

I'm Kim Birck and I have lived in Grant Creek since 1986. I was a founding member of Friends of Grant Creek and have served on its board since 1987. As Secretary for the group, I received many documents over the years from the City about development proposals, and being a packrat, I was able to unearth them recently to research the topic of zoning history for Grant Creek. I will submit my full comments in writing, with citations, in case I run out of time to tell the whole story.

When I moved here, the 1980 Grant Creek Area Plan was a young document, and it reflected existing and future land uses planned for the valley. The valley was mostly ranch land below the Snowbowl Road subdivisions (1967-1972), with older homes built on 10-acre tracts north of Snowbowl Road (Grant Creek Tracts, 1962). The gravel pit was unzoned at that time.

The original zoning of the gravel pit area took place in 1989 at the request of land owners Dennis Washington and LS Jensen. That was a robust public process that I and many others participated in. The zoning packet from 1989 shows R-I and R-IV zoning designations requested for most of today's "north parcel". (Ordinance 2675, 6/5/1989). (See attached map)

The R-IV restrictions were spelled out (Title 19.40, attached) as follows: "R-IV is limited to TWO-STORY MULTI-DWELLINGS with a 30' height maximum." This is much like the Cottonwood Condos, which were built in part on land similarly-zoned. In 1992, a master plan diagram enclosed with a subdivision request packet for a never-built Meadowbrook Subdivision (on today's RMEF parcels) reveals an intent to build out the entire area in single family homes and townhouses, with density increasing as you move south toward the commercial zoning around today's Expo Parkway. Some of this commercial zoning was "Neighborhood Commercial" because it was recognized that the future residents would need some services. That BC zoning has mostly gone away, and all commercial development is currently Interstate-focused.

The R-I and R-IV designations at the gravel pit persisted at least till 1999 when my paper trail runs out. (These designations were shown on subsequent zoning and re-zoning requests -mainly CLB overlays - for nearby parcels in 1991, 1992 and 1998, and in a 1999 request for parcel split in the commercial zone to the south where Cracker Barrel sits today).

I do not know what, if anything, might have changed with this "north parcel's" zoning between 1999 and 2016. Neither the Zoning Office nor Development Services has been able to enlighten me. But in the 2016 Title 20 Zoning Ordinance, a table labeled "Zoning District Name Conversions" (Table 20.01-1, p.15, attached) shows R-IV being re-designated as RM 1-35.

Why RM 1-35? This re-designation was an UP-ZONING, creating an increase of one story - and 5 feet in height - for lands previously zoned R-IV, likely including the old gravel pit. Other new Title 20 zoning designations such as RT 2.7 or RM 2.7 (Title 20 code, p. 19) would have been more comparable "name conversions" than RM 1-35 for the old R-IV zoning district.

Unless I have mis-interpreted something - or missed a rezone that occurred between 1999 and 2016 - this parcel has from the beginning been intended for a much lower density zoning than KJA is now requesting. The 1980 Grant Creek Land Use Plan map (attached), which Mr. Woith likes to use in his

presentation, shows designations of "High Density Single Family" (10 units/acre) where today's R 5.4 exists and Medium Density Multi-family Dwellings (16 units/acre) where RM 1-35 now exists. Note that those subjective density designations had very different meanings then. Today's RM 1-35 and RM 1-45 have densities of 24 to 43 units per acre or more.

The original zoning respected the zoning and character of adjacent developments. The change from Title 19 to Title 20 revised those zoning designations in a way that is not consistent with existing development. Because it happened as part of a City Wide Rezoning, the up-zoning of the gravel pit may not have received the specific public notice it deserved at the time.

Adjacent property owners bought their land in reliance on the zoning maps at the time. Mr. Ault bought his land with the present zoning on it. While his representatives may argue that there was an error in zoning in the manner that Title 20 deals with split parcels, it is also possible to say that the error in zoning was the Name Conversion Table that called RM 1-35 three-story apartments equivalent to R-IV 2-story townhome zoning.

Please do not approve this rezoning request.

Thank you for listening.