

Lance & Robyn Platt  
10980 Secret View Dr.  
Sandy, UT 84092  
May 28, 2018

Sandy City Board of Adjustment  
10000 Centennial Pkwy  
Sandy, UT 84070

Board of Adjustment Member:

We submit to the Sandy City Board of Adjustments for variances specific to Lot 1 in Firefly Forest Subdivision located at 3392 E. Deer Hollow Circle in Sandy.

The history of this property is most relevant to the request before the Board of Adjustments. The proposed Firefly Forest Subdivision is located in the Deer Hollow Ranches area just east of Wasatch Blvd on approximately 10700 South. This land is in an area originally developed under Salt Lake County without consideration to the current subdivision ordinances of Sandy City. Some homes were originally built in this area in the 1970's with most of the homes being built in the 1980's and 90'. The most recent home was completed in late 2017.

The issue with future development in this area is that the roads were not designed to the current Sandy City subdivision ordinance requirements. Specifically, the roads are not of sufficient width or length, and do not have two points of access. Likewise, these roads do not currently have curb, gutter and sidewalks as required by the City. The limitations of the existing roads open the possibility to future development under one of only three circumstances—that the remaining lots are grandfathered into the County requirements, the roads are brought up to the Sandy City's current requirements, or that exceptions/variances are granted to accommodate new development using the existing roads.

The property identified as Lot 1 in Firefly Forest subdivision is a combination of two separate one acre lots—the first of which was created in 1998 when it was sold by Claire Payzant to Lynnette Slattery; The second was created by Massoud Parvar in 2004. Both parcels were created while under the jurisdiction of Salt Lake County with the intent to build homes on these lots. The same process was followed in creating these lots as was used in 1989 when Payzant sold a separate one-acre piece of land to David & Marilyn Williams who ultimately developed their land without issue. The primary distinguishing fact is that this land is now under the

jurisdiction of Sandy City wherein new development must meet ordinance requirements that were not originally intended for this land.

Sandy City took responsibility for this land through the annexation process in 2012. There was a clear understanding at the time of the annexation that this land was intended for one or more residential homes as the zoning was set up to support this interest. At best, there were some clerical errors preventing the land from being recognized as a buildable lot due to the way it was recorded under Salt Lake County as a parcel rather than a lot of record. At worst, there was some intentional interference from Sandy City in preventing it from being recorded as a legal lot of record within the County prior to the annexation. The property owners were in the process of plating this land when their efforts were thwarted by the Sandy City through the lack of willingness on the City's part to provide the necessary municipal services that had been provided to every other home in this area while under the responsibility of the County. Sandy used the need for access to water as a motivation for the property owners to annex into the City only to find that they were ultimately led down a path that would prove to be more limiting than it was otherwise.

This point cannot be overstated. As part of the annexation process, Sandy City has agreed to grandfather any legally subdivided lot in this area into the SL County requirements allowing these lots to be built upon. However, if the lot was not created as a legal lot of record prior to the annexation, then the land is subject to the City's subdivision ordinance requirements. The City's contention is that this land was not legally subdivided prior to the annexation and therefore does not receive the benefit of the grandfathered status. The property owners contend that the land met all the requirements to become legal lots of record save only the ability to receive full municipal services from Sandy City. In other words, Sandy City had complete control over the ability for these lots to become legal lots of record within the County prior to the annexation and chose not to support this effort.

The great irony is that Sandy City rests on the belief that these lots were not subdivided legally prior to the annexation and therefore do not qualify for the grandfathered status that other lots in this same area have benefited from. Therefore, the primary request before the Board of Adjustments is that this land be granted the Grandfather status it deserves and warrants such that it may become the buildable lot it was intended to be. The Planning Commission recognized that it had the power and authority to deem this lot as one that would qualify under this Grandfather status thereby removing any need for granting the requested exceptions. However, they also recognized that such a decision could be a slippery slope and ultimately were reluctant to allow this to be the precedent.

We believe this decision warrants further consideration. The precedent must take into account "Intent." There is an undeniable implicit understanding that the intent of this land has been a residential buildable lot for more than 20 years. The lot was created as a parcel in the same manner as the neighboring lot (Olsen's) with the intent to build on it in a similar manner. The lot was recognized by Salt Lake County as a residential lot which is most relevant considering this land was created and organized within the County. Moreover, it fit the County requirements to become a buildable lot. The issues surrounding this lot stem from Sandy City's interest in bringing this land from the County into the City. Had the land originally been developed under Sandy City code requirements back in the early 1970's, the roads would be adequate to support the interests of the land owners. Since that is not the case, the City is wanting to fit something that was not intended to conform to its ordinance requirements into a box that it was never designed to fit into. If the City does not believe it can adequately support this area, it would have been better off providing the requested municipal services and allowing it to remain under County authority.

We respectfully ask the Board of Adjustments to consider the unique history of this land, taking into account the intent of this land, in allowing Lot 1 of the Firefly Forest Subdivision to benefit from the grandfathered status as it relates to the roads in the Deer Hollow Ranches area.

In the event this request is not granted, I will return to the issue at hand which is that the property in the Deer Hollow Ranches area does not conform to the Sandy City Subdivision Ordinance Requirements. While Lot 1 of the proposed Firefly Forest Subdivision is suitable to be built upon outside of the limitations inherent with the existing roads, there is a need to seek approval for variances from the Board of Adjustments. Specifically, the following five variances are being requested:

- Two points of access: 15A-21-10(D)
- Dead-end in excess of 600 feet: 15A-15-04(B)(7)(b)
- Road width of 32 feet: 15A-21-10(F)
- Curb, gutter and sidewalk: 15A-21-02
- Frontage of 110 feet: 15A-21-21(B)

The proposed subdivision before the Board of Adjustments does not conform to these Development Code requirements. There is currently only a single point of access into the neighborhood from Wasatch Blvd which causes the subject lot to be located more than 600 feet from a public street. Likewise, the roads are only 20' wide at a maximum and do not have curb, gutter or sidewalk. Lastly, the frontage is a few feet shy of meeting the 110' requirement.

These five code requirements were debated at length with and by the Planning Commission when the proposal was presented before them on May 17<sup>th</sup>. After much deliberation, the

Planning Commission determined that so long as the roads met the fire department minimum standard requirements (20' width with approved fire-apparatus turnaround), exceptions could be granted for the road width, curb/gutter/sidewalk and frontage requirements. They unanimously agreed that exceptions were warranted for these three code requirements based on the following three things: First, the area not have adequate drainage to support curb and gutter. Second, the road widths were agreed to remain at 20' in part to keep a promise made to the residents at the time of annexation wherein the City stated that they would not impose their ordinances on these residents with regard to wider streets, sidewalks and street lights. Lastly, the frontage was really a non-issue. It was not a concern in the letter from the City Engineer and was something the Planning Commission agreed could be granted an exception for.

The balance of the debate centered on the remaining two code requirements standing in the way of development approval. These last two hurdles are the single point of access and a dead-end road that exceeds 600' in length. Although it was a split decision, The Planning Commission ultimately determined that exceptions would not be granted for these two code requirements. The basis of the decision was two-fold: Precedent and Safety.

The issue of Precedent with this lot was fueled by a member of the Development Committee who indicated that if this lot were to be approved it could possibly open the door to other property owners in the Deer Hollow Ranches area with an interest in seeking similar exceptions. Unfortunately, this argument was not presented with sufficient context. While two other properties in the Deer Hollow Ranches were identified by name in that meeting—Payzant and Tillitson properties, the proper comparisons were not outlined in relation to the subject land. It is important to understand that Payzant and Tillitson are faced with very different circumstances than the subject lot. Payzant, for example, has a single three-acre parcel of land. Claire Payzant has openly acknowledged he has no interest in developing the land during his lifetime. If Claire's children were to pursue a path to development in the future, they are presented with a different set of limitations. Foremost among the limitations is that Payzant does not have an existing right-of-way from his property to Wasatch Blvd. Even if the same exceptions or variances were made available to Payzant, he does not have the ability to expand the East facing portion of Deer Hollow Circle to meet the 20' minimum width requirement. Additionally, Payzant's land is also plagued with issues related to active springs, 30% slope and earthquake fault lines. Precedent does very little to help advance any development efforts of Payzant.

Similarly, the Tillitson property is also not a fair comparison. Sandy Tillitson owns five or more acres of land at the very top of Deer Hollow Ranches. She has apparently expressed an interest in subdividing her property to create additional residences in the area. This is an entirely different proposition as we are looking to combine existing parcels that were created while the property was under the jurisdiction of the County as opposed to subdividing a single existing lot to create multiple lots out of one. While we believe there is little risk in either Payzant and/or

Tillitson receiving approval to develop their land as they see fit, we strongly believe that a decision to grant the requested variances on Lot 1 in Firefly Forest Subdivision does not create a precedence that advances the interests of these two other parties. Our situation is entirely unique from these other property owners and has little to no bearing on their development interests.

The other contributing factor that led the Planning Commission to deny our request was that of safety. One Planning Commission member commented that she would not be able to sleep at night with the idea that she might put us in harm's way having only one point of access. Another Planning Commission member sought us out following the meeting to advise us that he believed in our proposal and wanted to see it happen so long as we have two points of access. While we appreciate the noble efforts of these Planning Commission members who expressed concern for our safety, they regrettably missed some very important elements of our proposal. When we explained to this same Planning Commission member that our proposal *improves* the safety of the neighborhood bringing meaningful safety measures to one or more homes in the area and is also in compliance with the fire department standards, he recognized and acknowledged the oversight on his part.

As we outlined in our letter to the Planning Commission, our proposal includes multiple efforts to add value to the area, especially when it comes to improving public safety. The following list includes the improvements that are outlined in our proposal:

1. Improving the existing dead-end road from what is now roughly eleven feet wide to a 20' width providing better access to both the Olsen residence and the Guo residence.
2. The creation of a fire apparatus turnaround on the new lot which will support both the subject lot as well as the Guo home.
3. Installing an additional fire hydrant that will provide fire protection for the Guo home in addition to the subject residence.
4. The removal of some existing vegetation thereby reducing the fire threat to other homes in the area.
5. The installation of a fire suppression system throughout the structures even though it is not required.
6. The use of building materials that comply with the Sensitive Overlay Area requirements.
7. Lastly, a comprehensive drainage retention system will be developed to support the 100-year storm that will retain all storm water on the property minimizing the runoff impact on the surrounding area.

