



Municipal Service District Planning and Development Services
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msd.utah.gov

REZ2023-000921

Rezone from A-1 to R-2-6.5

Public Body: Salt Lake County Council

Meeting Date: 09/19/2023

Parcel ID: 22324030060000

Current Zone: A-1

Property Address: 8335 S 1000 E, UNINCORPORATED, 84094

Request: Rezone from A-1 to R-2-6.5

Applicant Name: Justin Taylor

MSD Planner: Morgan Julian

MSD Planning Staff Recommendation: Approval with Conditions

SITE & ZONE DESCRIPTION

The property is located at 8335 S 1000 E in Unincorporated Salt Lake County. The .45-acre parcel is located east of East Sandy Elementary School and surrounded by residential properties located in the jurisdiction of Sandy City. The surrounding properties are a mix of single-family and multi-family residential. This property and the surrounding unincorporated properties are zoned A-1 (Agricultural) except for just one parcel to the north that was rezoned to R-2-6.5 (Medium Density Residential) in 2019.



Figure 1: Site Map

PROJECT & BACKGROUND DESCRIPTION

Justin Taylor is requesting a rezone from an A-1 to R-2-6.5 for 8335 S 1000 E. Currently, there is a single-family dwelling on this property. Mr. Taylor is proposing an additional two-family dwelling on the east end of this lot as part of a dwelling group. Dwelling groups are conditional under the R-2-6.5 and the A-1 zone but the subject property is shy of the ½ acre requirement for dwelling group in the A-1 zone. Mr. Taylor will be proposing a similar development (see Attachment A) to one that was approved just north of this property at 8325 S 1000 E (see Attachment B). In 2019, the property at 8325 S 1000 E sought and was approved for a rezone from A-1 to R-2-6.5 to allow for a dwelling group on this property. 8335 S 1000 E and 8325 S 1000 E are similar in size in terms of width, length, and area (see *Figure 1*). For both these properties, Sandy City Public Utilities will require future annexation of these properties into Sandy City in exchange for the supply of water. Sandy City plans to annex the entirety of this unincorporated island.

GENERAL PLAN CONSIDERATIONS

In 2019, the Salt Lake County and Mountainous Planning District Planning Commissions met to select six state strategies for their Moderate-Income Housing Plan. One of these strategies was to “zone or rezone for higher density or moderate-income residential development in commercial or mixed-use zones, commercial centers, or employment centers.” Although this is not a commercial or mixed-use zone, this proposal will provide higher density and will provide opportunities for moderate income housing.

STANDARDS AND FINDINGS

19.04.190 - Dwelling group

"Dwelling group" means a group of two or more dwellings located on a parcel of land in one ownership and having any yard or court in common.

Standards	A-1	R-2-6.5
Height	<u>19.48.090:</u> 35'	<u>19.32.060:</u> 35'
Front Yard Setback	<u>19.48.060:</u> 30'	<u>19.32.050:</u> 25'
Side Yard Setback	<u>19.48.070:</u> 8' & 10' (18 feet total)	<u>19.32.050:</u> 8', please also see 19.32.030 B, below
Rear Yard Setback	<u>19.48.080:</u> 30'	<u>19.32.050:</u> 15' without garage, 30' with
Lot Width	<u>19.48.050:</u> 65'	<u>19.32.040:</u> 60' at a distance 25' from the front lot line
Lot Area	<u>19.48.040:</u> 10,000 sq ft	<u>19.32.040:</u> 4,000 for lot containing 1 unit of a two-family dwelling, 6,000 sq ft for a single-family dwelling 6,500 sq ft for a two-family dwelling and 8,000 sq ft for any other main building
Density	<u>19.48.100:</u> Single-family dwellings: 4.0 units per acre	<u>19.32.055:</u> The allowable density for... dwelling groups shall be determined by the planning commission on a case-by-case basis, taking into account the following factors:

