

**MEETING MINUTE SUMMARY**  
**MOUNTAINOUS PLANNING DISTRICT PLANNING COMMISSION MEETING**  
 Thursday, January 7, 2016 4:00 p.m.

**Meeting minutes approved on February 4, 2016, with amendments**

**Approximate meeting length:** 2 hours 15 minutes

**Number of public in attendance:** 15

**Summary Prepared by:** Wendy Gurr

**Meeting Conducted by:** Chair 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	x	
TOD YOUNG (Chair)	x	x	
LIBBY ELLIS	x	x	
LINDA JOHNSON	x	x	
DON DESPAIN (Alt)	x	x	
ROGER KEHR (Vice-Chair)	x	x	
REID PERSING	x	x	
CATHERINE KANTER	x	x	
JAMES PALMER (Alt)	x	x	

Planning Staff / DA	Public Mtg	Business Mtg
Wendy Gurr	x	x
Max Johnson	x	x
Tom Zumbado	x	x
Curtis Woodward	x	x
Rolen Yoshinaga	x	x
Chris Preston (DA)	x	x
Patrick Reimherr		
Zach Shaw (DA)	x	x
Wilf Sommerkorn	x	x

**BUSINESS MEETING**

**Meeting began at – 4:04 p.m.**

*Salt Lake County Township Zoning Administrator Curtis Woodward opened the business meeting and asked County Counsel Zach Shaw to begin the Business meeting with Election of Chair and Vice-Chair. Commissioner Palmer inquired about alternate one or two. Commissioner Palmer stated he is voting as alternate one and wanted to know if there was a procedure. Mr. Shaw said as far as he knows alternate one and two has not been designated. He asked Commissioner Despain if he has concern not participating in this meeting. Mr. Shaw clarified Commissioner Despain could not vote, but attend the meeting. Commissioner Palmer confirmed he is voting, in the seat as alternate one. Mr. Shaw said with a chair present, he would make the determination of which alternate would sit on the commission at that meeting.*

*Commissioner Johnson asked if the body should introduce themselves and determine who would be interested in being Chairs of the commission.*

Mr. Shaw asked everyone to introduce themselves and determine if they would show interest in being a chair. All commissioners provided their preference.

1) Election of Chair and Vice Chair for 2016.

*Appointment of Chair:*

- Nomination **for:** Tod Young

**Motion by:** Commissioner Kehr

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

*Appointment of Vice-Chair:*

- Nomination **for:** Roger Kehr

**Motion by:** Commissioner Ellis

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

2) Recommendation of Bylaws

*County Counsel Chris Preston asked for a recommendation of approval of the Bylaws to the County Council. Commissioner Kanter said in section 2, section 1 titled Membership, she believes it needs to be clarified and the requirement should read "regular members" not alternate members must reside in the area of Mountainous Planning District. Page 2, section 5, should reference all members and should attend all meetings. Mr. Preston said the intent is to be read with the understanding of three unexcused absences. Commissioner Johnson asked if they're required to come to meetings, they should receive appropriate notification. Mr. Preston said they are strongly encouraged to attend these meetings. Commissioner Ellis said it is about getting sufficient notice. Commissioner Young said in section 7, excused and unexcused absences, it is imperative to contact him when you will be absent from a regularly scheduled meeting. Commissioner Young said section 3, paragraph 2, and is it needed or just informative. Mr. Preston said it is informative and doesn't think its necessary, but make sure all agencies on the list feel welcome to come to attend the meetings. Commissioner Palmer said he learned about appeal authority and asked if county council would be that authority. Mr. Preston said there are not any instances where the County Council would be the Appeal Authority. Commissioner Cohen asked about procedures, page 6, section 2 application public hearing rule ask permission to speak. Commissioner Young advised control and to make the determination who is speaking. Mr. Preston provided clarification, authorization by the chair to make questions. Commissioner Despain asked for clarification of alternate members, alternate one and two and can they alternate different meetings. Commissioner Young said that has to be designated and doesn't know who has the authority to make. Mr. Preston said this can be taken back to the mayor's office for clarification.*