As we learned *after* the meeting with the Planning Commission, it was not understood that the existing Guo home on the dead-end road does not have sufficient fire protection. There is currently not a fire hydrant within reach of that home; There is also not a fire-apparatus

turnaround anywhere near the Guo home; And lastly, the narrow road servicing the Guo home, which is only 11 to 12' wide, does not adequately support emergency vehicles. As such, our proposal includes an indisputable improvement to the area from a safety perspective improving safety measures for not only the Guo home, but the Olsen home as well.

Notwithstanding the need for context around the concerns of precedent and safety, we recognize that the issues related to a single point of access and dead-end road in excess of 600' are less than ideal. In fact, we recognize it to such an extent that we have willingly spent thousands, if not tens of thousands of dollars to find a solution for the single point of access road. On a map, the solution looks obvious...simply connect Lone Springs Cove to Deer Hollow Circle and we have our two points of access. As simple as this might sound, it is not a feasible solution. We have engaged competent engineers who have looked at every possible solution to create a loop using these two roads. Unfortunately, the elevation difference between the two makes it an improbably solution. There is a 45' elevation change between the fire apparatus turn-around on our property and the top of Lone Springs Cove. Moreover, the primary section where these two roads would need to connect is well over 50% slope eliminating any possibility of creating an adequately engineered connecting road between the two. If this were an option, these two roads would have been connected back when the developments were created within the County. In the end, we have expended a great deal of resources, energy and effort to find a solution to the problem of a single access road, and at this point, there is not a viable solution available for that second point of access.

With all due respect to those concerned for our safety, this is a risk we are willing to accept. I understand what it means to live on a private, dead-end street in excess of 600' without a second point of access. I grew up on one within Salt Lake County where my parents have now lived for over 40 years. I would not have had it any other way. With that said, we are willing to consider all reasonable safety measures that will help add value to the City as well as the local neighborhood. As this is one area of the Development Code that does not have a feasible solution and taking into account that Sandy City "inherited" the limitations with the road system in the Deer Hollow Ranches neighborhood, we submit to the Board of Adjustments for a variance to the requirements for two points of access and dead-end road in excess of 600'. Likewise, we ask for formal variances to be granted for the other three code requirements that the Planning Commission had previously agreed to provide exceptions for—Road widths, curb/gutter/sidewalks, and frontage.

We acknowledge that this is a complex issue with competing interests from the City, neighbors and ourselves as the property owner/developer. There is not an outcome that all parties will ultimately agree is right, however the Board of Adjustments does have the ability to see that substantial justice is done in relation to this matter. As such, we encourage the Board of Adjustments to become as informed as possible. Regrettably, we found the information

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presented to the Planning Commission by the City lacking in objectivity as they presented a highly biased recommendation to deny our proposal devoid of substantiating facts and omitting pertinent details. As such, we have included with this letter the following attachments to more effectively provided a balanced representation of the facts:

- Platt Letter to the Planning Commission dated April 28<sup>th</sup>, 2018
- Sandy City Community Development Memorandum dated May 9<sup>th</sup>, 2018
- Platt response to Sandy City Community Development Memorandum presented on May 17<sup>th</sup>, 2018
- Lynnette Slatter-Cully Letter to the Planning Commission dated March 16<sup>th</sup>, 2018

Thank you for your consideration.

Sincerely,

Two handwritten signatures in blue ink. The first signature is on the left and the second is on the right, both appearing to be variations of the name 'Platt'.

Lance & Robyn Platt











NO.	DATE	BY	REVISION

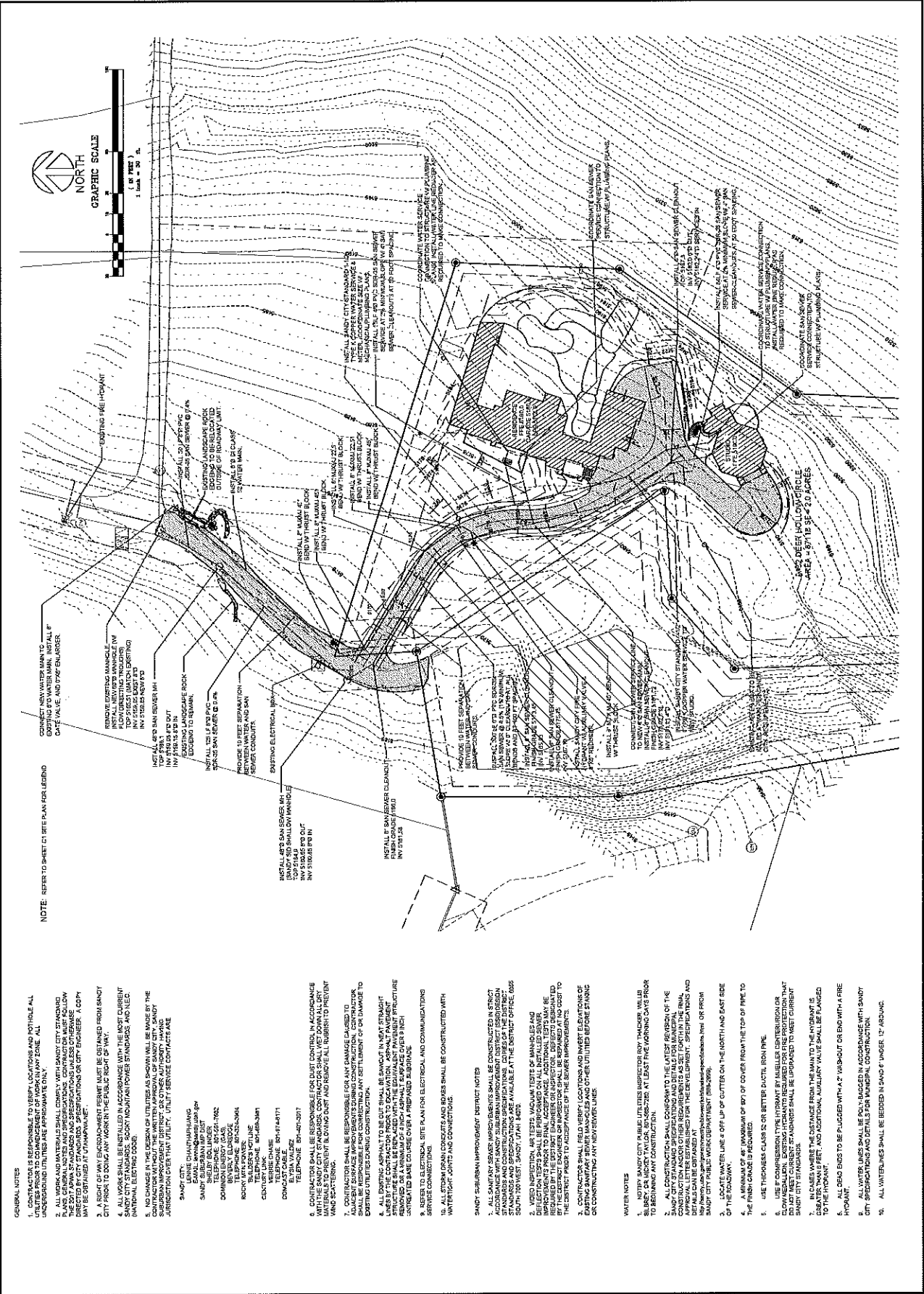
**BUSH & GUDGELL, INC.**  
 Engineers - Planners - Surveyors  
 205 East Talmadge Suite #4  
 St. George, Utah 84770  
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DATE: 24 MAY 2019  
 DRAWING: CIR  
 PROJECT: CIR  
 SHEET: 11 OF 20  
 NO. 12323

3392 E. DEER HOLLOW CIR  
 UTILITY PLAN  
 LOCATION: SEC 14, T3S, R1E, S1B&M  
 PREPARED FOR: LANCE PLATT

SCALE: 1" = 20'  
 SHEET: 11 OF 20



**GENERAL NOTES**

1. ALL WORK SHALL BE RESPONSIBLE TO VERIFY LOCATIONS AND PORTHOLE ALL UTILITIES PRIOR TO COMMENCEMENT OF WORK. ANY SURETY, BOND, UNDERGROUND UTILITIES ARE APPROPRIATE ONLY.
2. ALL WORK AND MATERIALS SHALL COMPLY WITH SANDY CITY STANDARD SPECIFICATIONS AND SPECIFICATIONS UNLESS OTHERWISE SPECIFIED. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST CURRENT SANDY CITY STANDARDS, SOUTHWEST MOUNTAIN POWER STANDARDS, AND NATIONAL ELECTRICAL CODES.
3. NO CHANGE IN THE DESIGN OF UTILITIES AS SHOWN WILL BE MADE BY THE CONTRACTOR WITHOUT THE WRITTEN APPROVAL OF THE ENGINEER. ANY CHANGES SHALL BE SUBMITTED TO THE ENGINEER FOR APPROVAL PRIOR TO CONSTRUCTION.
4. ALL WORK SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST CURRENT SANDY CITY STANDARDS, SOUTHWEST MOUNTAIN POWER STANDARDS, AND NATIONAL ELECTRICAL CODES.
5. NO CHANGE IN THE DESIGN OF UTILITIES AS SHOWN WILL BE MADE BY THE CONTRACTOR WITHOUT THE WRITTEN APPROVAL OF THE ENGINEER. ANY CHANGES SHALL BE SUBMITTED TO THE ENGINEER FOR APPROVAL PRIOR TO CONSTRUCTION.

SANDY CITY: CHAIRMAN/PLANNING  
 EMAIL: anne@cityofstj.org  
 PHONE: 435-673-2331  
 ADDRESS: 205 EAST TALMADGE SUITE #4  
 ST. GEORGE, UT 84770  
 SANDY CITY: CHAIRMAN/PLANNING  
 EMAIL: anne@cityofstj.org  
 PHONE: 435-673-2331  
 ADDRESS: 205 EAST TALMADGE SUITE #4  
 ST. GEORGE, UT 84770

6. CONTRACTOR SHALL BE RESPONSIBLE FOR DIST CONTROL IN ACCORDANCE WITH THE LATEST CURRENT SANDY CITY STANDARDS, SOUTHWEST MOUNTAIN POWER STANDARDS, AND NATIONAL ELECTRICAL CODES.
7. CONTRACTOR SHALL BE RESPONSIBLE FOR DIST CONTROL IN ACCORDANCE WITH THE LATEST CURRENT SANDY CITY STANDARDS, SOUTHWEST MOUNTAIN POWER STANDARDS, AND NATIONAL ELECTRICAL CODES.
8. ALL EXISTING ASPHALT TO BE CUT SHALL BE SAWCUT IN A STRAIGHT LINE. THE ASPHALT SHALL BE REPAVED WITH THE EQUIVALENT PORTLAND CEMENT CONCRETE OR A MINIMUM OF 4 INCH ASPHALT SURFACE OVER 8 INCH GRANULAR FILL.
9. SEE TO BE GENERAL SITE PLAN FOR ELECTRICAL AND COMMUNICATIONS SERVICE CONNECTIONS.
10. ALL STORM DRAIN CONCRETS AND BOXES SHALL BE CONSTRUCTED WITH WATER-TIGHT JOINTS AND CONNECTIONS.

