

MEETING MINUTE SUMMARY
MOUNTAINOUS PLANNING DISTRICT PLANNING COMMISSION MEETING
Thursday, January 5, 2017 4:00 p.m.

Meeting minutes approved on March 2, 2017 with an addition

Approximate meeting length: 2 hours 50 minutes

Number of public in attendance: 35

Summary Prepared by: Wendy Gurr

Meeting Conducted by: Commissioner Young

***NOTE:** Staff Reports referenced in this document can be found on the State and County websites, or from Salt Lake County Planning & Development Services.

ATTENDANCE

Commissioners	Public Mtg	Business Mtg	Absent
NEIL COHEN	x	x	
BRYAN O'MEARA			x
TOD YOUNG (Chair)	x	x	
LIBBY ELLIS	x	x	
LINDA JOHNSON	x	x	
DON DESPAIN	x	x	
REID PERSING (Vice Chair)	x	x	
CATHERINE KANTER	x	Tele-conference	
JAMES PALMER	x	x	
CHRISTIE HUTCHINGS	x	x	

Planning Staff / DA	Public Mtg	Business Mtg
Wendy Gurr	x	x
Max Johnson		x
Spencer Hymas		
Curtis Woodward		
Tom Zumbado	x	x
Chris Preston (DA)		
Zach Shaw (DA)	x	x

BUSINESS MEETING

Meeting began at – 4:02 p.m.

- 1) Approval of Minutes from the December 1, 2016 meeting.

Motion: To approve Minutes from the December 1, 2016 meeting as presented.

Motion by: Commissioner Johnson

2nd by: Commissioner Persing

Vote: Commissioners voted unanimous in favor (of commissioners present)

- 2) County Resource Management Plan – Update from staff. Planner – Max Johnson
Salt Lake County Planning Supervisor Max Johnson provided an update to the County Resource Management Plan.

Commissioner Palmer arrived at 4:12 pm

3) Election of Chair and Vice Chair 2017

Appointment of Chair:

- Nomination **for:** Tod Young

Motion by: Commissioner Johnson

2nd by: Commissioner Cohen

Vote: Commissioners voted unanimous in favor. Commissioner Young accepted the position of Chair.

Appointment of Vice-Chair:

- Nomination **for:** Reid Persing

Motion by: Commissioner Despain

2nd by: Commissioner Johnson

Vote: Commissioners voted unanimous in favor. Commissioner Persing accepted the position of Vice-Chair.

4) Performance Review Discussion

Commissioners provided their input on the time and effort put into their performance the past year.

5) Other Business Items (as needed)

No other business items to discuss.

PUBLIC HEARINGS

Hearings began at – 4:27 p.m.

Commissioner Johnson motioned to rearrange the public hearings and hear file #30155 first, Commissioner Palmer seconded that motion. Commissioners voted unanimous in favor (of commissioners present)

30155 – Ben Dymond is requesting conditional use approval for a short term rental in Brighton. **Location:** 8171 South Brighton Loop Road. **Parcel Area:** ≈.13 Acre. **Zone:** FR-0.5. **Community Council:** Big Cottonwood Canyon. **Planner:** Tom C. Zumbado

Salt Lake County Planner Tom Zumbado provided an analysis of the staff report.

Commissioner Kanter arrived at 4:36 pm.

Commissioners, counsel and staff had a brief discussion regarding snow storage and parking. Salt Lake County Counsel Zach Shaw said his speculation is consistent with commissioners speculation on why the minimum bedrooms.

PUBLIC PORTION OF MEETING OPENED

Speaker # 1: Applicant

Name: Ben Dymond

Address: 3983 West Misty Drive

Comments: Mr. Dymond said there is a double deep parking and twenty-five feet to remove snow from stalls. The water lines run back and not near the parking. Bedroom plan was to list as an office and bedrooms have a closet. He has a new floor plan.

Commissioner Palmer asked who maintains the common back road off the loop.

Speaker # 2: Land Owner

Name: Mark Levin

Address: 8171 South Brighton Loop Road

Comments: Mr. Levin said Randy Doyle has Brighton Resort maintain the loop. Once in rentals service, either himself or rental management would maintain snow removal, check-ins and check-outs and maid service.