**Motion:** To recommend approval to the County Council with clarifications and recommendations of corrections.

**Motion by:** Commissioner Johnson

**2<sup>nd</sup> by:** Commissioner Kehr

**Vote:** Commissioners voted unanimous in favor.

3) Approval of Policy on Electronic Meetings

*County Counsel Chris Preston provided information with regards to the adoption of the Electronic Meetings Policy.*

**Motion:** To adopt approval of the Policy on Electronic Meetings as presented.

**Motion by:** Commissioner Kanter

**2<sup>nd</sup> by:** Commissioner Cohen

**Vote:** Commissioners voted unanimous in favor.

4) Other Business Items (as needed)

*No other business items to discuss.*

## **PUBLIC HEARINGS**

**Hearings began at – 4:38 p.m.**

### **Administrative**

**29632** – Joan Edginton is requesting approval for a conditional use to remove brush from her property in Lambs Canyon. In addition, Ms. Edginton hopes to grade her land to facilitate temporary recreational use and install a small deck. **Location:** 9554 East 2620 South. **Community Council:** Parleys Canyon. **Zone:** FR-0.5. **Planner:** Tom Zumbado

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

*Commissioner Kehr said on page 3 of 5, request complete building plans, he asked about the retaining wall, because it's higher than 4 feet and how high is it. Mr. Zumbado said the retaining wall is minimal and will not be higher than 4 ½ to five feet. Commissioner Kehr said it doesn't show the platform. Mr. Zumbado said the building materials have not been selected and the biggest feat is to remove the bushes. Commissioner Kehr said it looks like it drops from 55 to 64 feet, a nine foot drop. He asked what the slope is, his calculation is over 30 degrees His calculation is 21 feet vertical and 30 feet horizontal. Mr. Zumbado said when it gets to technical review is when they are met. Commissioner Kanter has a question about page 2, health department conditions, a watershed letter is required, but water is unavailable and the letter was provided to staff. Mr. Zumbado said it is part of the watershed and verifies within Lambs canyon watershed. There is not water connected to the property. Mr. Dibb provided a letter that the use is temporary and will not require water. Commissioner Kanter confirmed both conditions have been met. Commissioner Johnson asked if this is a site for tent camping or measurements for RV parking. Mr. Zumbado said the site will be for tent camping. Commissioner Johnson confirmed there is not a requirement for sewer arrangements. Commissioner Palmer asked if the application is to clear brush. Mr. Zumbado said the application encompasses three phases. 1. Clear brush, 2. Install a small deck and 3. Clearing for the parking area. Commissioner Young asked about the size of the deck.*

## **PUBLIC PORTION OF MEETING OPENED**

**Speaker # 1:** Applicant

**Name:** Joan Edginton

**Address:** 4582 South Balsam Avenue

**Comments:** Ms. Edginton said this property was in her family since 1958 and in 1974 they obtained electricity for the property. She bought the property in 2014. She came to the commission for a permitted use and for water on the property. She was advised to obtain a conditional use permit to remove brush, a few trees and to grade the property. She will count on the excavator for the size of the deck. When you leave Lambs Canyon road, it is private, gated and no access by the public. It is on a cul-de-sac and she hasn't met the two neighbors. She would think work would go quite quickly. She loves the mountains,

nature and wildlife. This property means a lot to her, since it was her fathers. She hopes to have the freedom to remove the brush.

*Commissioner Young asked about removing brush. Ms. Edginton said she would hire an excavator for removing all. Commissioner Ellis asked about removal of trees. Ms. Edginton said there are a few dead trees and if they have to be removed she will replace them. Commissioner Kanter asked if she has concerns with the one parking stall. Ms. Edginton doesn't think there would be a problem, it would be right off the road and it would be adequate, as there is more parking down below.*

**Speaker # 2:** Citizen

**Name:** Suzanne Stensaas

**Address:** 2460 East Lynwood Drive

**Comments:** Ms. Stensaas said she would like clarification of what she heard, that they were going to grade 12,000 square feet.

*Mr. Zumbado said the application is for clearing brush, not grade. Ms. Stensaas asked if it was disturbing the clearing, she hopes to save the character of Lambs canyon. Mr. Zumbado said the clearance is 1,710 square feet. Ms. Stensaas said she is a camper and asked about the gray and black water and she doesn't think it is appropriate that there is a toilet. She is concerned with keeping the nature of Lambs canyon which is precious.*

**Speaker # 3:** Applicant

**Name:** Joan Edginton

**Address:** 4582 South Balsam Avenue

**Comments:** Ms. Edginton said she is depending on the excavator and she doesn't want to keep coming back in to get permits. She said she might take it out five feet each way.