**SANDY SUBURBAN IMPROVEMENT DISTRICT NOTES**

1. ALL SANDY SUBURBAN IMPROVEMENT DISTRICT NOTES SHALL BE CONSTRUCTED IN STRICT ACCORDANCE WITH SANDY SUBURBAN IMPROVEMENT DISTRICT DESIGN STANDARDS AND SPECIFICATIONS AS AVAILABLE AT THE DISTRICT OFFICE, 605 SOUTH TRINVEST, SANDY, UT 84070.
2. VEEB INSPECTION, AIR TESTS, VACUUM TESTS OF MANHOLES AND MANHOLES SHALL BE PERFORMED PRIOR TO FINAL ACCEPTANCE. ADDITIONAL TESTS MAY BE REQUIRED BY THE DISTRICT ENGINEER OR INSPECTOR. TESTS SHALL BE COMPLETED PRIOR TO ACCEPTANCE OF THE DISTRICT OFFICE.
3. CONTRACTOR SHALL FIELD VERIFY LOCATIONS AND INVERT ELEVATIONS OF EXISTING SANITARY SEWER MAINS AND OTHER UTILITIES BEFORE FINISHING OR CONSTRUCTION OF NEW UTILITIES.

**WATER NOTES**

1. NOTIFY SANDY CITY PUBLIC UTILITIES INSPECTOR ROY THACKER, 1010 S. TAYLOR, ST. GEORGE, UT 84770, AT LEAST FIVE WORKING DAYS PRIOR TO BEGINNING ANY CONSTRUCTION.
2. SANDY CITY STANDARD SPECIFICATIONS AND DETAILS FOR MUNICIPAL CONSTRUCTION AND/OR OTHER RESOURCES AS SET FORTH IN THE FINAL CONTRACT SHALL BE OBTAINED AT THE DISTRICT OFFICE, 605 SOUTH TRINVEST, SANDY, UT 84070.
3. LOCATE WATER LINE 6" OFF TOP OF CUTTER ON THE NORTH AND EAST SIDE OF THE ROADWAY.
4. A MINIMUM OF 48" MINIMUM OF 80" OF COVER FROM THE TOP OF PIPE TO THE FINISH GRADE IS REQUIRED.
5. USE THICKNESS CLASS 3 OR BETTER DUCTILE IRON PIPE.
6. USE 1/2" COMPRESSION TYPE HYDRANT BY MANHOLE CENTERLINE OR LOW POSITION. SUSTAINMENT INFORMATION REQUIRED FOR THE PROTECTION THAT IS REQUIRED FOR THE HYDRANT SHALL BE OBTAINED FROM SANDY CITY STANDARDS.
7. IN CASES WHERE THE DISTANCE FROM THE MANHOLE TO THE HYDRANT IS 10 FEET OR MORE, THE HYDRANT SHALL BE PLACED TO BE 10 FEET AWAY FROM THE MANHOLE.
8. ALL 8" DUCTS TO BE PLUGGED WITH A 2" HUBBOUT OR END WITH A FIVE HOLES.
9. ALL WATER LINES SHALL BE FULLY BACED IN ACCORDANCE WITH SANDY CITY SPECIFICATIONS AND DETAILS FOR MUNICIPAL CONSTRUCTION.
10. ALL WATER LINES SHALL BE BEDDED IN SAND 6" UNDER 12" ABOVE.

NOTE: REFER TO SHEET 10 SITE PLAN FOR LEGEND













Lance & Robyn Platt  
10980 Secret View Dr.  
Sandy, UT 84092  
April 28, 2018

Sandy City Planning Commission  
10000 Centennial Pkwy  
Sandy, UT 84070

Planning Commission:

We are pleased to submit to the Planning Commission for approval to build on the property designated as Lot 1 in Firefly Forest Subdivision located at 3392 Deer Hollow Circle. The unique circumstances, history and interests with this property warrant a detailed background as it relates to the request for approval. The objective with this letter is to provide the Planning Commission the information most relevant to the request.

The proposed new subdivision consists of two lots. The first is an existing property identified on the plans as the Guo residence located at 10765 South 3350 East (Firefly Forest Subdivision Lot 2). The second is the subject lot consisting of a one-acre parcel owned by Lynnette Slattery combined with a second one-acre parcel owned by Massoud Parvar (Lot 1). These two acres are being proposed as a new two-acre flag lot with additional frontage along the dead-end road, to the west of Kirk Olsen's home.

### *History*

The history of this property has two stories—that of Claire Payzant and Massoud Parvar. In 1963 Claire Payzant purchased a 5-acre parcel located on the east side of Deer Hollow Ranches, immediately west of the Sandy City water storage. Payzant was one of the original land owners in the area and owned the land with the intent to build his family residence. In September 1989, Payzant sold one acre of his land to David & Marilyn Williams for \$70,000. This one-acre lot is located at 3398 Deer Hollow Circle (Parcel #28-14-428-019). The Williams built their family residence on this lot in 1990. Later, in 1996, Payzant intended to further divide his remaining four acres of land by creating a one-acre lot that is located at 3392 Deer Hollow Circle (Parcel #28-14-428-025). Payzant traded this lot to Lynnette Slattery for an equivalent lot in St. George

where he ultimately built his family home. At the time of the trade in July 1996, the St. George lot which Slattery owned was valued at \$120,000. Although it was understood between Slattery and Payzant that the lot located at 3392 Deer Hollow Circle had a greater market value than the lot in St. George, they agreed to exchange parcels based on a market value of \$120,000. It is important to note that Payzant followed the same process in creating the lot sold to the Williams (3398 Deer Hollow Circle) in 1989 as he did in creating the lot sold to Slattery (3392 Deer Hollow Circle) in 1996. Payzant still retains the remaining three acres on the east side.

In 1980, Parvar purchased 1 5/8 acres of land located at 10765 So 3350 E. He built his permanent residence on this lot in 1985. Parvar recognized an opportunity to build a future second home on his lot for his children but understood that the zoning would require him to have two one-acre parcels to do so. Eight years later, in 1993, Parvar acquired an additional 1/3 acre that allowed him to meet the zoning requirements for two homes on this land. In addition to acquiring enough land to eventually create two separate lots, Parvar also secured two key rights-of-way providing access to this lot from both the North and the West. It was not until September of 2004, that Parvar subdivided the land to become two separate parcels. His original home remains on the first parcel and a new lot was created on the second parcel which is identified as parcel #28-14-428-034. At the time of subdividing the land, Parvar had the ability to develop the second parcel under SL County ordinances.

### *Sandy Annexation*

In 2012, the remaining three undeveloped parcels of land in this area included Payzant's 3.03 acres (28-14-428-026), Parvar's one acre (28-14-428-034) and Slattery's one acre (28-14-428-025). These three land owners recognized they were in a stage of life where they would not use the land personally, so they collectively agreed to develop the land with the intent to sell. At the time, this property was in the jurisdiction of Salt Lake County. Each of these properties met the legal requirements of Salt Lake County that allowed the land owners to proceed with developing the property. However, they were faced with one significant limitation—The County could not provide water. Sandy City owned the water system making these landowners subject to the City for access to water. Sandy City agreed to provide the water but made it necessary that these landowners annex into Sandy City. The annexation process began in May 2012, with the understanding that the annexation was taking place to get access to water from Sandy City to enable development. This became known as the Payzant Annexation recorded with Sandy City on October 25, 2012.

On September 18, 2012, the City Council adopted an ordinance approving the Payzant annexation under Ordinance #12-35 based on the understanding that it met all the statutory requirements. Part of these requirements included the following (See Appendix B):

- “The majority of the island or peninsula consists of residential or commercial development”
- “The Area requires the delivery of municipal-type services”
- “The City has provided one or more municipal-type services to the island or peninsula and to the Area for more than one year”

In the process of annexation, the area was zoned to an R-1-40A zone. It was the general understanding of the parties involved in the process that the annexation was taking place to support the residential development of this land.

Here lies the contradiction. Had the City been willing to provide municipal services (specifically water) to these landowners, they would have been able to legally develop these properties under the ordinances governed by SL County. On the other hand, if these property owners had created legal lots of record in the County prior to the annexation into Sandy City, the property would have been grandfathered into the Salt Lake County ordinances allowing Sandy City to approve the development without the request for exceptions as noted below. The City has been quick to remind those involved in the annexation that the process of annexation does not guarantee approval to develop. The three property owners on the other hand argue that the only purpose for annexation was specifically to develop. If these property owners had been advised of the limitations associated with developing these parcels under Sandy City subdivision ordinances, they would have not pursued, nor agreed to, the annexation.

#### *Lot of Record*

The emphasis on the process of annexation into the City is due to the understanding that the primary issues related to this lot are specific to whether the lot is a legal lot of record. If the lots were recorded as legal lots of record, it would *not* be necessary to request the special exceptions from the Planning Commission. This is evidenced in the most recent development of the Pearce home, originally designated as Lot 3 in the Deer Hollow Ranches subdivision, presently located at 3382 Deer Hollow Circle (parcel #28-14-428-039). This lot is adjacent to the subject lot and is most similar in nature in terms of the opportunity to develop. The construction on the Pearce home was completed in late 2017. The underlying distinction between this lot and the lot in question is that the Pearce lot was platted as a legal lot of record under SL County allowing the development of the lot to be grandfathered into the County requirements. If the subject lot were determined to be a legal lot of record, the limitations we are facing within the Sandy City Subdivision Ordinance Requirements are no longer limitations.