	Two-family dwellings: 8.0 units per acre	recommendations of county and non-county agencies; site constraints; compatibility with nearby land uses; and the provisions of the applicable general plan
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Standard 19.32.030—Dwelling group

B. The distance between the principal buildings shall be equal to the total side yards required in the zone; provided, however, that at the option of the developer the distance between the principal structures may be reduced to ten feet, if the difference between ten feet and the required side yards is maintained as permanently landscaped open space elsewhere on the site. The distance between principal buildings and the nearest perimeter lot line shall be at least fifteen feet unless demonstrated by the development plan that the yard required for a principal building in the district in which it is located is more appropriate. The distance between the building and a public street shall be at least the front yard required in the zoning district, except on corner lots the side yard which faces on a public street shall be at least twenty feet.

Findings:

Compatibility with existing buildings in terms of size, scale, and height.	Yes
Compliance with Landscaping Requirements Verified.	N/A
Compliance with the General Plan.	Yes- compatible with surrounding lot sizes and dwelling sizes
Preliminary Plans Meet Basic Zoning Standards Listed Above	Yes—for an additional two dwellings, no major site constraints have been observed. County as well as MSD agents have reviewed this proposal

ISSUES OF CONCERN

The proposed zone matches that which has been approved just north of the subject parcel and is compatible with the overall development pattern in the area which does not initiate concern. However, several neighbors spoke in opposition to this proposal during the planning commission meeting.

NEIGHBORHOOD RESPONSE AND FINDINGS

During the planning commission meeting on August 16th, 2023, three neighbors spoke in opposition to this proposal. They had the following concerns:

1. There is a lot of construction noise and congestion from the dwelling group at 8325 S 1000 E
2. The height of the dwelling units (26' from the foundation to the highest point of the roof) at 8325 S 1000 E obscure views for surrounding neighbors and impacts privacy.
3. The height of the two-story dwelling group at 8325 S 1000 E is inconsistent with the surrounding building heights of the neighborhood. If the proposed dwelling group will also be two-stories it will also be inconsistent with the surrounding building heights.
4. This development will not create moderate income housing and will not be affordable.
5. This development will take away from property ownership.
6. This development will hurt surrounding property values.
7. This development will create more congestion in the neighborhood.

Findings:

The following are staff responses to the concerns of the neighbors:

1. Construction sites do generate noise, which is a temporary condition. Salt Lake County Health Department regulates noise, including acceptable hours of construction noise.
2. The height of the proposed structure will be well below the maximum allowed in the zone and will be consistent with the overall building heights of other homes in the vicinity. The Salt Lake County Code does not have a provision protecting the views of nearby residents. However, Salt Lake County Code section 19.90.060(A)(4) does allow a zoning condition on height. The applicant indicated an intent to redesign the proposed home nearest the east lot line to be a single-story home. A zoning condition limiting the height of that home could be imposed to reflect that intent.
3. The two-story dwelling group located on 8325 S 1000 E is 26' tall from grade to the highest point of the roof. The single-story dwelling at 8329 S 1000 E is 24'5" tall from grade to the highest point of the roof. Directly to the east of the subject property are the Sandy Highland PUD townhomes, many of which are two stories tall.
4. There appears to be some confusion between "Low Income Housing" and "Moderate Income Housing" as defined in the State Code. As discussed in the analysis above, the proposal is in line with Salt Lake County's adopted moderate income housing goals. Even though market rents will likely be charged for the new homes, "missing middle" duplex homes with lower market rents than traditional single-family homes will be built, which provides lower cost options to families than renting a traditional single-family home. See Attachment C for more details.
5. The owner of the current single-family home will remain in one of the dwellings on the property. Adding two more dwelling units will not reduce existing home ownership but will create more housing in general.
6. No evidence has been provided demonstrating that the proposed development will negatively impact nearby property values.
7. The Salt Lake County Engineering Department will review the development for traffic concerns. However, after a preliminary review, they believe there will not be a significant impact on traffic flows on 1000 E with the addition of two more units.

