

MEETING MINUTE SUMMARY
MOUNTAINOUS PLANNING DISTRICT PLANNING COMMISSION MEETING
Thursday, March 3, 2016 4:00 p.m.

Meeting minutes approved on May 5, 2016 with one amendment

Approximate meeting length: 4 hours 25 minutes

Number of public in attendance: 30

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	x	
TOD YOUNG (Chair)	x	x	
LIBBY ELLIS	x	x	
LINDA JOHNSON	x	x	
DON DESPAIN			x
ROGER KEHR (Vice Chair)	x	x	
REID PERSING	x	x	
CATHERINE KANTER	x	x	
JAMES PALMER	x	x	
CHRISTIE HUTCHINGS	x	x	

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

PUBLIC HEARINGS

Hearings began at – 4:08 p.m.

29748 – (Continued from 02/04/2016) - Amend Chapter 19.78 of the Salt Lake County Zoning Ordinance – Planned Unit Developments (PUD). **Presenter:** Max Johnson

Salt Lake County Counsel Zach Shaw advised the Board should motion to continue this item to the April 7, 2016 meeting.

Motion: to continue file #29748 to the April 7, 2016 meeting.

Motion by: Commissioner O'Meara

2nd by: Commissioner Kehr

Vote: Commissioners voted unanimously in favor

BUSINESS MEETING

Meeting began at – 4:09 p.m.

- 1) Approval of Minutes from the February 4, 2016 meeting.

Motion: to defer approval of minutes from February 4, 2016 meeting to April 7, 2016.

Motion by: Commissioner Young

2nd by: Commissioner Kehr

Vote: Commissioners voted unanimously in favor

- 2) Bylaws Adoption

Commissioner Young confirmed the adoption by the County Council.

- 3) New Email Addresses

Salt Lake County Township Services Planning Supervisor Max Johnson advised they were all issued new email addresses and provided the website for logging on. If they have difficulty logging on, they should contact Wendy Gurr.

- 4) Other Business Items (as needed)

No other business items to discuss.

PUBLIC HEARINGS (Reopened)

Hearings began at – 4:24 p.m.

Legislative

28983 – (Continued from 01/07 and 02/04/2016) - Recommendation on amended Foothills and Canyons Overlay Zone; combining Chapters 19.72 and 19.73 into a revised FCOZ chapter (19.72) of the Salt Lake County Zoning Ordinance. **Presenter:** Curtis Woodward

Salt Lake County Township Services Zoning Administrator Curtis Woodward provided information on making a motion.

Motion: to separate FCOZ and MRZ decisions, but allow the public to speak on both and articulate.

Motion by: Commissioner Ellis

2nd by: Commissioner Kanter

Vote: Commissioners voted unanimously in favor

PUBLIC PORTION OF MEETING OPENED

Speaker # 1: Big Cottonwood Community Council

Name: Barbara Cameron

Address: 11185 Mountain Sun Lane

Comments: Ms. Cameron said there was a tragic fire up silver fork and this is the first FCOZ that is in complete support urging home owners to have defensible space, push back items considering. With tree

replacement and the need to recognize that no one should be able to invade property to plant a tree. A tree bank may be a good idea. Define a significant tree and hope to remain at a six inch tree. Stream setbacks - make all stream and wetland setbacks 50 feet. The sight disturbance setting is inflexible. Most building lots are half an acre or less. Residents are fearful in FCOZ. Need reassurance from the County.

Speaker # 2: Citizen

Name: Howie Garber

Address: 3926 South 2215 East

Comments: Mr. Garber said he is a member of the Utah physicians for Healthy Environment. MRZ – the ski resorts operate on public land. Well accepted environmental standards. Forest service to give closer resorts, closer supervision and Salt Lake County told everyone they didn't want to. When he's standing on a ridgeline he doesn't want to hear noise from the ski resorts. He would like more urbanization of the canyons to have more business.

Speaker # 3: Citizen

Name: John Anderson

Address: 629 Lake Street #3

Comments: Mr. Anderson said he is against Wayne Owens, the largest land owner in Big Cottonwood Canyon trying to call this area wilderness. Four paved highways and freeway up parleys. There is already 100,000 acres of existing wilderness. Turning land into more wilderness, if it becomes wilderness private property owners and taxes will be a huge loss to the county.

Speaker # 4: Citizen

Name: Marie Taylor

Address: 176 South 1100 East

Comments: Ms. Taylor said she believes this is being misguided. In addition to attending commission meetings, she has listened to house bill 348. She hasn't heard a mention of this commission, FCOZ or MRZ. House bill remains in the house and the last day is on March 10th. She implores more time to work through the details. All land trade and TDR's should be removed, conservation is far from being established. She requests tabling for 60 days and more study needs to be made. In her opinion, the Planning Commission is being misled.