Commissioner Palmer asked if common road is needed to access the property. Mr. Levin said gravel roundabout is being maintained and main parking would be his responsibility. Mr. Levin said he and Don Despain went back there to look at the water line and water valves and his plowing wouldn't have anything to do with it. Mr. Levin said the roundabout is owned by the USFS.

Speaker # 3: Citizen

Name: Ryan Bevan

Address: 14243 South Green Drake Drive, Bluffdale

Comments: Mr. Bevan said he owns the Brighton Retreat to the rear. He doesn't have a concern, but the snow storage is concerning. Snow removal agreement to plow two stalls and he has an easement from the USFS for the loop. Whatever snow is removed should not be placed in car access. Noise concern with facility is loud and concern with renters coming in.

Commissioner Persing motioned to close the public hearing, Commissioner Cohen seconded that motion. Commissioners voted unanimous in favor (of commissioners present)

PUBLIC PORTION OF MEETING CLOSED

Motion: To approve application #30155 as presented with Staff Recommendations.

Motion by: Commissioner Despain

2nd by: Commissioner Johnson

Vote: Commissioners voted unanimous in favor (of commissioners present)

29941 – (Continued from 12/01/2016) - Nima Mahak is requesting conditional use approval for a new ziprider attraction at Snowbird Ski Resort. **Location:** 9385 South Snowbird Center Drive. **Zone:** FR-20. **Planner:** Tom Zumbado

Commissioner Cohen recused himself from this item and asked to be excused, as he is a part-time employee of Snowbird. Commissioner Cohen excused himself at 4:57 pm.

Salt Lake County Planner Tom Zumbado provided an analysis of the staff report and advised of the upward 200 uniform emails received from citizens.

Commissioner Persing asked if top of span one is on forest service land. Mr. Zumbado and Mr. Shaw both advised the applicant can answer that. Commissioner Kanter asked if the tree schedule was submitted.

Mr. Zumbado said they received landscape plan. Commissioner Kanter asked if the director or designee would approve. Mr. Zumbado said he reviews the ordinances, checks and balances himself, his supervisor and Director. Commissioner Palmer asked about staff analysis and what the current FCOZ allows for zip riders. Mr. Zumbado advised a zip rider is listed as summer attractions in FCOZ and this is standard. Mr. Shaw said there are a couple areas of the ordinance that reference Commissioner Palmer's questions. Another thing to keep in mind, Utah law has indicated and rejected an argument "if a use is not outlined in an ordinance, it isn't allowed". Courts rejected that argument. Staff arrived at the conclusion a ride is appropriate in this zone. Commissioner Johnson said when they worked on their outline, they took time to discuss what activities were permitted and came to the conclusion that ziplines were accepted by the forest service and would be included. Mr. Shaw said even though it isn't relevant, but MPDPC did include a zipline in the draft ordinance as acceptable. Commissioner Young asked where the USFS on this issue, do they approve before them or does the USFS follow us. Mr. Shaw said for conditional use approval, the ordinance doesn't require the federal authorities to weigh in first. Mr. Zumbado said he hasn't heard and the applicant can tell them. Commissioner Young referenced page three and said noise level information has been requested and that implies the county has decibels for noise. Mr. Zumbado said that is required by the health department for quiet hours and construction. Commissioner Young said levels should be lower in residential areas and asked if there are any differences in the standards. Commissioner Palmer said regulation is written the decibel at the property line. Commissioner Young asked who would be disturbed by the noise. Mr. Zumbado said probably not people visiting. People in the area enjoying, but people around may be disturbed. Mr. Shaw said the applicant has requested for this location and this body could add a condition it applies with the county noise regulations. Commissioner Johnson asked what kind of machine runs this and if not a motor that moves the wire and the people who would be disturbed, people hiking not in the ski area, but neighbors living nearby. Commissioner Palmer referenced health department, health violation 21.

PUBLIC PORTION OF MEETING OPENED

Speaker # 1: Snowbird

Name: Bob Bonar

Address: Not provided

Comments: Mr. Bonar read from literature he brought with him regarding summer activities.