*Mr. Zumbado said the recommendation of 1,710 square feet was proposed. Commissioner Palmer said we aren't talking about grading today and the intent is to work with HOA to get water and sewer. Ms. Edginton said she wants to enjoy the property today. She will have a port-o-potty and haul it out. She will make sure it remains as clean as possible. Commissioner Palmer asked if HOA has a garbage disposal. Ms. Edginton confirmed there is a bathroom near her property.*

**PUBLIC PORTION OF MEETING CLOSED**

*Commissioners and Staff had a brief discussion.*

**Motion:** To approve application #29632 with Staff Recommendations and one additional condition: To regulate quiet time from 10pm to 7am.

**Motion by:** Commissioner Kanter

**2<sup>nd</sup> by:** Commissioner Johnson

**Vote:** Commissioners voted unanimous in favor.

*Salt Lake County Township Services Max asked for completion of the annual disclosure statements by the next meeting.*

**Legislative**

**28983** – Combine and amend Chapters 19.72 and 19.73 of the Salt Lake County Zoning Ordinance – Foothills and Canyons Overlay Zone (FCOZ). **Presenter:** Curtis Woodward

**29717** – Adopt Chapter 19.13 of the Salt Lake County Zoning Ordinance – Mountain Resort Zone

(MRZ). **Presenter:** Curtis Woodward

*Salt Lake County Township Zoning Administrator Curtis Woodward advised this would not be a public meeting today, due to noticing. He provided information on the amendment process.*

*Commissioner Kanter asked when they get new versions of the ordinance, if the footer could reflect the current date. Commissioner Palmer said the comments are flagged with initials and he would like to know who the initials belong to. Commissioner Johnson said she has a problem with the current version and she has many comments to make with these versions. She was informative with what the blue ribbon commission wanted. Commissioner Young said he would like a working group formed. Mr. Woodward suggested a couple of options for this commission to set a date for a work meeting, less formal, noticed meeting. Commissioner Young said the sooner the better. Commissioner Johnson said she is concerned she doesn't agree with some things in the ordinance. Commissioner Young wants to hear from the commissioners comments.*

*Commissioner Young suggested a committee from less than a quorum. The committee will work with staff and determine time and bring it back to a public presentation in February. Commissioner Kehr asked if there is a stipulation that there is a record kept and made public. Commissioner Young said the product will need to come to the committee. Mr. Shaw said nothing prohibiting recording and making it public. Commissioner Palmer said his preference is to schedule a working meeting upstairs in the conference room and all commissioners participate. Commissioner Kehr asked how much time is required to accomplish what they need to do. Commissioner Cohen echoed faith in staff taking in and digesting to be able to react to comments and make decisions. Commissioner Cohen asked what revisions would be reasonable. Commissioner Johnson said she needs some time to think about what the group thinks and they will all need a copy of the blue ribbon commission document. She isn't willing to vote yes unless she can speak her part. Commissioner Kehr said in the package, there was a document from Martin Banks and in reading the statements, Mr. Banks spent several days investigating financial reports and Mr. Banks created this to level the playing field and compete regionally. He doesn't know the information we received is valid and he doesn't know how to respond to things he is looking at. Commissioner Kehr said he's reading a lot of requests and suggestions of what the board is supposed to do. He perceives some of the recommendations are guaranteeing a return on investment to certain people. Commissioner Kehr asked if they have an obligation to guaranty that none of the general plans have a return, why are they doing that. Mr. Shaw said the public notice situation is we haven't noticed a public meeting until February. The problem we are running into right now, they are making comments about public comments. In this meeting, they should not make discussion of public comment. Mr. Shaw said he is hesitant to have a work session before the February meeting. Commissioner Young said he doesn't think they should start working on this. Mr. Shaw said if they don't wasn't to get too far down the road before public has an opportunity to have input. It's best to have public input. Commissioner Ellis asked about best practice and what's been done in the past. Mr. Shaw said this is unique and this is extremely controversial and public is interested in this item. Commissioner Palmer asked where the County is at in publication for public hearing and asked if the document is frozen or if this body can make changes prior to the public hearing. Mr. Shaw said the open meetings act requires us to post notice of proposed changes to the land use ordinance and requires us to post general requirements. The version is certainly the one seen before.*