*Taxes*

While it is understood the Planning Commission places little, if any, emphasis on the opinions of the taxing authority, it is important to note that the value of the subject land is most strongly correlated to the determination of whether the land is considered an approved residential lot or not. As noted, prior to the annexation the property was under the jurisdiction of Salt Lake County. The taxation history for this property shows a very clear representation that Salt Lake County both had, and continues to, tax this as a residential lot with a value commensurate with its ability to be developed for a residential home. Copies of the tax records are provided in Appendix C. Here is a list of the tax assessments and amounts paid since the time Slattery acquired the land in 1998:

<u>Year</u>	<u>Assessment</u>	<u>Taxes Paid</u>
1997	\$91,800	\$1,244
1998	\$91,800	\$1,158
1999	\$91,800	\$1,326
2000	\$91,800	\$1,406
2001	\$91,800	\$1,491
2002	\$148,300	\$2,398
2003	\$148,300	\$2,430
2004	\$148,300	\$2,462
2005	\$223,100	\$3,612
2006	\$330,800	\$4,697
2007	\$363,800	\$4,511
2008	\$618,000	\$7,369
2009	\$316,900	\$4,484
2010	\$288,100	\$4,459
2011	\$288,100	\$4,565
2012	\$270,800	\$4,737
2013	\$271,300	\$4,198
2014	\$271,300	\$4,014
2015	\$319,000	\$4,626
2016	\$342,500	\$4,596
2017	\$342,500	\$4,443

In the last 20 years, Slattery has paid a total of \$74,226 in taxes on this parcel. Likewise, Parvar has paid a similar amount on his land. If the property is not approved to build on, the value of this land is negligible, in effect negating the investment that both property owners have maintained over the years. While the tax history, in and of itself, is not an indication of whether the lot is a buildable lot, it is important to note that this lot has been zoned, taxed and viewed as a residential lot in the same way that the surrounding lots have been. The subject lot is most similar in all respects to the neighboring lots that have received approval to build.

### *Special Exceptions*

It is our desire to request approval from the Planning Commission to build in a similar manner to the neighbors in the Deer Hollow area on “like” property. As such, we are seeking an exemption from the Planning Commission for the following items:

#### Two Points of Access

Subdivision Design Standards 15A-21-10(D) calls for two points of ingress/egress. There is currently only a single point of access to the subject property using Deer Hollow Drive. Every avenue has been explored to identify and/or create a second point of access without success.

Special exceptions to the two points of access are allowed for approval by the Planning Commission after considering a recommendation from the City Engineer and Fire Marshal, under the following circumstances:

1. 30 or fewer lots are accessed from a single ingress/egress
2. The City Engineer and Fire Marshal have reviewed the potential for impairment of such single access resulting from vehicle congestion, condition of 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
3. The proposed development project has **one or more** of the following, as determined and recommended for approval by the City Engineer and Fire Marshal to the Planning Commission:
  - Turn-around approved by the Fire Marshal and City Engineer
  - All buildings are equipped throughout with automatic sprinkler systems approved by the Fire Marshal and Chief Building Official

All three circumstances have been met as it relates to the special exception being requested for the two points of access. There are currently 12 lots accessed from the single ingress/egress of

Deer Hollow Drive, making the subject property number 13. Likewise, the City Engineer and Fire Marshall have reviewed the potential for impairment of the single access and either have made, or will make, a recommendation to the Planning Commission regarding the single point of access. Lastly, both conditions under item #3 have or will be met in that a proposed turn-around has been approved by the Fire Marshal and City Engineer, and an automatic sprinkler system has been designed into the home.

#### Dead End in excess of 600 feet

Due to the limitations presented by a single point of access, the home will be located on a dead-end parcel that exceeds 600 feet in length. Provision 15A-15-04(B)(7)(b) in the Sensitive Area Overlay Zone requirements outlines this limitation and subsequently provides for a special exception:

"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."

While this provision includes an "or" injunction, it is our intent to meet both conditions required for approval. Both the City Engineer and Fire Marshall have been consulted extensively on this project and will be making a recommendation to the Planning Commission. Additionally, the provision allows for an alternative condition as it relates to whether public safety will be improved above existing conditions. The proposal before the Planning Commissions outlines an undeniable improvement in public safety as well as the intent to improve the overall existing conditions. The supporting arguments for the improvement to public safety are contained in the paragraph titled: "Public Safety and Other Interests."

#### Road Width

Deer Hollow Circle is a private street originating at Wasatch Blvd., continuing East and then South ultimately coming to a dead end at Lot 2 in the proposed Firefly Forest Subdivision. This street is currently 20 feet wide (with an enlarged area of pavement on the hairpin turn) from Wasatch Blvd to the fire hydrant located on the East side of the Pearce home. At the point where the road turns East, the portion that continues to the South tapers to a width of 10 to 12 feet. This portion is the proposed stem of the Flag Lot for the subdivision that will be widened to 20 feet.

Subdivision Design Standards 15A-21-10(F) specify the road width for Private Streets shall not be less than 32 feet (27 feet pavement width minimum) and 20 feet pavement width minimum for Private Lanes. While the proposal meets the road width requirements for the private lane portion of the road as defined in Section 15A-21-11(B), the existing road from Wasatch Blvd to

the private lane does not meet the current subdivision design standards. There has been considerable discussion related to the road widths in the Deer Hollow Ranches neighborhood and whether the road widths are sufficient to support one additional home. The possibility of widening the existing road has been debated heavily with the existing neighbors as well as the Development Committee. It is strongly advised that the Planning Commission does not add this burden as the result of widening the existing road would have a devastating impact on the neighborhood.

Section 15A-21-10(G) of the Design Standards provides for a special exception to the road widths, claiming "The Planning Commission may grant a special exception to allow less than a full-width dedication and improvements only in the following circumstances:"

1. Where it can be shown by the developer that it is essential to the development of the subdivision; and
2. All other aspects of the subdivision are in conformance with the other requirements of these regulations; and
3. The City Engineer recommends to the Planning Commission that it will be practicable to require the dedication and improvements to the other half when the adjoining property is developed.
4. A minimum pavement width of 20 feet will be required as recommended by the City Engineer.

These conditions have also been met in that the use of the existing road is essential to the proposed subdivision; As developers, we have made every effort to bring this subdivision in conformance with the city's requirements and regulations (including minimizing this exception on road widths by creating a Flag Lot accounting for a portion of the road); The City Engineer has been consulted and is prepared to make a recommendation to the Planning Commission specific to the road widths; and lastly, the existing road consists of pavement width of 20 feet.

We believe it is appropriate here to call attention to Section 15A-20-01 of city's Residential Development Standards which states: "R-1 districts are established to provide residential environments within Sandy City that strive to emphasize a minimum of vehicular traffic and create quiet neighborhoods favorable for single family detached homes. These districts are further established with a *focus towards the preservation of natural vegetation and land features.*" If the Planning Commission were to invoke this requirement of widening the existing road, it would not only run contrary to the claim within the Development Standards, but it would be wholly unnecessary as the Fire Marshall has deemed the existing road sufficient to meet the safety needs and requirements of the homeowners. As the addition of only one home to the neighborhood will have very little bearing on the overall traffic flow, we represent the remaining home owners in making a plea to the Planning Commission for an exception on the road widths.

### Curb, Gutter, Sidewalk

Section 15A-21-02 of the Subdivision Design Standards states: “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.” The part that is missing from this section of the Design Standards is that the city may also recommend that curbs, gutters and sidewalks *not* be installed. In this case, the addition of curb and gutter to this private drive only increases the burden of runoff water since there is not an existing storm drain within the vicinity. While it has already been determined that curb and gutter are not appropriate for this development area, the design standards still maintain that “Unless waived by the Planning Commission upon recommendation from the City Engineer, these improvements will be required. For this reason, we reference the criteria outlined in section 15A-21-10(N) that provides merit for waiving these improvements. In addition to the length of the cul-de-sac and configuration of the lots, the three primary criteria offered for consideration here are as follows:

- The number of homes within the subdivision: The requirement is unnecessary as there are only two homes in the proposed subdivision, one of which is existing. Moreover, the new lot has been designed to support a 100-year storm minimizing any value that may be derived from new curb and gutter.
- The precedence of adjoining improvements: The precedence has clearly been set as no other home owner has been required to include curb, gutter or sidewalks on their property.
- Where the only other alternative is a private road design: Since the community only exists on private roads, by its vary nature it is the alternative design.

### Frontage

Frontage requirements for lots within the R-1-40A zone call for 110’ of frontage. The frontage for Lot 1 that resides along the improved Deer Hollow Circle private lane was 102.64’. To avoid the need for an exception here, it was suggested by the Development Committee that the lot become a Flag Lot creating frontage along the north property line of 288’ (well in excess of the 110’ requirement). However, since this new frontage does not border a “dedicated and improved street” as defined in Section 15A-21-21(B), it requires a separate exception from the Planning Commission. The exception language is addressed in paragraph one of this same section: “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.” Although there is now sufficient length of frontage, the new frontage is not along a public street necessitating an exception to the frontage requirement of being on a public street.



*Public Safety and Other Interests*

While considering the exceptions outlined above, it is important to note that we have gone to great lengths to ensure that this project adds value to the neighborhood as well as the City. Every effort has been utilized to approach this project as one that will benefit Sandy City by, among other things, improving public safety. The following list includes the improvements that are included in the proposal to the Planning Commission:

1. Improving the existing dead-end road from what is now roughly eleven feet wide to a 20' width providing better access to both the Olsen residence and the Guo residence.
2. The creation of a fire apparatus turnaround on the new lot which will support both the subject lot as well as the Guo home.
3. Installing an additional fire hydrant that will provide fire protection for the Guo home in addition to the subject residence.
4. The removal of some existing vegetation thereby reducing the fire threat to other homes in the area.
5. The installation of a fire suppression system throughout the structures even though it is not required.
6. The use of building materials that comply with the Sensitive Overlay Area requirements.
7. Lastly, a comprehensive drainage retention system will be developed to support the 100-year storm that will retain all storm water on the property minimizing the runoff impact on the surrounding area.

In addition to the impact on public safety, there are other benefits of approving the exceptions outlined here:

1. The creation of a single lot from two existing one-acre parcels helps minimize the impact on the area by avoiding the potential of *two* residential homes going into this same area.
2. In the words of one Development Committee member, the bringing together of these two lots helps to "put humpty dumpty back together". The City will benefit from the creation of a new lot that "cleans up" some existing parcels that have created difficulty over time.
3. This proposal addresses the needs of two existing land owners whose rights to the land have been challenged over the years. A letter from the primary landowner in this project is attached as Appendix A.