Speaker # 5: Citizen

Name: Wayne Crawford

Address: 9503 Hunts End Drive

Comments: Mr. Crawford said he reviewed public information and replacement of trees. Speaking to the watershed issue. Trees can be detrimental on a hot day. If a tree needs to be removed and you replace it, watershed will be depleted. Soil stabilization can be addressed with replanting of shrubs. He applauds efforts to regulate watershed, based historically Salt Lake City abused their authority. Water from FCOZ watershed is comingled with other water. Watershed protection should be uniform. May give pause by extending watershed protection. Water treatment plants have limited capacity, during spring runoff plants can't accommodate all of the water and 50% runs to waste. The moose defecate in the water. Watershed needs to be balanced with watershed. He said he endorses what Barbara Cameron said, with 50 foot setback and echoes Mr. Anderson's comments. He is President of Clark canyon owners association. He has interest in FCOZ for TDR's. Unlimited development, 19 platted subdivisions representing 3,000 structures and 500 potential. He encourages many private individuals affected by decision.

Speaker # 6: Citizen

Name: Norm Henderson

Address: 11270 Silverfork Road

Comments: Mr. Henderson said he recommends they oppose approval of FCOZ at this point. Issues not addressed, such private land owners protected.

Roads - Side access to properties. Narrow roads and lots are along the narrow roads If county standard were applied, could cause major problems and be forced to expand to 25 feet and add curb and gutter or have to improve the entire road. Exception should no longer be granted. Variances and exceptions can no longer apply. Protect property owners. Develop a standard that specifically applies to the mountain communities.

Issues with trespass - City code site access. In current FCOZ, Salt Lake City has extra jurisdiction and buried in watershed ordinance is a trespass. Roads in Big Cottonwood Canyon are not county roads and are private. To trespass on private property you have to have permission. Without clarification to give protection, someone could make the point to go out and get written permission to use the road to get to your property. These issues should be resolved before FCOZ is approved.

Trees and vegetation protection - Particular isn't the development section, it's the ongoing maintenance. Property owners are required to get a permit to cut down trees. He heard about hazards and fire, trees adjacent to summer cabins and would want to take them down. People cut down trees and got in major trouble. Don't want to put property owners in the position.

Speaker # 7: Citizen

Name: Mathew Guss

Address: 14794 Summit Ridge Circle

Comments: Mr. Guss said his grandparents purchased in Mt. Haven. The lot is a remaining undeveloped lot. He doesn't know the difference of the streams and setbacks from the streams. 50 feet would make it challenging to build and 100 feet would make it impossible. He is in favor of protecting the environment and asking for strong consideration to be able to develop and balance disappears.

Speaker # 8: Citizen

Name: Brian Hutchinson

Address: Lives near the Capital

Comments: Mr. Hutchinson said he moved here to go to school in the 1970's. He moved to San Diego in the 80's and moved back here in the 90's to degradation. Most testimony was basically by people feel they are deserving of the transition. They feel they can continue to process, structures can fit after 100 foot setback, is ignoring the predecessors and others to the area. People compelled to build cabins on rivers and destroy natural habitat. Self-serving nature of most comments tonight.

Speaker # 9: Snowbird

Name: Bob Bonar

Address: Not provided

Comments: Mr. Bonar asked the commissioners to consider development on slopes up to 40%. Amusement is viable to economic viability. He said he is supportive of 50 foot setback from streams. He requests within recreation and village zones and within forest service left as submissive uses. Limits of disturbance remain the same.

Speaker # 10: Citizen

Name: Kelly Lether

Address: 11168 East Mountain Sun Lane

Comments: Mr. Lether said he owned property in the canyon for 65 years. Desecration because of mining, and everything happened for a reason. Since involved in the canyon, has seen rights diminish

drastically. Big Cottonwood Canyon is better off today than 50 years ago and property owners that take care of things. He used to deer hunt and snowmobile and roads are drivable still. Time goes on and rights taken away. They paint ski resorts as bad people and there is an economic boom to this state. Back country could have whatever they want. On FCOZ think of property owners. If FCOZ applied to the valley, there would be no problem and he is sick of valley telling them what to do. Restrooms are not available and he hates to have his rights taken away. He mentioned an incidents from a while ago where trees were cut down, a windstorm up there and cabin burnt down, but someone makes a mistake and everyone is up in arms. Be cautious how FCOZ is written. Protect the canyon and require other people to do the same. Ski resorts are not their enemies.