PLANNING STAFF RECOMMENDATION

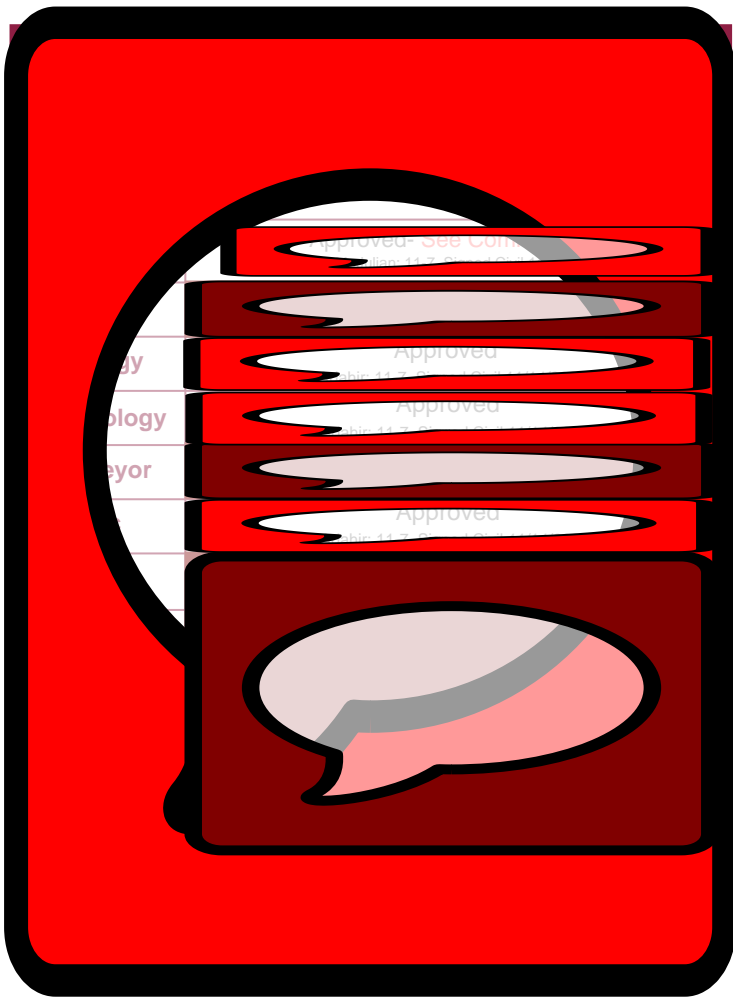
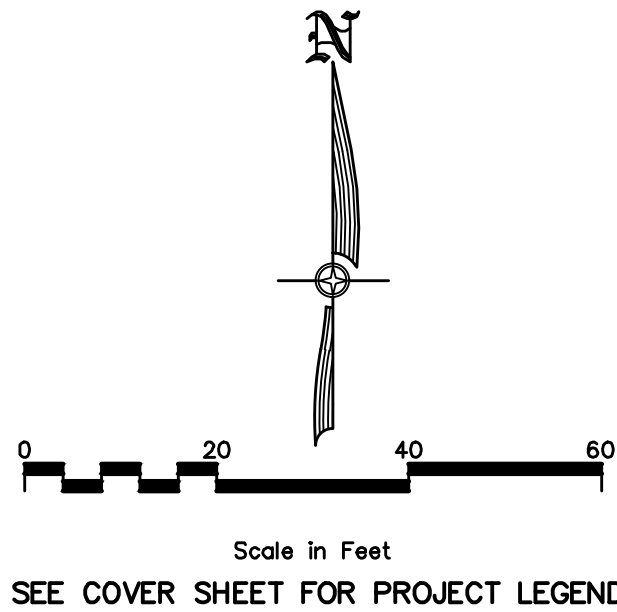
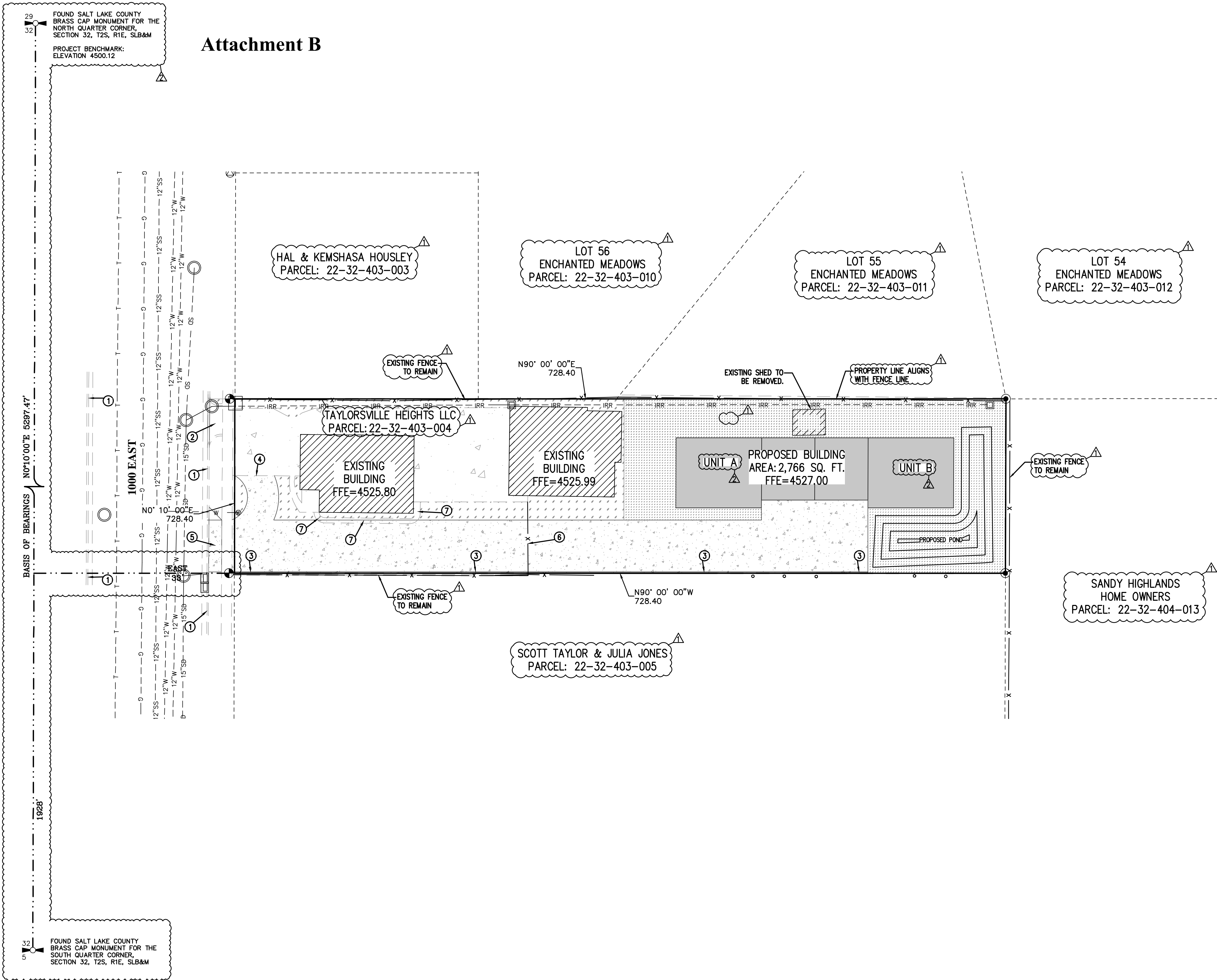
Planning Commission Recommendation: At their meeting of August 16th, 2023, the planning commission recommended Approval of the rezone to the Salt Lake County Council and planning staff proposes the following conditions:

1. The density shall be limited to 3 dwelling units within the .45 acre lot size.

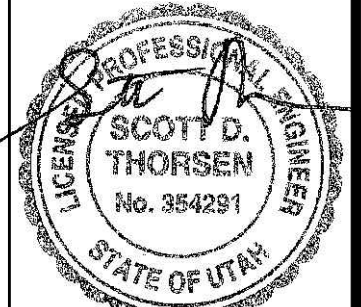
ATTACHMENTS:

- A. 8335 S 1000 E Preliminary Site Plan
- B. 8325 S 1000 E Approved Site Plan
- C. Unincorporated SLCo Moderate Income Housing Plan—Pages 4-6 and 20-21 (for the full report please visit <https://msd.utah.gov/255/Unincorporated-Salt-Lake-County>)
- D. Proposed Ordinance

Attachment B



10718 SOUTH BECKSTEAD LANE, STE. 102 SOUTH JORDAN, UT 84095 - 801-949-6296	
CIVIL ENGINEERING + SURVEYING	
C1R	
KENNETH & SHAUNA JORGENSEN RESIDENCE 8327 SOUTH 1000 EAST UNITS A & B, SALT LAKE COUNTY, UT 84094	
SITE PLAN	
SHEET NO. C1.0	
PROJECT ID: D1010-02	DATE: 08/28/19
FILE NAME: PRJ-DHS	SCALE: 1"=20'
REVISIONS	
NO	BY DATE
1	COMMENTS
2	COMMENTS
3	COMMENTS
4	COMMENTS
5	COMMENTS
6	COMMENTS
DESIGNER: SDT PROJECT ENGINEER: SDT	



Executive Summary

Purpose: The 2022 Moderate Income Housing Plan for Unincorporated Salt Lake County incorporates new requirements adopted by the State in June 2022, through HB 462. The biggest changes between the 2019 and 2022 Moderate Income Housing Plans for Unincorporated Salt Lake County are the modification of selected strategies and the addition of an implementation plan for each Moderate Income Housing (MIH) strategy.

Analysis: This Plan analyzes demographics and housing unit characteristics, housing supply and demand, affordability, and zoning. It also synthesizes community engagement data from previous General Plans, the 2019 Moderate Income Housing Plan, and 2022 Moderate Income Housing engagement efforts. Analysis by staff found that over 23% of Unincorporated Salt Lake County's households were cost-burdened (spending more than 30% of their income on housing costs) in 2020. Unincorporated County currently has a shortage of 69 housing units for owner households making 80% or less than Area Median Household Income (AMHI). This deficit is expected to grow given rising housing costs, stagnant wages, and regional population increases.

Selected Strategies: From the State's list of available Moderate Income Housing Strategies, the following were selected for Unincorporated Salt Lake County:

- B. Demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of Moderate Income Housing.
- E. Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones.
- F. Zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones, commercial centers, or employment centers.
- O. Apply for or partner with an entity that applies for state or federal funds or tax incentives [...] or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing. *[Full language shown on pg.26]*
- V. Create or allow for, and reduce regulations related to, multifamily residential dwellings compatible in scale and form with detached single-family residential dwellings and located in walkable communities within residential or mixed-use zones.

A plan for implementing each of these strategies is available starting on page 34.

Next Steps: Following adoption of the 2022 Moderate Income Housing Plan, staff are required to submit a copy of the Plan to the Utah Department of Workforce Services – Housing and Community Development Division. In future years, staff will be required to report on progress toward implementation of Unincorporated Salt Lake County's selected strategies. Failure to comply with planning and reporting requirements may jeopardize Unincorporated Salt Lake County's eligibility for certain funding sources from the State's Transportation Commission and the Governor's Office of Economic Opportunity.

Introduction to the Moderate Income Housing Plan

What is Moderate Income Housing?