4. This proposal takes further burden away from Sandy City by removing these two properties from the market and protecting against others who will likely continue to pursue development options in the future.

Lastly, it is important to note the aforementioned circumstances are truly unique to the subject lot. It is understood that the Planning Commission faces the inherent risk of creating a “slippery slope” in granting these exceptions that could possibly open the opportunity to others interested in subdividing their property. The most obvious scenario is one where a property owner with multiple acres of land on a single existing lot desiring to subdivide that land into multiple residential homes. Our proposal is intended to accomplish the opposite effect, wherein we are combining parcels that have proven to be problematic over time. One member of the Development Committee commented recently that Parvar had “illegally subdivided his lot” creating problems for the owner and the City. The opportunity to combine two distinct parcels into a single lot having access to the same benefits as those on similar properties makes this a unique request.

#### *Seeking an Objective Review*

The pursuit of approval to develop the land in question has not been without its challenges. We have had to learn how to overcome existing biases, political pressures, neighbor concerns, and legal constraints, in addition to following the natural course of environmental hurdles, engineering limitations and code restrictions. It has certainly been an educational experience at a minimum. With that said, we deem it necessary to highlight one such hurdle to bring it to light before the Planning Commission.

We were recently asked if we understood the definition of an “Environmentalist.” After a few moments of attempted recall, we were advised that an environmentalist is “the last person to build.” It may come with no surprise that Deer Hollow development is filled with “environmentalists.” We have heard countless statements to the effect of “I would never have purchased my home if I knew that someone was going to develop that land,” or “The only reason I purchased my home was because I was told no one could ever develop that land.” There has been a very real pressure against us from the neighbors starting on the day we made the offer to purchase Slattery’s lot, and it has only escalated since that time. We recognize there have been significant efforts to make the lot unbuildable and even threats of lawsuits if we were to proceed. Nevertheless, we have been remarkably impressed at the caliber of those that reside in the neighborhood and look forward to the positive relationships that will be developed. We simply seek an objective review from the Planning Commission that is not persuaded by the political pressures from others with a vested interest in the outcome.

*Summary*

We acknowledge the addition of any homes in the East bench of Sandy City presents complex problems with meaningful, persuasive arguments from numerous directions. We also recognize that it is unlikely there will be a solution that will satisfy every interest, hope and even wish, at least as it relates to the subject land being presented before the Planning Commission. For this reason, we have tried to bring not only perspective to this decision, but also the ability to find solutions using different approaches.

The first approach is to consider this lot under the premise of a legal buildable lot thereby allowing it to be grandfathered into the guidelines that govern other lots in the area such as the Pearce residence. The history of the property at 3392 E. Deer Hollow Circle cannot be overlooked as there has been an undeniable implicit understanding for well over 20 years that it is in fact a buildable lot deserving of the same rights, privileges and benefits available to the neighboring property owners. The history alone of this property makes it unique from other land in the area in that the requested purpose is consistent with its original intended use.

To the extent the Planning Commission is not able to consider this land under the guidelines established for legal lots of record, we have taken the approach of following the established requirements by Sandy City for the creation of a new subdivision. In so doing, we have worked closely with the City to meet every expectation established by the Subdivision Ordinance Requirements limited only by the exceptions identified in this letter. We believe the Planning Commission has a path to approving these exceptions and that such approval will benefit the city and its residents as outlined in this letter.

We welcome the opportunity to discuss this further with the Planning Commission and answer any questions not addressed here.

Sincerely,



Lance & Robyn Platt



# SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN  
COMMUNITY DEVELOPMENT  
DIRECTOR

KURT BRADBURN  
MAYOR

MATTHEW HUISH  
CHIEF ADMINISTRATIVE OFFICER

## MEMORANDUM

May 9, 2018

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

SUB-02-18-5360  
 SPEX-05-18-5406  
 5.5 Acres  
 R-1-40A, SAO Zone

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**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.

### REQUEST

The applicants, Lance & Robyn Platt, are requesting preliminary subdivision and Sensitive Area Overlay review for a proposed four (4) lot subdivision. The subject property is 5.5 acres in size and consists of three (3) existing lots and two (2) parcels. The proposed subdivision would create one new 2.04 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 three (3) existing homes (Lots 2-4). 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. Lots 3 and 4 are included in the plat because the applicant is acquiring land from these lots to create a flag lot stem (private lane) out to Dimple Dell Circle.

**BACKGROUND**

The subject property is made up of four (4) parcels that the previous owners of the properties created by deed through Salt Lake County and one that was legally subdivided in the County (Lot 3). Two of the parcels were granted building permits in the County in the mid 1980's (Lot 2) and early 1990's (Lot 4) before they were annexed into Sandy City. To date, staff has not received evidence that the other two lots (that make up Lot 1) were legally created. Staff has not allowed additional building permits on these parcels unless they were 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 development in this area has been under the code requirements of Salt Lake County. Since this area has been annexed, there have been two (2) new homes built. Those homes were on legally defined and buildable properties and were only required to make improvements that met minimum 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 other potential problems such as significant concerns with 30% or greater slope areas. Based upon the project location and past development history in this area, the subject location is located in an area with 30% or greater slope constraints 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 also 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.

**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 standards of the zone. Lots 1 and 2 are proposed to be designated as flag lots and have access from Deer Hollow Circle. Flag lots are a permitted use in the SAO zone (15A-21-22).

The subject property lies within Sandy City's Sensitive Area Overlay (SAO), which means that the subdivision and any structure built on the proposed lots would need to conform to the

provisions of the Overlay in addition the underlying zone. Many of these studies and determinations have not been required yet as part of the review, specifically 30% slope areas, vegetation, and fault zones have not been fully reviewed by the City Engineer. These would be further studied during final review and would require that the item be brought back to the Planning Commission should it proceed further in the review process. All of the 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.

There are other issues with the proposed subdivision that need to be determined before staff felt it necessary for the applicant to conduct those further studies. Those issues are a series of waivers and special exception requests. If those requests are approved at this preliminary stage, then the other issues regarding the SAO zone can be further addressed during final review with staff and the Planning Commission.

#### Access:

The applicant's proposal would improve the access to the existing home on Lot 2, by widening it out to our Private Lane minimum width of 20' of asphalt and create a formalized flag lot stem back to Lots 1 and 2. This improvement would extend to Lot 2's existing north property line. An extension of this lane is proposed to turn east to the planned home site of Lot 1, where a fire turn-around is proposed in the middle of the lot. The other existing homes will continue to access their lots through the private street, Deer Hollow Circle. The applicant is proposing no further improvements to Deer Hollow Circle, which is a single access private road that currently serves twelve (12) homes and has varying pavements widths, no curb & gutter, and no sidewalks. Beginning at Wasatch Boulevard, the length of Deer Hollow Circle is approximately 1400 feet and is over 900 feet to the proposed flag lot stem. There are several homes in this area that have private lanes that extend out from Deer Hollow Circle.

The neighboring lots 3 and 4 have consented to being included in the plat and having their lots modified to allow lots 1 and 2 to own their flag stem that connects to Deer Hollow Circle. As part of this, they are also proposing to vacate the fifty-foot (50') private road easement that has affected their properties along this flag stem.

These proposed improvements as shown in the application do not meet all of the minimum requirements of the Sandy City Land Development Code. The standards call for any new development on a private street to be further improved to meet our current standards, which includes: subdivisions design with two points of access; private lane improvements of twenty-seven feet (27') of asphalt, curb and gutter, and potentially sidewalk improvements; maximum lengths of cul-de-sac (or single access) roads of 600 feet in a SAO zone; maximum lengths of 150 feet for private lanes; and requirements that all lots have public frontage.

#### Waivers and Special Exceptions:

The proposal falls short on meeting these development code requirements. As such, the applicants are seeking several waivers and special exceptions from the requirements stated above.

The applicant is not proposing any curb, gutter, or sidewalk to be installed in connection with the proposed development. The Planning Commission may waive the requirement for curb and gutter and sidewalk with a recommendation from the City Engineer and after evaluating the following criteria (see section 15A-21-02 and 15A-21-10(N)):

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.

The applicant is not proposing to widen or further improve Deer Hollow Circle. 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 after considering the following conditions (see section 15A-21-11(A)(1)):

- (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.

The development code also requires two points of ingress/egress for a subdivision (see section 15A-21-10(D)). 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, 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.

The applicant is proposing to add an additional home to an existing single access road, Deer Hollow Circle, that currently exceeds the maximum length allowed in the code. The length of a cul-de-sac or single access road may be extended beyond the 600 feet length maximum with approval of a special exception by the Planning Commission (see section 15A-15-04(B)(7)(b)). This decision must be based upon the geographical constraints of the site or if public safety will be improved above existing conditions and after reviewing a recommendation from the City Engineer and Fire Marshal.

The applicant is proposing to comply with the private lane width standards for the flag lot stem and access to the proposed building area of Lot 1. However, those improvements would exceed the maximum length dictated in the code. The Planning Commission may grant a special exception to exceed the length of a private lane beyond 150 feet, after recommendation from the Director, City Engineer, and Fire Marshal. These individuals will consider the following conditions when making a recommendation to the Planning Commission for approval of a longer private lane (see section 15A-21-11(B)(5)):

- (a). Proximity of buildable space;
- (b). Appropriate turn-around;
- (c). Slopes;
- (d). Fire hydrants; and
- (e). Service delivery

As these lots will be accessed from an existing private street and create a new flag lot, they will not have frontage onto a public street. This also requires a special exception from the Planning Commission (see section 15A-21-21(B)).

The City Engineer & Fire Marshal have provided their recommendations to the Planning Commission on each of these items (see attached).

### **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. The City Engineer does not support the proposed 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, as they will provide improved access that bring the improvement up to Utah State Fire Code standards and helps improve access and ability to service both the existing homes in the area and the new development. Community Development Staff agrees that there may be some good that would come from the proposal, but the potential for negative outcomes outweigh the good.
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), 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 protection of the health, safety and welfare of the public. Deviations or special exceptions should not create situations that will create problems in promoting the health, safety and welfare. We are concerned that we are making a less than ideal situation worse by not requiring full improvements as required by city code.

3. Clarification of Property Lines. The plat and the proposed private lane improvements for the flag lot stem are not aligned. The improvements need to be within the lot lines or the lot lines should adjust to the improvements.
4. Private Road Easements. The plat reflects a vacation of private road easement that was created through previous subdivision plats. There should also be a dedication of a private road easement along the north property line of Lot 4 to ensure there is sufficient access for Deer Hollow Circle to extend to the east.
5. Additional SAO Studies. Additional studies for vegetation, fault studies, and determinations of 30% slopes still needs to be completed prior to final approval. This may include other studies as determined necessary by the City Engineer.