Speaker # 11: Log Haven

Name: Ed Marshall

Address: 6451 East Millcreek Canyon Road

Comments: Mr. Marshall said when everyone was appointed the Mayor had the district approved and appointed fair minded people. It is extremely important to everyone to stay true. Sessions were not fair and balanced.

Purpose clause: most important, not balanced.

Limits of disturbance: further limited by impervious.

Stream setbacks: hasn't heard any valid reasons to have a 100 foot setback. All ordinances submitted have 50 foot setback.

Speaker # 12: Citizen

Name: Tom Diegel

Address: 2256 South 1800 East

Comments: Mr. Diegel said he is with Wasatch Backcountry Alliance – involved with mountain accord. One important aspect is Big Cottonwood Canyon is in better shape now, in part due to framework setup for the canyons. Increase slope percentage and decrease stream setback. He isn't a hydrologist, pretty clear the difference between 50 to 100 feet on a stream is significant. Slopes will slip and landslide, loosening restrictions not in the best interest. Salt Lake City hasn't had success with maximizing. Restrictions on conditions, permissive should be conditional. Community wants the ski resorts to thrive, do so within own footprint, growth for back country outgrows the ski resorts.

Speaker # 13: Citizen

Name: Andrew McLean

Address: 3020 South Lambs

Comments: Mr. McLean said this process has been going for three years.

Speaker # 14: Citizen

Name: Brian Zunate

Address: East Central

Comments: Mr. Zunate said there are seven canyon creeks. He urges to preserve the 100 foot setbacks and strengthen on setbacks. TMDO many of valley segments, pollutants of nutrients can be traced to increased developments. As you lose nutrients, they won't be absorbed and collect in huge concentrations and can create safety hazard. Urge to take in account environmental to deal with degraded water quality and environment.

Commissioner Johnson asked if he's seen any improvements since Big Cottonwood Canyon put in a sewer line. Mr. Zunate said he doesn't have answers. The nutrient pollution comes from fertilizers, impervious surfaces from grass clippings and organic matter just washed into the streams.

Speaker # 15: Save our Canyons

Name: Carl Fisher

Address: 824 South 400 West

Comments: Mr. Fisher said he wants to thank all of the planning commissioners for the thought put into this and he knows it is not an easy task for revising FCOZ. Sitting through work sessions and this for them is part of the reason for valuing this commission with dedication.

Mr. Fisher said he has submitted a mountain of data, but wants to hit on a few critical points. High standard and opportunity for relief. Collectively many enjoy this place, the environment in the areas is what draws the values to the areas and need to protect and not lose that. Implores to keep high level vision. He cautions the body and is on the lookout for ambiguity. Should be specific and not allow general terms.

MRZ – The organization supports the ski areas. What they allow the ski areas to become in the future. Whether to remain forest areas or Disneyland at 10,000 feet. Concerned with permitted and conditional uses and impact on array of visitors and uses of people that go up there. Impact on canyon character. Village and recreational district: where the line is drawn and is very important. Dictates the use to some degree. Many properties were old mining claims. Some parcels may originate in a village district and may climb into a recreational district. How do you take a parcel to rezone? Net developable acreage: not clear to whether slopes go to 40%, can they be used in density calculations? Can they be used in TDR's? Density should not have grossly more units added to the resorts. They support the concept of the MRZ.

FCOZ – The purpose statement they quite love in the existing ordinance and it is in line. Shouldn't erode the purpose statements, should strengthen. Concerned how FCOZ doesn't allow for wildlife and ecological aspects of the watershed. Because of activities, they have lost from this region a number of species. Mr. Fisher read a list of species. What is allowed to go on in the canyon decides if the species come back. Many species have been replaced by non-related species. The species are part of their communities. They rely on data, not practices. He urges to consider science and do right by the treasures.

Speaker # 16: Citizen

Name: Virgil Davis

Address: 983 South 1000 East

Comments: Mr. Davis said he moved here due to the outdoors and spends five days a week in the canyon. He owns property in Big Cottonwood Canyon and after two years of getting the balance. Building in the mountains impacts the valley. Balance of environment, community and property owners. Take in account with the ordinance, specific clause amending makes sense. Flexibility for small lots, where things are placed, aesthetically. Setbacks make a big difference. Streams 50 feet for structure. Vegetation and tree removal and plant trees where they will survive and revegetation plan on a small property. Tweaks are good and ordinance should keep the balance in line.

Motion: To close the public hearing on file #28983.

Motion by: Commissioner Cohen

2nd by: Commissioner Kehr

Vote: Commissioners voted unanimous in favor

Motion: To close the public hearing on file #29717.

