *

Developer Request: Grant exception from requirement to provide at least two points of ingress/egress.

Land Development Code: 15A-21-10(D)

City Engineer Response: Do not grant exception from requirement to provide at least two points of ingress/egress.

The City Engineer recommends that no exception be granted and that at least two points of ingress/egress, be required for the development of this subdivision. There is a major concern with regard to emergency access, especially in the event of a home fire or wild fire. It would be unsafe to require fire-fighting and other emergency personnel to enter the area if there is only one way in and out of the development. Personnel could be trapped and their lives put at unnecessarily heightened risk. The existing network also prevents the looping of utility lines—an ancillary but important benefit and consideration. Approving subdivisions to develop without proper infrastructure upgrades creates potential for continued development and densification in the Sensitive Area without improved access and safety. The current infrastructure in question is severely underbuilt, and adding density without improvements compounds an already compromised situation.

Should a stub private street, with an easement that provides for access, be provided to the south as part of a master plan, consideration for a positive recommendation from the city engineer for an exception may be given.

* * * * *

Developer Request: Grant exception from requirement that a cul-de-sac not exceed 600 feet in length.

Land Development Code: 15A-15-04(B)(7)(b)

City Engineer Response: Do not grant exception from requirement that a cul-de-sac not exceed 600 feet in length.

The City Engineer recommends that no exception be granted and that a cul-de-sac not be approved for the development of this subdivision. The cul-de-sac would be approximately 1,000 feet long, far exceeding the allowed length. There is a major concern with regard to emergency access, especially in the event of a home fire or wild fire. It would be unsafe to require fire-fighting and other emergency personnel to enter the area if there is only one way in and out of the development. Personnel could be trapped and their lives put at unnecessarily heightened risk. The existing network also prevents the looping of utility lines—an ancillary but important benefit and consideration. Approving subdivisions to develop without proper infrastructure upgrades creates potential for continued development and densification in the Sensitive Area without improved access and safety. The current infrastructure in question is severely underbuilt, and adding density without improvements compounds an already compromised situation.

* * * * *



SANDY CITY FIRE DEPARTMENT

BRUCE CLINE
FIRE CHIEF

KURT BRADBURN
MAYOR

MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

April 24, 2019

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

Re: Letter of Recommendation for Firefly Forest Sub

Dear Commission Members,

As per Sandy City development code, I am writing a letter of recommendation, for your review, concerning Firefly Forest Subdivision. Please be advised that this letter is based on the adopted International Fire Code and adopted city ordinances that have been approved with the fire code by the Utah State Legislature.

Currently the applicants for this subdivision have submitted for review the fire department access, and water supply, site and utility plans to my office. After my review, I have found the plans to be compliant with all current Adopted International Fire Code as adopted by the Utah State Legislature, concerning fire department access and water supply.

At this time I am giving a positive recommendation to any waivers that are being applied for from the applicant in regards to fire department access and water supply as reviewed against the 2015 International Fire Code. This recommendation is based on the improvements the applicant has shown that they will take to mitigate any concerns with fire department response and water supply. The applicants have improved the area for fire response by adding an additional hydrant that will service two lots, provided for 20 feet of road access to their property, and provided for two fire department turn-a-rounds. They have also provided for their safety and any delay in fire operations by making the decision to sprinkler their home for early response fire suppression, when it was not a requirement to do so.

If approved I would ask that the applicant meet with the Fire Marshal to review the actual location of the additional hydrant, as well as, the requirements for wildland urban interface, as they will be building in the wildland urban interface area.

I thank you for your time and consideration in this matter. If you have any further questions, please contact me.

Sincerely,

Robert K. DeKorver Jr

Robert K. DeKorver Jr
Fire Marshal
Sandy City Fire
O-801-568-2945
rdekorver@sandy.utah.gov