#### **STAFF RECOMMENDATION**

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

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 3392 E. Deer Hollow Circle, and that the waiver request be **denied** based on the following findings:

1. That the proposed subdivision does not meet city code requirements for private road design, two-points of ingress/egress, exceeds maximum lengths of cul-de-sac (or single access) roads of 600 feet in a SAO zone, exceeds maximum length of 150 feet for private lanes; and requirements that all lots have public frontage.
2. The City Engineer does not recommend approving the waivers that have been requested from the City Development Code requirements.
3. The criteria to approve the waivers as required in the code have not been met.
4. All requirements and studies required for the Sensitive Area Overlay Zone have not been met or completed.

If the Planning Commission *disagrees* with staff and would like to *approve* the proposed subdivision and 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 3392 E.

Deer Hollow Circle, and that the waivers and special exception requests be approved based on the following findings and subject to the following conditions:

Findings:

1. *(You'll need to provide findings for each of the special exceptions that you would like to approve)*

Conditions:

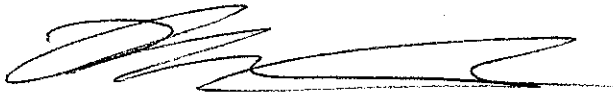
1. That the applicant complies with each department's comments and redlines throughout the final review process and that all issues be resolved before the subdivision can be recorded.
2. That all City provisions, codes and ordinances are adhered to during the review, construction and operations process of this project, except as otherwise approved by waivers or special exceptions granted by the Planning Commission.
3. That all residential lots comply will all requirements of the R-1-40A zone and Sensitive Area Overlay zone.
4. That dwelling structures be prohibited from any area that is equal to or in excess of a 30% slope. The location of a dwelling structure shall be within an average of 20 feet (no point being closer than 10 feet) of a continuous hillside slope of 30% or greater.
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.

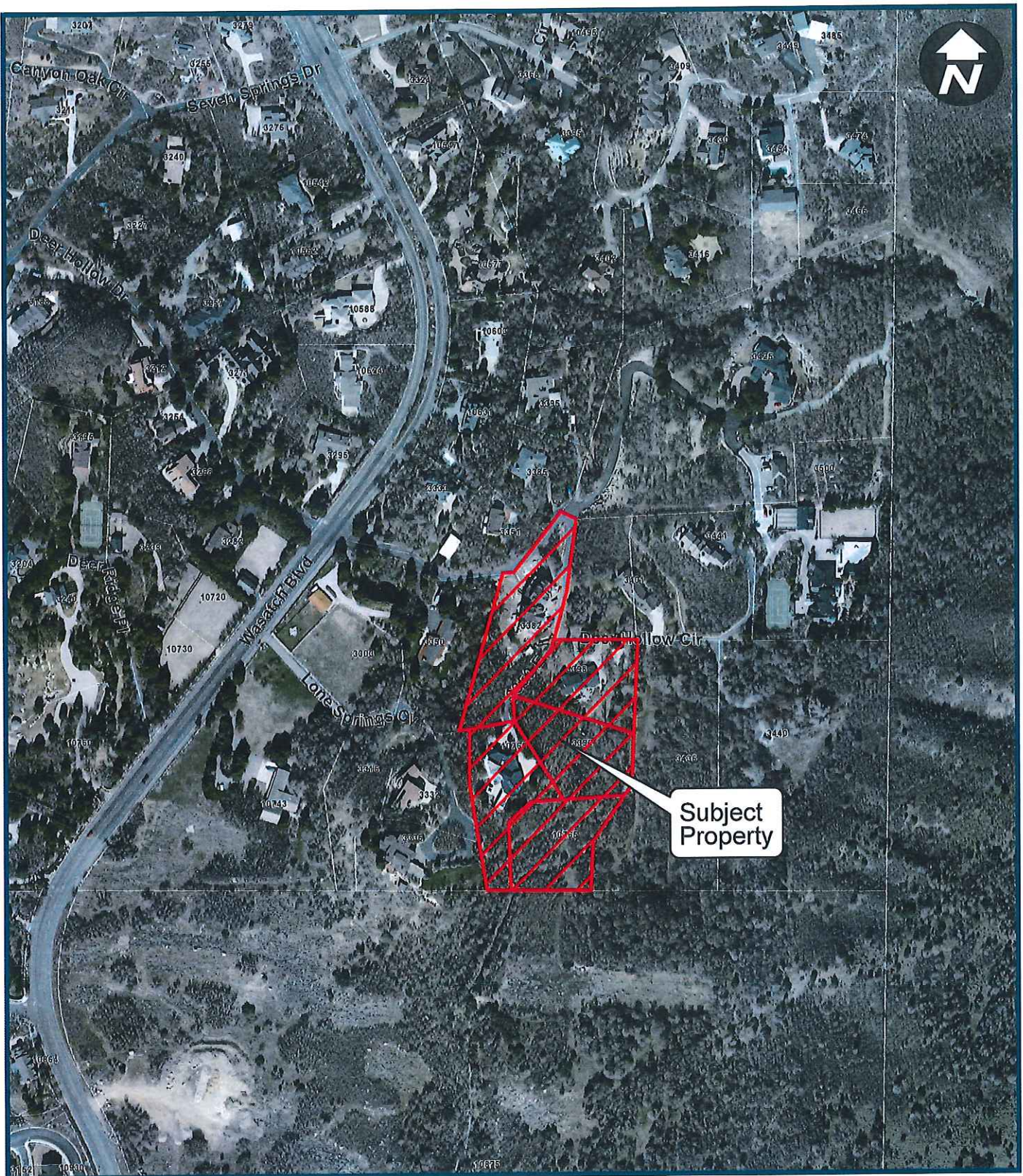
10. That compliance be made with the Sandy City Water Policy, e.g., water line extensions, connections, water rights, and fire protection.
11. That a shared maintenance and access agreement for Lots 1 and 2 be recorded with the plat for the shared private lane.
12. That the private lane be installed 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 once the additional Sensitive Area Overlay studies as required by the City Engineer and the Land Development Code.

Planner:

Reviewed by:

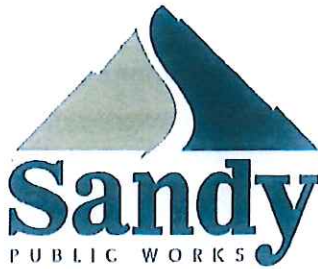


Mike Wilcox  
Zoning Administrator



**SUB-02-18-5360**  
**Firefly Forest Subdivision**  
**3392 E. Deer Hollow Circle**

PRODUCED BY OLIVIA CVETKO  
THE COMMUNITY DEVELOPMENT DEPARTMENT



## DEPARTMENT OF PUBLIC WORKS

Tom Dolan  
Mayor

Scott Bond  
Chief Administrative Officer

Michael Gladbach, P.E.  
Director

### SPECIAL EXCEPTION NON-RECOMMENDATIONS

**DATE:** May 10, 2018  
**TO:** Mike Wilcox, Zoning Administrator  
**FROM:** Ryan C. Kump, P.E., City Engineer *Ryan Kump*  
**SUBJECT:** **Project Name:** Firefly Forest Subdivision  
**Plan Case Number:** SUB-02-18-5360 & SPEX-05-18-5406  
**Project Address:** 3392 E Dimple Dell Circle

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Firefly Forest is a unique project within the Deer Hollow neighborhood. A single-family residence is proposed on two existing parcels that were not legally subdivided through Sandy City. The parcels have existed many years with the current legal descriptions after being recorded directly through Salt Lake County, prior to annexation within Sandy City.

The applicant would like to build a single home on the two parcels, and in the process subdivide and clean up the parcel lines in the area. Were this an existing legal building lot, the proposal could proceed as shown. Since a subdivision is necessary, many important additional requirements are needed for the project.

In an effort to ensure any additional densification of the city occurs with adequately designed and sized infrastructure, it is the Engineering Division's recommendation that the subdivision **not proceed without addressing the following ordinance requirements**. These include:

- Curb, gutter, sidewalk (15A-21-02) (15A-21-10(N))
- 27' of asphalt width (15A-21-11(A)(1))
- 2 points of access requirement ((15A-21-10(D)) or length of cul-de-sac 600' in SAO (15A-15-04(B)(7)(b))
- 150' long private lane (15A-21-11(B)(5))

If the private road is improved from Wasatch Blvd to the subdivision with 27' of asphalt with 5' curb and gutter, along with a stub connection provided to the south or connected to Lone Springs Cove, then a recommendation to waive sidewalk and exceptions to the maximum lengths could be provided.



# SANDY CITY FIRE DEPARTMENT

BRUCE CLINE  
FIRE CHIEF

KURT BRADBURN  
MAYOR

MATTHEW HUISH  
CHIEF ADMINISTRATIVE OFFICER

May 10, 2018

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.