Motion by: Commissioner Kanter

2nd by: Commissioner Kehr
Vote: Commissioners voted unanimous in favor

PUBLIC PORTION OF MEETING CLOSED

Commissioners and staff had a brief discussion regarding a formal recommendation.

Motion #1: Salt Lake County should conduct a forest study within one year of adoption of this ordinance with the goal of regulating tree replacement from a more holistic approach that considers the overall forest rather than on one lot at a time; with the possibility that a “fee in lieu” or impact fee system would be possible to be implemented that could replace or supplement the requirement to replace trees on the same property from which they were removed for development.

Motion by: Commissioner Cohen
2nd by: Commissioner Palmer
Vote: Commissioners voted unanimous in favor

Motion #2: The stream setback in subsection 19.72.130.D is to be 100 feet rather than 50 feet, with the same mechanisms for relief available as are found in the current FCOZ.

Motion by: Commissioner Persing
2nd by: Commissioner Palmer
Vote: Commissioner Johnson and Commissioner Cohen voted nay, all other commissioners were in favor. Motion passed.

Motion #3: The purpose section (19.72.010) set forth in the draft is acceptable, but shall be revisited when a new Canyons General Plan is adopted.

Motion by: Commissioner Palmer
2nd by: Commissioner Kanter
Vote: Commissioner Ellis, Commissioner O’Meara and Commissioner Kehr voted nay, all other commissioners were in favor. Motion passed.

Motion #4: Subsection 19.72.040.A shall be amended to read, “Conflicts. Unless specifically exempted or modified by the underlying zone, such as a Mountain Resort Zone, all development shall comply with the standards of this Chapter.”

Motion by: Commissioner Johnson
2nd by: Commissioner Young
Vote: Commissioners voted unanimous in favor

Motion #5: Paragraph 19.72.050.C(4) shall be amended to read, “A cluster development shall preserve the open sky backdrop above any ridgelines and, where possible, significant views of the natural landscape as viewed from adjacent streets and existing trails.”

Motion by: Commissioner Kanter
2nd by: Commissioner Persing
Vote: Commissioner Cohen voted nay, all other commissioners were in favor. Motion passed.

Motion #6: The term “undevelopable” as cited in 19.72.060.D(2)(i) should be included as a defined term in section 19.72.200. Subject to staff review, the recommended definition is: “undevelopable” means strict application of this Title prevents the minimum development necessary to establish a permitted or conditional use in the underlying zone on a property.”

Motion by: Commissioner Kanter
2nd by: Commissioner Johnson
Vote: Commissioners voted unanimous in favor

Motion #7: Subsection 19.72.100.C should remove the exception for properties on the main canyon road to simply state, “Fences in front yards and along roadways may not exceed forty-two (42) inches in height.”

Motion by: Commissioner Ellis

2nd by: Commissioner Hutchings

Vote: Commissioners voted unanimous in favor

Motion #8: The graphics should be reviewed and edited by staff as necessary to ensure there are no inconsistencies with the final adopted ordinance (regarding limits of disturbance, defensible space, stream setbacks, etc.)

Motion by: Commissioner Johnson

2nd by: Commissioner Palmer

Vote: Commissioners voted unanimous in favor

Motion: To recommend approval of the draft FCOZ ordinance to the County Council of file #28983 with the eight recommendations and support continued public input regarding wildlife, wild fire issues, significant trees, and canyon roads with the intent that those issues will be addressed as part of ongoing ordinance modifications.

Motion by: Commissioner Palmer

2nd by: Commissioner Johnson

Vote: Commissioners voted unanimous in favor

29717 – (Continued from 01/07 and 02/04/2016) - Recommendation on the creation of a new Mountain Resort Zone; establishing Chapter 19.13 of the Salt Lake County Zoning Ordinance. **Presenter:** Curtis Woodward

Commissioner Young departed at 6:24 pm.

Commissioners, staff and county counsel had discussion regarding the creation of a Mountain Resort Zone.

By resolution, the Mountainous Planning District Planning Commission supports the concept of a Mountain Resort Zone, and is in support of the structure and overall direction of the draft ordinance in file 29717, noting that a formal recommendation on the ordinance is not being made at this time, but will be forthcoming after the planning commission has had the opportunity to consider the input from all stakeholders and sufficiently address all pertinent issues; with the goal of the planning commission working diligently toward having a formal recommendation to the County Council at their April 7th meeting.

Motion: To continue file #29717 to the April 7th meeting to allow additional input from the stakeholders.

Motion by: Commissioner Persing

2nd by: Commissioner Johnson

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

MEETING ADJOURNED

Time Adjourned – 8:33 p.m.