This Plan addresses Moderate Income Housing (MIH), which Utah defines as, “housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the housing is located.” (State Code 17-27a-103).

In 2022, the Area Median Income (AMI) for Salt Lake County (SLCo) was estimated at \$106,199. A household that would qualify as ‘moderate-income’ would earn \$84,959.20 or less per year. **In Unincorporated Salt Lake County, 1,317 households earn 80% or less of AMI** (Esri Community Analyst, 2022). While planning for Moderate Income Housing helps all residents, this Plan is focused especially on meeting the needs of those households.

Why do we plan for housing?

In short, the County plans for Moderate Income Housing because the State requires it. State Code 17-27a-403, which was amended by House Bill 462 in 2022, requires the County to prepare a General Plan with the following elements:

- Land Use;
- Transportation;
- Resource Management;
- Water Use and Preservation; and
- Moderate Income Housing.

All of these elements have been addressed through Salt Lake County’s various planning efforts. **However, the 2019 Moderate Income Housing Plan needed to be updated in order to reflect the State’s newest requirements which include modified strategies for addressing Moderate Income Housing and the addition of an implementation plan that outlines how the County will advance its selected strategies. This Plan is intended to replace the 2019 Moderate Income Housing Plan.** It is the State Legislature’s mandate that counties facilitate a reasonable opportunity for a variety of housing, including moderate income housing, to:

- Meet the needs of people of various income levels living, working or desiring to live or work in the community; and
- Allow people with various incomes to benefit from and fully participate in all aspects of neighborhood and community life.

Required components of the County’s Moderate Income Housing Plan are explained throughout the document.

Of course, beyond State requirements, Salt Lake County has a vested interest in addressing housing affordability. Safe, stable, and accessible shelter is critical to all residents – it is a basic human need. In addition, housing availability and cost can impact the County's ability to attract and retain talented workers, friends, and family members. As problems of housing affordability rise (over half of Utah households could not afford a median-priced home in the State in 2022 according the Kem C. Gardner Policy Institute), every municipality and county has a role to play.

What is the scope of this Plan?

Salt Lake County is home to twenty-three (23) municipalities. Those municipalities (with the exception of those whose small populations exempt them from the State requirements), are responsible for preparing their own Moderate Income Housing Plans. This Plan addresses only Unincorporated Salt Lake County and the strategies that staff, elected officials, and residents will pursue to meet their Moderate Income Housing needs. Plans related to land use, transportation, resource management, and more can be found in the following documents:

- [Wasatch Canyons General Plan](#): a visioning and advisory document for Salt Lake County decision-makers in the unincorporated canyons of the Wasatch Mountains.
- [SLCo West General Plan](#): a visioning and advisory document for Salt Lake County decision-makers in unincorporated communities along the west bench of the Oquirrh Mountains.
- [SLCo Hazard Mitigation Plan](#): analysis and recommendations related to various natural and man-made hazards experienced in Salt Lake County.
- [SLCo Resource Management Plan](#): a guiding document for how to manage natural resources in Salt Lake County.
- Various other plan documents, including General Plans for the unincorporated communities of Sandy Hills and Granite.

This Moderate Income Housing Plan looks at a five-year planning horizon. After five years, the County should review this Plan and evaluate whether it still fits the needs of residents. At that time, the implementation plan may need to be updated to reflect actions that the County will take to meet Moderate Income Housing needs after 2027.

How should this Plan be used?