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

I would like to give a positive recommendation to the waivers that are being applied for from the applicant in regards to access and improvements as the applicant has shown that they will take the appropriate steps to mitigate any concerns with fire department response. 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 others, 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  
Fire Marshal  
Sandy City Fire  
0-801-568-2945  
rdekorver@sandy.utah.gov



# SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN  
COMMUNITY DEVELOPMENT  
DIRECTOR

KURT BRADBURN  
MAYOR

MATTHEW HUSH  
CHIEF ADMINISTRATIVE OFFICER

## Community #29 Meeting Summary

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**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



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- 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@lonesprings.com
Bart Rogers	"	bart@lonesprings.com
DAVE BRONVEM	3350 E. DEER Hollow Cir.	DBRONVEM@ENSIGNPROPERTIES.COM
LOE BRONVEM		
Cathy Olsen	3398 Deer Hollow Cir	cto1951@gmail.com
Kirk Olsen	3398 Deer Hollow	Kirk@erhusipfa.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@JIGS.net
Helga Wilson	"	"
AARON RUST	3500 E. DEER FOLLOW DR,	rustedaaron@gmail.com
Viebar Parvar		vvector007@gmail.com

Planning Commission Mtg: May 17<sup>th</sup>, 2018

Notes Outline

- I. Introduction
  - a. Personal Info
    - i. Lance & Robyn Platt, Developer/Owner, Firefly Forest
    - ii. Sandy City resident for 20 years
  - b. Project Description
    - i. Creation of a new two (2) lot subdivision with one (1) new buildable lot
    - ii. Combining or joining two (2) existing parcels
    - iii. Private road development created in the early 1970's and existed for nearly 50 years
    - iv. The development as a whole was created under SL County and does not conform to the current codes and standards of Sandy City's subdivision ordinances
  - c. The Ask
    - i. These limitations necessitate a request from Planning Commission to add one single-family home to the area
    - ii. The Exceptions
      - Single point of access
      - Length of road
      - Width of road
      - Curb and gutter
      - Frontage
- II. Background
  - a. In addition to the history provided in the Letter to the Planning Commission, it is important for the Planning Commission to know that this property has a checkered history with a pattern of intentional interference from Sandy City. This history warrants further context.
  - b. For 20 years now the subject lot was created as a parcel with:
    - i. The intent to be a buildable lot
    - ii. It was taxed as a buildable lot
    - iii. It was purchased by the owner as a buildable lot
    - iv. And it has been understood to be a buildable lot
  - c. The underlying issue with this lot is whether it is a legal lot of record. If it is, we are not requesting any exceptions and the City is not trying to make a case that this development will negatively impact the residents. If not, we are subject to the subdivision ordinance requirements and apply to the Planning Commission for the necessary exceptions.
  - d. I am compelled to speak plainly with respect to a very relevant piece of history that the City does not want you to know. This lot met all the necessary requirements to become a legal lot

of record under SL County...except one! While under the jurisdiction of the County, this lot required utilities—specifically water, in order to complete the process of becoming a lot of record within the County. Sandy City had already been providing water to the area and was happy to comply with this request...so long as the owners agreed to annex their property into the City.

- e. As the property owners sought to develop these parcels, they were compelled by Sandy City to annex their land in order to secure the services that only Sandy City could provide.
- f. It is not likely that the City was ignorant to what this meant. They recognized that if they could get the owners to annex before they created a legal lot of record it could *only* result in one of three outcomes:
  - i. Outcome 1: Burden the owners of this one lot with the responsibility of bringing the entire neighborhood up to the current Sandy City codes thereby destroying the charm created within the County

-Or-
  - ii. *Outcome 2: Have exceptions or variances granted allowing it to be built on.*

-Or-
  - iii. Outcome 3: Lead to an opportunity for expropriation. This land is nearly adjacent to some existing Sandy City land. The City has acknowledged their understanding that your decision to make this a non-buildable lot will essentially remove all real value of this land making it a prime target for a land grab.
    - This argument is not a stretch considering the City owns a Water Conservatory on a 5-acre parcel of land nearly adjacent to the subject property that was created through a process of acquisition starting in 1982 and recorded on a plat as Crowton Springs in 2011...just one year before they held Lynnette and Massey hostage over the issue of access to water.
- g. In effect, the City held this owner hostage by choosing to not grant water while the property was in the jurisdiction of the County. As we stated in our letter, the owner had no reason to annex into Sandy City other than to pursue an avenue to building on their previously established parcel of land.
- h. With the annexation complete, the City had these owners right where they wanted them. Since that time, Sandy City has thwarted every effort made by the landowners to develop.

### III. Ryan Kump Letter

- a. The basis of the recommendation from the City is the letter from Ryan Kump as the City Engineer recommending to the Planning Commission wherein he states that the roads need to be brought up to the ordinance requirements to support the addition of one new home.
- b. Based on our conversations with Ryan, we do not believe this letter represents his opinion at all.
  - We met individually with Ryan on two separate occasions—The first on Friday, December 15<sup>th</sup> of last year and again with Ryan recently on Friday, April 6<sup>th</sup> wherein he acknowledged the following to us:
    - a. That there was a misunderstanding on his part as to the approach we were taking. He was led to believe that we were able to work with the City to overcome the legal lot of record issue. We shared our letter to the Planning Commission with him, after which he stated that he **“considers our case to be strong”**.
    - b. That the history of this project cannot be overlooked and that this project warrants consideration as a legal lot of record, thereby not needing the exceptions. Ryan stated: **“It is important to recognize that there is nearly 30 years of implicit understanding that this is a legal lot of record”**.
    - c. Ryan let us know that his position on this project had been persuaded by someone or something outside of this project. He acknowledged that he was uncomfortable writing a letter endorsing this project because of “community implications” and referenced a project that did not have anything to do with ours. He provided a few details of a project that was outside of Deer Hollow Ranches entirely. The bottom line is that he acknowledged changing his position due to the influence of something unrelated to our proposal.
    - d. Lastly, Ryan acknowledged that this project should stand on its own, and when taking the history into account, he told us that he can and would endorse this project. He stated verbally that he would write a letter recommending the exceptions to the Planning Commission.
  - I also need to point out that Ryan’s recommendations are not consistent with the feedback from the other city staff:
    - ii. The first ordinance that Ryan recommends is for curb, gutter and sidewalk. In a Development Committee meeting on Monday, December 18<sup>th</sup>, Richard Benham advised all in attendance that the Deer Hollow area does not have a drainage system to support curb and gutter and clearly recommended against it.
    - iii. You will also find in your packet some meeting notes from the Community Mtg on Wednesday, March 13<sup>th</sup> wherein the residents reminded the city of some promises that were made during the 2012 annexation process regarding **“no curbs, no street lights or changes.”** These residents believe the City is attempting to do a bait-and-switch by making promises that support the annexation, then breaking these promises with Ryan’s direction to the Planning Commission here.

7. Lastly, as it relates to Ryan's letter, he simply throws all the ordinance requirements into one big bucket titled: "**Densification**". The obvious problem with his claim is that there is no supporting evidence to the inability of the roads to support one additional home. It is ironic that the City requires endless studies from us having to do with earthquake faults, rockfall studies, vegetation studies and any other study you can think of but fail to produce any studies that support their claim that the streets are not adequately designed.
- a. In the absence of any studies from the City on this, we did one of our own. Before I share that with you, I want to reference the letter from Mike Wilcox where he states that "**Deviations or special exceptions should not create situations that will create problems in promoting health, safety and welfare.**"
    - i. The City enjoys the benefit of hiding behind such broad statements of "**Densification**" and "**Creating problems in promoting health, safety and welfare.**" Where is the evidence? How is it that we have to spend tens of thousands of dollars on studies to validate our case, but the City has not provided a single argument *specific to this project* that burdens the health and welfare of this neighborhood?
    - ii. We conducted our own study. There are other neighborhoods with more homes with longer, narrower streets and only one point of access. You don't have to look far to find one as the neighborhood just to the North (Seven Springs) qualifies. This subdivision currently serves 18 lots where our road serves only 12 homes. There are others as well. We identified one with 24 homes with one under construction now. (South Royal Lane). The reality is that the Planning Commission is granted authority to weigh in on such subdivisions that have up to 30 homes on a single access area. With only 12 homes in Deer Hollow Ranches, we are not even half way there.
    - iii. We figured the best approach is to do a qualitative study to find out how the health and welfare of these residents has been affected by living on a dead end with one point of access and roads of 20' or less in width. We literally knocked on doors up and down the street in each of these neighborhoods, interviewing neighbors about their experiences living in such neighborhoods. We have testimonials from these people stating that their health and welfare has not been compromised. **(Examples)**
    - iv. The City might in turn argue that the safety of these residents is in jeopardy. How is it that the fire department agrees our proposal increases the safety in the neighborhood (with supporting evidence), but the City Engineer can say that the roads are not safe enough for one more home (without evidence)?
    - v. More importantly, while the City has not provided any support to their argument that our proposal creates problems in promoting the health, safety and welfare of the residents, I can tell you with certainty that the recommendations you have before you from the City Engineer will without a doubt and unequivocally create problems with the health and welfare of the residents. All you have to do is ask. Just ask Mr and Mrs Rogers what

kind of impact it will have on their health and welfare if we create a second point of access through their property and into Lone Springs Cove. You will probably put one of them in the hospital if this were to happen. Or ask Mr and Mrs Wilson what will happen if we were to add curb, gutter and sidewalks through their yard after they were promised by the City that it wouldn't happen. You might induce a heart attack. Or ask Mr and Mrs Pearce about the distress of turning their newly landscaped yard and driveway pavers into a widened road. This is the very definition of detriment to their welfare.

- vi. The truth is, we can qualify the negative impact on the health and welfare of these residents if the City's recommendations were to be followed. Unlike the City, who is using this argument with no evidence whatsoever.

#### IV. Mike Wilcox Letter

- a. Speaking of being devoid of evidence, I will return to Mr Wilcox's memo dated May 9, 2018. The letter contains errors, omissions, misrepresentations and utter bias.

- i. Over the course of the last year working with Mike, we have seen a consistent pattern.

- ii. I will address the Concerns presented by Mr Wilcox (Listed on Page 5 of Memorandum):

- Let's just go right to the concerns with the end of paragraph 1: **"Development Staff agrees that there may be *some good* that would come from the proposal, but the potential for negative outcomes outweigh the good."**

- a. "May be *some good*?" The truth is that Staff agrees there is absolutely some good that *will* come from the proposal, but we don't see any of that identified in Mike's letter.

- i. Fortunately, Mike included the letter from Robert DeKorver which states: **"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 others, and provided for two fire department turn-a-rounds."**

- ii. Additionally, on page 9 of our letter, we listed seven (7) points of improved safety as well as four (4) additional benefits. (See attached "Platt Letter to Sandy City Planning Commission.")

- b. Mike goes on to state that Staff is concerned that the **"potential for negative outcomes outweigh the good."** Again, what are those potential negative outcomes? That there is an additional car on the road? Where is the evidence of potential negative outcomes? **"Potential"** is not a reason to agree with the City. Making a decision based on "Potential" simply implies bias. How do you define "Potential"? This is a subjective term that we can equally apply to both sides of the argument.

- Moving to Concern #2 on the list. The City is recommending you deny this proposal due to 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.”** Let’s recognize both concerns—The number of waivers and the potential impact elsewhere.
  - a. Mike says the Staff is concerned with the number of special exceptions. The great irony is that Mike has walked us down a path that has essentially increased the number of exceptions, not decreased them. There are alternative paths that get us to the same end conclusion with fewer exceptions.
  - b. If you are counting exceptions, there were six total, but if you are looking at the big picture there is only two exceptions of significance—The length of the dead-end road and the single point of access (both essentially the same thing.) If the number of exceptions, not the type, are the real issue, we can reduce the count by eliminating at least one.
  - c. As it relates to impact--The City is asking you to make your decision on this property based on its potential impact on *other* properties. Each case should stand on its own based on its ability to meet the unique issues it faces and not be burdened by the potential impact it has on an unrelated project. There are no other lots in the Deer Hollow Ranches area that face the same issues that this lot does.
  - d. Is Mike tipping his hand to suggest what caused Ryan Kump to change his position in that he is making his determination on this project based on the impact on a separate project?
  