*Mr. Woodward said the reason they put this together the way they have is to illustrate what they see in the black and white print, which is the original version. Strike outs are not intended to be an updated version, just suggestions and comments. In terms of version, as they receive input, we've been trying to track them*



*in redlines to illustrate to the Planning Commission another set of suggestions between now and the Planning Commission decision. Mr. Woodward said they would get together, sort through and analyze suggestions, with recommendations, since we're not able to have a public hearing today and has been noticed for February and we will not publish this version. Commissioner Palmer confirmed this meeting is to collect comments. Commissioner Cohen said he doesn't see any other option, but to wait for public hearing. Commissioner Johnson asked if they could legally ask to close public hearing after its open. Mr. Shaw confirmed yes and the ability to keep it open, and close it and reopen it. Mr. Shaw said Commissioner Johnson could make comment as a member of the public and blue ribbon commission, she would just need to bring the comments to the Planning Commission meeting and could be submitted to Wendy Gurr in advance of the meeting, where she would submit them to the Planning Commission members. Commissioner Palmer said they are beginning to deliberate and comment prior to the hearing. Mr. Shaw said the safest approach would be a few days before the meeting, prepare written comments, hear the comments and then distribute them and discuss at a work session. Commissioner Kanter said that makes sense that Commissioner Johnson is a commissioner and it makes sense to wait until after public hearing. Commissioner Palmer said they may hear something different from the public and it may change their opinion. Commissioner Kanter would like a framework around the public hearing and an expectation of what they are up for. Commissioner Young asked what the drop dead date is.*

*Salt Lake County Township Services Director Rolen Yoshinaga's recommendation is to focus on doing a really good job of recommending this Ordinance to the council and ignore anyone's deadline. Have a fair, public hearing and stay open minded. When the recommendation is made to move forward with this. A deadline only clouds what they are trying to accomplish and give the public a good, fair hearing.*

*Commissioner Young said he wants to create a steering group, including himself, Commissioner Johnson, Commissioner Kehr, and Commissioner Palmer as members. Commissioner Palmer asked in his role as an alternate, if he can be a quorum for voting. Mr. Shaw confirmed members of a subcommittee shall be commission members. He thinks they should be regular members. Mr. Shaw said it doesn't specifically say regular member and the safe approach would be to interpret it with a regular member. Commissioner Johnson confirmed she will serve on the steering committee.*

*Commissioner O'Meara motion to table any further discussion regarding application #28983 and application #29717 to the February 4th meeting and separate what they want to do internally. Commissioner Palmer seconded. Commissioners voted unanimously in favor.*

*Commissioner Kanter asked if they suggest closing the application and discuss outside the applications.*

*Commissioner Young request a motion to establish a subcommittee. Commissioner O'Meara's motion is to possibly create a steering committee and come up with a schedule to be publicly noticed. Mr. Yoshinaga said discussing a quorum, and if it was staff preference, forms the committee they need to do the job. If they need five members, we'll figure out how to notice it. Mr. Shaw said noticing a public meeting is very easy, it's different than noticing a land use ordinance change and is a very simple process. Ellis said this is an adhoc steering group to do process and goes away after the process. Mr. Shaw said page one outlines membership and appointment of members, and he doesn't see a huge issue and isn't arguable to include alternates. Commissioner Kanter said the commission should be a nine person commission and the rule is that if a regular member position is available, wouldn't an alternate be a regular member in that open spot. Commissioner Cohen asked if the alternate is supposed to take the place of a regular member, if the regular member can't attend, there is no ninth member to take the place, this is the entire commission.*

*Commissioners and Staff had a brief discussion. Commissioner Johnson said to just have the meeting and notice the meeting for the 11<sup>th</sup> at 9am. The following members will form the subcommittee:*

*Commissioner Kehr  
Commissioner Johnson  
Commissioner Palmer  
Commissioner Young*

**MEETING ADJOURNED**

**Time Adjourned – 6:19 p.m.**