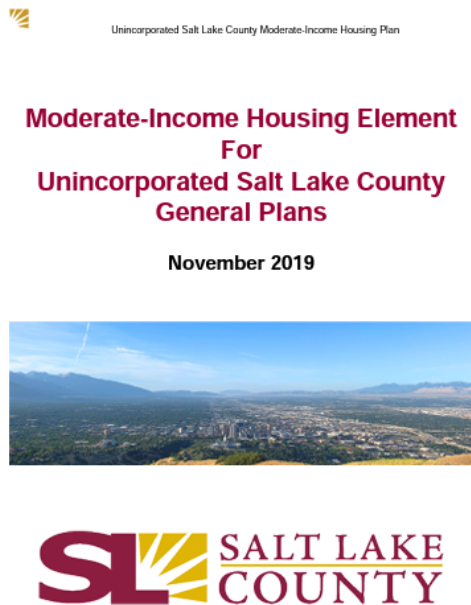
This Plan can be used by decision-makers to inform actions and policies related to housing in Unincorporated Salt Lake County, by planning staff to meet State reporting requirements (explored in later sections), and by residents to learn about the vision for housing in their communities. The rest of this document is divided into four (4) major sections:

1. [Unincorporated Salt Lake County's Existing Housing Conditions](#): this section examines the supply and demand of Moderate Income Housing in Unincorporated Salt Lake County, as well as considering other conditions that influence the County's housing market.

Unincorporated Salt Lake County – Community Engagement and Housing Vision

Although the State-mandated timeline for making the required changes to the Moderate Income Housing Plan was tight, planning staff recognized the importance of seeking and synthesizing resident input on housing. Residents had the opportunity to engage through two in-person events and one online survey during the Summer of 2022. Staff also relied on engagement results from past planning efforts, including the 2019 Moderate Income Housing Plan, the Wasatch Canyons General Plan, and the West General Plan.

The 2019 Moderate Income Housing Plan



Read the 2019 Moderate Income Housing Plan [here](#).

The 2019 Moderate Income Housing planning process included multiple meetings with the Salt Lake County and Mountainous Planning District Planning Commissions, one public open house, and public hearings. The result from that process was the selection of six (6) of the State's strategies:

- E. Create or allow for, and reduce regulations related to, accessory dwelling units in residential zones.
- F. Allow for higher density or moderate-income residential development in commercial and mixed-use zones, commercial centers, or employment centers.
- I. Allow for single room occupancy developments.
- J. Implement zoning incentives for low to moderate income units in new developments.

L. Preserve existing MIH.

P. Apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of MIH.

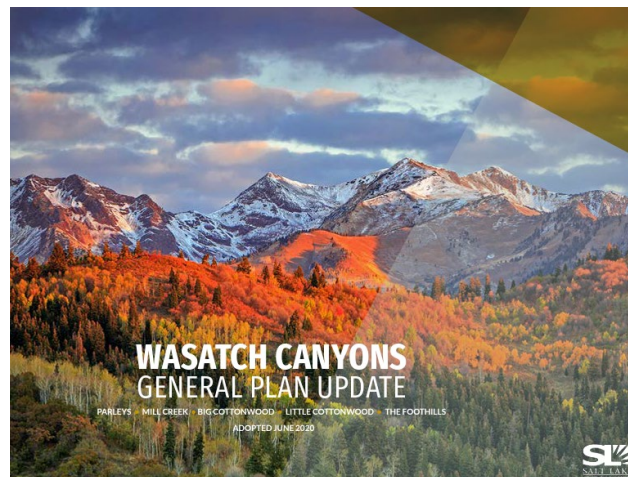
At the time the Plan was adopted, accessory dwelling units (ADUs) were not permitted in Unincorporated Salt Lake County; that has since changed.

Strategy I was intended to apply only at the bases of ski resorts, where single room occupancy (SRO) could be desirable for workers. However, since 2019, it has become clear that water availability severely limits the opportunities for new development and occupancy in the Canyons; in addition, complicated contracts with Salt Lake City Public Utilities and U.S. Forest Service make it unlikely that this strategy could be implemented in the next five years.

Salt Lake County originally selected Strategy J, with the intent of requiring MIH set-asides as a part of new development in the Planned Communities (PC) Zone. However, recent legislation prohibits municipalities from requiring the inclusion of MIH units, and the County has insufficient resources available to offer additional incentives.

Note that the strategies listed above vary slightly from the language of the strategies now available to Salt Lake County. The State Legislature updated its listed strategies in 2022.