- Concern #3 is Clarification of Property Lines. We dropped this approach to reduce the requested number of exceptions by one. This is no longer a concern.
  
- Concern #4 Private Road Easements. Never mentioned. If this is really an issue, then we will address it.
  
- Concern #5 is downright ludicrous. Mike states that **“Additional studies for vegetation, fault studies, and determinations of 30% slopes still needs to be completed prior to final approval.”** If you look down in the Staff Recommendation below at item #4 it says: **“All requirements and studies required for the Sensitive Area Overlay Zone have not been met or completed.”** This is a clear misrepresentation.
  - a. I have before me the GEOTECHNICAL and GEOLOGIC HAZARD STUDIES report that was authorized on November 16<sup>th</sup>, 2017, performed in December of last year with the preliminary report being e-mailed to

Ryan Kump on December 13<sup>th</sup> and final report being sent on January 12<sup>th</sup>.

- b. I also have before me the 30% slope studies that have been provided to the City on multiple occasions including a full color copy being e-mailed to Ryan Kump on April 6<sup>th</sup>.
  - c. Lastly, I have before me the completed Vegetation plan for our lot. I also have an e-mail that I will reference from Mike Wilcox dated May 4<sup>th</sup> wherein he advised the following: **“Lance, It’s not necessary to have all the changes from your last review implemented for this PC Submittal). You’ll need just what I put in the e-mail from this morning. If they represent some of the changes that’s fine, but they are not the final submission drawings just yet. Step 3 is Final staff review wherein we will need all of these other studies and documents like title reports, vegetation, SWPPP, etc. That final review can be submitted after PC review is completed. So what is needed by Monday morning is just what I asked for this morning. The rest can come after the 17<sup>th</sup> meeting with the PC.”**
  - d. Each of these named studies have been completed, and although they have already been submitted, we are told to wait until Final Review, and yet it is listed as a primary concern from the City and one of the main points for recommending that the Planning Commission to deny our proposal?!
- iii. I could spend a good deal more time exposing the very clear pattern of bias that has existed throughout this process. The most important thing for the Planning Commission to know is that this letter from Mike Wilcox does not represent the overall opinion of the City as he wants you to believe. Fortunately, we have some quiet champions within the City that have helped us more effectively understand this prevailing bias. We have been meeting individually with members of the Development Committee and I can tell you they do not holistically agree with Mike’s position.
- In the Development Committee Mtg on December 18<sup>th</sup>, the topic of creating two points of access by looping the road became an elevated topic. One of the members of the Development Committee spoke up and said: **“We can’t force them to help us fix a problem.”** There was a clear recognition that the initiative Mike was driving in that meeting was designed to get us to fix a problem they inherited and that not everyone agreed with it.
  - A few days after the December 18<sup>th</sup> meeting, Robyn and I met privately with Brian McCuiston and James Sorenson. We met the morning of Thursday, December 21<sup>st</sup> in the City offices. James Sorenson advised us that he attended and facilitated the Development Committee meeting on the 18<sup>th</sup> because he did not believe that the land we are interested in could be developed. Following that meeting he met individually with Richard Benham and found that the water line had already been looped as part of the Sandy Tillitson development overcoming one of the primary hurdles. He then met with



Robert DeKorver and learned that the fire department supported our proposal. He went right down the line and checked off each of the barriers that had previously stumped the progress of this development. He congratulated us on finding answers that he did not know existed and expressed appreciation for creating a proposal for two parcels of land that have had a checkered history, even stating: **"It will be nice to find a solution to these two parcels."** He then walked us through the "next steps" of the process and in that meeting on December 21<sup>st</sup>, 2017 he suggested that we will **"Probably meet with the Planning Commission in February."** I think he underestimated Mike's ability to stonewall us and drag this on as long as possible.

- iv. One last thing on Mike's letter. Mike closes his letter with: **"If the Planning Commission disagrees with staff and would like to approve the proposed subdivision and one or all of the waivers or special exceptions that have been requested, the following is some recommended language:"**
- Mike goes on to list 13 conditions that he wants the Planning Commission to make. This is a great example of Mike's use of disproportionality. These Conditions could simply be summed up in two (2) Conditions--#1 and #13. #1 is that we will comply with each department's comments and redlines and #13 is that we will come back before the Planning Commission for a Final Review. What Mike doesn't tell you is that this list is entirely redundant as each of these items have already been completed or agreed to through the redline process. The long and short is that if the Planning Commission moves to approve the proposed subdivision, we will agree to all the Conditions outlined here.

- V. This brings me to my closing thoughts. In our letter to the Planning Commission we offered a plea for an objective decision...one that is not tainted by the biases and politics of the City. We are committed to this project and submit to the Planning Commission for answers and direction. Instead of hiding behind broad, unsupported statements like "densification" or "health, safety and welfare," we look to the Planning Commission for direction. Where are other examples where similar hoops have had to be jumped through? Where are examples of variances that have been issued for similar proposals? If there are specific limitations in our proposal, where can we find the answers we need to make this possible. In other words, are there answers that we are not seeing that will garner your approval?
- i. We recognize the City will tell you these examples do not exist, but we have reason to believe otherwise.
  - ii. Our ask is to come back before the Planning Commission for a Final Review to show that we have complied with all the requirements of the Development Committee outside of the limitations on the roads that we seek exceptions for. We have now completed everything on the list and want to show that these Concerns and Conditions affecting the City's position have been addressed.
  - iii. We have been at this for one year now. We have our house plans complete and ready for submittal for a building permit. We have been jumping through every hoop the City

has thrown at us and we are prepared to jump through more. We just need guidance that comes from someone other than City officials who are pushing their own agenda. Please help us to know what we can do to get the exceptions we seek and ultimate approval from the Planning Commission.

- VI. Before I sit down, I have one final thing to add. When we started this project, we realized quickly that there is a very real human element to this project that caught our attention. As we did our due diligence, we developed an interest in the person who has owned this land for the last 20 years and sought out the opportunity to meet her. This person is Lynnette Cully who has owned this land longer than all the immediate neighbors combined have lived there. When we realized the City could ultimately force Lynnette to lose her life savings, we found this to be a noble effort worth fighting for. Lynnette's story is compelling. After and my wife Robyn shared it with the Development Committee, Mr Mike Wilcox callously dismissed Lynnette's story by stating: "There is no room for emotion in this decision." We found it ironic that Mike later opened the door to a very emotional response from the neighbors in the Community Meeting on March 13<sup>th</sup>, and then again you will hear some very emotional arguments tonight from these same neighbors. I don't blame the neighbors for feeling the way they do. The approval of this project will create distress because it means change. We get that and are sensitive to it which is why we have met with so many of these neighbors individually to find solutions. Nevertheless, it is important for the Planning Commission to know that the recommendation of the City has more bearing than simply denying us the ability to build. As I stated earlier, the City's recommendation to deny this project can only lead to one of two outcomes—1) The breaking of promises and a great deal of distress on the existing neighbors that will turn their charming community into a city subdivision, or 2) Remove the inherent, implicit and long-standing value in this land by making it something other than a buildable lot in which case it becomes a prime target for the City to assimilate. Because this decision has such significant bearing, I have asked Lynnette to share her story with this Commission.

Mar. 16, 2018

Sandy City

Lynette Slattery-Culley  
4536 S. 1900 S. Apt. 10  
Roy, UT 84067

Re: 3392 E. Deer Hollow Cir.  
Sandy City, UT parcel # 28-14-428-025-0000

To Whom It May Concern:

I am writing this letter in the hopes of explaining why the sale of this property is so important, even life changing, to me.

In 1993 my husband, Joe Slattery, passed away of brain cancer. We had both been raised in Utah, but were living in California at the time of his passing. He left me with two properties in St. George, UT. One was to build on, the other was an investment with which to build. This was where we had planned to retire.

With life's curve ball thrown at me, I now had to return to Utah and fall back on my teaching degree. I began teaching 2<sup>nd</sup> grade. Twenty 23 years later, I'm still teaching.

Twenty-two years ago Mr. Clair Payzant presented me with an offer to exchange one of my properties in St. George for one of his on Deer Hollow. Knowing I needed help beyond my own instincts, I hired a certified land appraiser who took several days looking at both properties. He assured me it would be advantageous for me to make the trade. I agreed to a 1031 exchange of property with Clair Payzant, who is still owner of 3 one acre parcels of the adjoining property. The appraiser assured me it was in fact an excellent exchange and could only increase in value through the years. After a great

deal of consideration, I made the exchange with Mr. Payzant. I knew at the time I would never build on this property. It was an investment property only. Sandy City is a very prestigious city and a full acre at the base of the mountains was far too expensive for me to consider building on. I did, however know it would be a great investment for my retirement. I have always felt that though the taxes were a big burden for me as a teacher, the rewards would be worth it when I retired.

I have remarried, but my husband had a stroke and suffers from memory loss. It has been my responsibility to support us through the years.

Last Fall, I decided the time had come for me to retire. My husband does not have a retirement, and aside from my state pension, the only "nest egg" I have is that beautiful piece of property that has become so contentious. I don't understand how I could have received tax notices with high valuations for 22 years, only to hear it can't be built on???

I was not surprised, when buyers made an offer on this beautiful piece of property. I was so happy for this new couple to start their lives together in this secluded area, a true bit of paradise, only to find out they are facing such resistance. I only met Lance and Robyn Platt once, but can readily see that they would be an impressive and positive influence on this neighborhood as well as on Sandy City.

I understand neighbors being upset by change. I want what I feel is fair and just. It has been a hardship over the years saving for and paying hefty taxes on my salary, expecting that I would have something in my retirement years to sell.

It is my hope that whatever is standing in the way of this property being sold, can be remedied. Yes, it may be inconvenient for neighbors, but as a tax payer, I too, feel I deserve fair compensation and should be allowed to sell what I have been taxed on throughout the years. This is in fact a "life changer" for two families.

Thank you for your time and consideration.  
Lynette Slattery-Culley