Commissioner Young asked what requirements the FAA might have on his zipline. Mr. Bonar advised a helicopter operational requirement. Commissioner Palmer asked if this would create crowds and what the capacity limit is. Mr. Bonar said would be limited to how many can go on the tram. Capacity is 350-375 a day. Commissioner Persing asked if span one is on Snowbird or USFS land. Mr. Bonar said he believes Forest Service property is close to the tram station. Mr. Bonar said he will get a GPS out and confirm. Mr. Bonar said labeling is backwards. Commissioner Despain asked how speed control works with the rider. Eric Cylvick with Terra-Nova said it is trolley used, rider controls own speed and is interactive. Designed if the rider lets go, trolley stops. Cable profiled half of the ride, slows down. Commissioner Johnson asked about the noise of the brake. Mr. Cylvick said the noise is just the wheel rolling down the cable, no electronics, and no electricity. Commissioner Palmer asked decibels in noise. Mr. Cylvick said depends how close you are, from 300 feet away, the noise is less than wind and trees and at 30 feet its 72 decibels, tram is 73. Mr. Cylvick said relies on the rider to slow down, except at the bottom there is a stopping mechanism. Commissioner Despain asked if this would be used during the winter. Mr. Bonar said cables will be left up year round. Commissioner Kanter has questions about wildlife, page six of the staff report. Staff makes a statement that will not impact wildlife. Mr. Bonar said for years they have done multiple wildlife impact statements and part of the requirement is look at endangered species and the forest list. They have not found any of the animals or plants from the federal, but found a few on the forest sensitive list and are not any endangered species or animals at any of these

locations. Commissioner Ellis asked about terminals. Mr. Bonar said they include the entire activity and not just the terminals. Commissioner Ellis asked how it could be measured and issues have been covered on the impact of wildlife and visitors. Mr. Bonar said the noise levels and compared with sound decibel meter and compared to common noises, it compares at 300 feet at 58 decibels. Tram at 300 feet is 57 decibels. He helped build the tram, he hasn't had one neighbor complain about the noise of the tram or wildlife biologists. Commissioner Ellis said her concern is the noise of people riding rides. Commissioner Ellis asked if there is information of Mr. Cylvick putting these up all around the world. Mr. Cylvick said his best example would be at Sundance. First ever put in at Sundance was a zip line. Mr. Cylvick said they don't tend to get screaming, they're trained on the ride.

Speaker # 2: Citizen

Name: Peter Mandler

Address: 2561 East 6485 South, Cottonwood Heights

Comments: Mr. Mandler said he thinks it's a great opportunity for people with disabilities to come up and have an amazing activity. Snowbird provides a donation to his program, most students in wheelchairs or have a hard time walking. Skiing is a big activity. Motion is something someone in a wheelchair never get a chance to experience is skiing, bungee jump and zip rider. Creates form of independence. He is in favor, and a lot of kids to take a ziprider, very safe. Very life changing, veterans have an amazing opportunity.

Speaker # 3: Citizen

Name: Nathan Rafferty

Address: 2749 East Parleys

Comments: Mr. Rafferty said he represents Ski Utah. He reiterates snowbirds impact on tourism. Recently surpassed the exports and skiing is over a billion dollars and taxes state wide. Summer resort industry is competitive, not just in this state. They support snowbird.

Speaker # 4: Board member at Snowbird

Name: Colby Rollins

Address: 1050 East 2040 North

Comments: Mr. Rollins said the approach being taken is one in which whether private or public, they wanted to put the zip rider where it may make the most sense and that meant going through to the bodies. They're applying through the forest service. They have worked with Save Our Canyons and other organizations and agree on something that works.

Speaker # 5: Applicant

Name: Nima Mahak

Address: 3212 East Danish Way

Comments: Mr. Mahak said he is in favor as an employee and local resident. His family has a cabin up Big Cottonwood Canyon. They all agree the population is booming, reality is recreating in the mountains. What is more amazing as accessibility to everyone. Big picture for the whole community and is all inclusive to the stakeholders.

Speaker # 6: Citizen

Name: Kirk Robinson

Address: 1021 Downingtown Avenue

Comments: Mr. Robinson said he is not categorically opposed. He hasn't heard anything that operation will not have a negative impact on the area. There are other raptors and likes to know what nests are being used within yards of the line. What studies have been done on the noise on nesting raptors. Isn't concerned with the noise, but concern of the user's noise. Could be addressed if it was done and there

aren't any nesting raptors to be affected. He knows direct species are affected by noise and urge to be cautious of the impacts. Bald eagles and Golden eagles could be affected.