Housing in the Wasatch Canyons and West General Plans



Read the Wasatch Canyons General Plan [here](#).

Wasatch Canyons General Plan – The Wasatch Canyons General Plan covers unincorporated areas of Salt Lake County within the Wasatch Range, including Parleys, Mill Creek, Big Cottonwood, and Little Cottonwood Canyons, and the mountain foothills. Roughly 4,000 people participated in events and surveys during the three-year planning process. The Plan says very little about housing, instead referencing the 2019 Moderate Income Housing Plan. The key message within the Wasatch Canyons General Plan was that residents value recreation access and ecological preservation. The Plan’s Land Use Vision reads:

**SALT LAKE COUNTY
ORDINANCE**

_____, 2023

AN ORDINANCE, AMENDING TITLE 19, ENTITLED “ZONING” OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 2001, BY RECLASSIFYING CERTAIN PROPERTY LOCATED IN SALT LAKE COUNTY FROM THE A-1 ZONE (AGRICULTURE, TEN THOUSAND SQUARE FEET MINIMUM LOT SIZE) TO THE R-2-6.5 ZONE (RESIDENTIAL, 4,000 SQUARE FEET FOR A LOT CONTAINING 1 UNIT OF A TWO-FAMILY DWELLING, 6,000 SQUARE FEET FOR A SINGLE-FAMILY DWELLING, 6,500 SQUARE FT FOR A TWO-FAMILY DWELLING, OR 8,000 SQUARE FEET FOR ANY OTHER MAIN BUILDING)

The Salt Lake County Council of Salt Lake County, State of Utah, ordains as follows:

Section 1: Section 19.06.020, Zoning Maps of Salt Lake County Code of Ordinances, 2001, is hereby amended, as follows:

The property described in Application #REZ2023-000921 filed by Justin Taylor and located at 8335 So. 1000 E. within Salt Lake County, is hereby reclassified from the A-1 Zone (Agriculture, 10,000 square feet size) to R-2-6.5 Zone (Residential, 4,000 square feet for a lot containing 1 unit of a two-family dwelling, 6,000 square feet for a single-family dwelling, 6,500 square feet for a two-family dwelling, or 8,000 square feet for any other main building), said property being described as follows:

PARCEL #: 22-32-403-006-0000

LEGAL DESCRIPTION: BEG N 0°10' E 1730 FT & 33 FT E FR S 1/4 COR SEC 32 T 2S R 1E SL MER N 0°10' E 66 FT E 297 FT S 0°10' W 66 FT W 297 FT TO BEG LESS STREET

CONTAINS: 0.45 ACRES

In accordance with Section 19.90.060 of Salt Lake County Code of Ordinances, 2001, development of the property is subject to the following condition:

1. Maximum density of three (3) dwelling units per this 0.45 acreage.

Section 2: The map showing such change shall be filed with the Salt Lake County Planning Commission in accordance with Section 19.06.020 of the Salt Lake County Code of Ordinances, 2001.

Section 3: This ordinance shall take effect fifteen (15) days after its passage and upon at least one publication in a newspaper published in and having general circulation in Salt Lake County, and if not so published within fifteen (15) days then it shall take effect immediately upon its first publication. IN WITNESS WHEREOF, the Salt Lake County Council has approved, passed and adopted this ordinance this _____ day of _____, 2023.

SALT LAKE COUNTY COUNCIL

AIMEE WINDER NEWTON, Chair

ATTESTED:

Lannie Chapman, County Clerk

APPROVED AS TO FORM

By: _____
Zachary D. Shaw
Deputy District Attorney

Date: _____

Council Member Alvord voting	_____
Council Member Bradley voting	_____
Council Member Bradshaw voting	_____
Council Member Granato voting	_____
Council Member Harrison voting	_____
Council Member Newton voting	_____
Council Member Stewart voting	_____
Council Member Theodore voting	_____