Speaker # 7: Snowbird

Name: Bob Bonar

Address: Not provided

Comments: Mr. Bonar said at the request of the forest service, they did look at the terminals and found that goshawk and bats would not be disturbed. They looked for all threatened species.

Commissioner Ellis asked again if they just looked at terminals.

Speaker # 8: Save Our Canyons

Name: Carl Fisher

Address: 824 South 400 West #B115

Comments: Mr. Fisher handed out Save Our Canyons comments and read from his handout. Mr. Fisher also handed guidelines for raptor protection. Request to deny the proposal and could add potential conditions, including noise and half mile buffer from nests and included an email from the USFS that they have not done an analysis on this project.

Speaker # 9: Citizen

Name: Mark Bayer

Address: PO Box 58915

Comments: Mr. Bayer said he enjoys the canyons and has seen development, unfortunately unrestrained growth for the sake of growth and degradation from the use in the area from its initial condition. Allowing a Disney ride into a canyon. This is in FCOZ and can't cover the universe and he agrees with Save Our Canyons, what's next? Fact is Wasatch front is barging and if lines aren't drawn, then it will all be lost. All the joy and beauty he sees the change and isn't consistent with back country. Disability argument can already sue the tram and other zipline and you can hear the screams and disturbance.

Speaker # 10: Applicant

Name: Nima Mahak

Address: 3212 East Danish Way

Comments: Mr. Mahak said as far as he knows Disneyland doesn't have a zip ride. Places within the Wasatch Mountains have zip rides, and are nature based. The government has included this as an activity in ski resorts and nationally with the ski area recreational activity act. Up on the ridgeline, snowbird has done a great job to align next to existing structures. Zip tour terminal location on the USFS side is in between two areas previously disturbed. Slope waiver for snowbird ski resort is very steep mountain. Needs gravity to work and needs slopes greater than 30%. Ridgeline looking up into American Fork, cables for these are .75 of an inch and is less than normal cables. Not obstructing the ridgeline.

Speaker # 11: League of Woman Voters

Name: Ann O'Connell

Address: 352 South 1000 East

Comments: Ms. O'Connell said they discussed at their board meeting. They are horrified and think it's inappropriate that it has been included in the mountainous zone.

Speaker # 12: Citizen

Name: Kathy English

Address: 3919 Brockbank Drive

Comments: Ms. English asked how long the zip line in Sundance and Park City is. She said the zipline at snowbird is 2.5 miles and is significantly longer. Where are you going to plant 10 trees for every tree cut down.

Mr. Zumbado said that is a revegetation plan completed at technical review.

Mr. Cylvick said the zip line three spans at Sundance and the Canyons is about 2,500 feet and Park City is 2,400 feet. Ms. English asked if they have not consulted the USFS, why did Save Our Canyons, and why did Mr. Bonar say this was planned with USFS guidelines.

Mr. Shaw advised it isn't necessary to communicate with USFS. Mr. Cylvick confirmed the total length of the zip tour is 2.3 miles.

Speaker # 13: Snowbird

Name: Bob Bonar

Address: Not provided

Comments: Mr. Bonar said they have met with the USFS a few times and they are considering this project. They were given a list of things to study, consistent with what they look at on all their projects. The Forest Service added extra concerns of what they wanted them to look at including the goshawks and the pass.

Speaker # 6: Citizen

Name: Kirk Robinson

Address: 1021 Downingtown Avenue

Comments: Mr. Robinson said he wants to know who did these studies, and were they done by a geologist. Mr. Bonar said he will provide that information.

Commissioner Persing asked if continued to the February meeting, would it pose hardship. Mr. Bonar said they would like to get as much preplanning done, and they have a need and can live with that.

PUBLIC PORTION OF MEETING CLOSED

Motion: To continue application #29941 to the February 2nd meeting to allow time to analyze the new information received.

Motion by: Commissioner Palmer

2nd by: Commissioner Hutchings

Vote: Commissioners voted unanimous in favor (of commissioners present)

MEETING ADJOURNED

Time Adjourned – 6:52 p.m.