

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

****Meeting minutes approved September 1, 2016****

Approximate meeting length: 4 hours 29 minutes

Number of public in attendance: 9

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		
BRYAN O'MEARA			x
TOD YOUNG (Chair)	x		
LIBBY ELLIS	x		
LINDA JOHNSON	x		
DON DESPAIN	x		
REID PERSING	x		
CATHERINE KANTER	x		
JAMES PALMER			x
CHRISTIE HUTCHINGS	x		

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

PUBLIC MEETING

Meeting began at – 3:04 p.m.

29717 – Mountain Resort Zone - Discussion and work session regarding issues raised during the previous public hearing and work meeting.

1. Review and discussion of the results of the meeting involving the resorts, Save Our Canyons, and Salt Lake City Department of Public Utilities.

Commissioner Young asked for an explanation of this information just received. Mr. Woodward advised it was just received and the current handout was provided today. Mr. Woodward advised he is not going to make legal decisions and will not be held accountable for withholding public input from the planning commission.

Commissioner Young said he has a page that was in the posting to the public website. Commissioner Cohen said all items in the proposed changes have already been dealt with in a status report and it should be items, because it's already in our potential recommendations.

Commissioner Kanter said she would like to use the next hour to focus on the volume of paper and recommends they start going through the MRZ. Commissioner Young is trying to figure out what is active today and what needs to be discussed. He understands Snowbird comments that were in the packet, it is disjointed and hard to follow. Commissioner Kanter said she will not participate in the public comments not going through. Commissioner Young said he is trying to get through this and figure out where to begin. Commissioner Kanter said they should be discussing them by sections. Commissioner Young asked how everyone would feel about the rest of the decisions and Commissioner Kanter's suggestions. Commissioner Cohen said they were pretty close, they were delayed, because there were comments from meetings. They received an amended packet today from Snowbird, which refer to potential motions listed in the staff report today. Commissioner Kanter said it is possible to start moving forward and start working over issues. A straw poll is only a straw poll and not an official decision. Commissioner Cohen said it is the 18 potential motions. Mr. Woodward advised going back to the July staff report and reminds the commission they arrived prior to any suggestions. Mr. Woodward said Snowbirds attempt to show issues they don't agree upon and there were some points where there was disagreement. He did have a chance to make hand written notes and wanted to know what the differences are. The group met again today and there may be even more things they suggest today. Commissioner Young said they'll go through the staff analysis and apply what was recently received to the staff report.

Commissioner Kanter asked if it makes more sense to bring the public up now and can ask the creators as they get to them. Salt Lake County Counsel Chris Preston said the three groups did meet today and have come up with additional changes. The changes will be appropriate to discuss at the hearing at 4pm, with the suggestions that come in. At this time it isn't scheduled for the public hearing, but a public meeting and they do want them to know that information will be ready to submit. Commissioner Young asked if there could be a cutoff date. Mr. Preston said yes, that would be closing the public hearing. Commissioner Cohen said at the last work session, there was new info and asked to come in and fill up on what the SOC learned. Commissioner Johnson asked what the process is they're following. They are supposed to make recommendations, they have had many meetings and came to decisions, straw polls were unanimous. After their meetings another organization came and suggested certain things and staff rewrote suggestions. They would have to compare the old, the new and stuff received from the meetings and is it their responsibility, based upon the commissions' beliefs or allows and makes a decision on the new organizations recommendations and seed to the new organization, continues making suggestions and the only opinions that matter are the other organizations opinion. Mr. Preston said as the MPDPC, their legal obligation is to make a recommendation to the county council. In the process, you have opportunity to take in public comment. As long as the public hearing is open, the public has the right to make comment and they can accept them, modify or change them. Commissioner Johnson said she understands this isn't a political group, but does the county wish to stop and let this new group make recommendations. Commissioner Kanter said she and Commissioner Johnson have debated this. This is not some organization or company formed. They have the opportunity to speak and she wants to hear them speak. Commissioner Young said they need to determine if this is a replacement of what was previously submitted.

Commissioner Ellis arrived at 3:37 pm.

Commissioner Kanter asked what would be productive. Mr. Woodward said he can go through his staff report, based upon Snowbirds input.

2. Discussion of potential recommendation motion items:

- Previously discussed motion items to potentially change.
- Potential new motion items.

Mr. Woodward provided an analysis of the staff report, suggested recommendations and third party suggestions.

Commissioners and Staff had a brief discussion.

Commissioner Persing and Commissioner Despain arrived at 3:50 pm

Commissioner Johnson moved to open the public hearing, Commissioner Persing seconded that motion. Commissioners were unanimous in favor (of commissioners present)

PUBLIC HEARINGS

Hearings began at – 4:02 p.m.

29729 – Angelo Calacino, representing Salt Lake County Parks & Recreation, requests a site plan amendment for the Mt. Olympus trailhead in order to improve parking and toilet facilities. **Location:** 5425 South Wasatch Blvd. **Acreage:** 3.91. **Zone:** FR-5. **Community Council:** Big Cottonwood Canyon. **Planner:** Tom Zumbado

Salt Lake County Township Services Planner Tom Zumbado provided an analysis of the Staff Report.

PUBLIC PORTION OF MEETING OPENED

Speaker # 1: Applicant

Name: Angelo Calacino

Address: 2001 South State Street

Comments: Mr. Calacino said he is happy and looking forward to this project on its way and working with county staff and out to bid. This project should be completed next year.

Commissioner Cohen referred to of the diagrams. Commissioner Cohen said Mr. Zumbado mentioned the parking lot would be right off the road. Mr. Calacino said the topography is done and will not be at the same level as Wasatch Blvd. It will be more visible and functional by all. Ingress is on the south. Wasatch Blvd. will be the frontal stretch. Bike lanes will be maintained on both sides of the street. They will have to close down the trailhead and build parking lot within three to four months. Commissioner Ellis asked about the north entrance. Mr. Calacino said the entire parking lot will go away. Commissioner Ellis asked if the trailhead is removed, will it will be rebuilt. Mr. Calacino said they will abandon and go to the bench and back around Pete's rock.

Mr. Zumbado said the building agency denied recommendation because lack of ADA stalls and since, they have changed to approval with conditions. Mr. Calacino said they work with local jurisdictions and will have to comply before any building permits will be issued.

Commissioner Johnson said she has a comment by way of public input. She has had a lot of comments and objections to the vault toilets being installed. They are nasty in the winter and adjacent to sewer lines. Mr. Calacino said if they could attach to sewer they would.

Speaker # 2: Save Our Canyons

Name: Carl Fisher

Address: 824 South 400 West

Comments: Mr. Fisher said they think this is a great project. This is a beloved trailhead. They're glad to hear some conversation about maintaining the bike lane and look at reducing the speed limit. Keep the trailhead safe, consider making recommendations to drop speed limits to the north and south.

Commissioner Kanter asked if he would recommend a speed bump. Mr. Fisher said no, just make sure everyone is safe. He is very supportive of the project.

Speaker # 3: Applicant

Name: Angelo Calacino

Address: 2001 South State Street

Comments: Mr. Calacino said they agree it is out of their control. If traffic wants to do something, they hope their project is not delayed. They will convey to traffic.

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

PUBLIC PORTION OF MEETING CLOSED

Commissioners and staff had a brief discussion regarding speed limits.

Motion: To approve application #29729 with three staff recommendations.

Motion by: Commissioner Johnson

2nd by: Commissioner Persing

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

29717 – (Continued from 01/07, 02/04, 03/03, 04/07, 05/05, 06/02, and 07/07/2016) - Recommendation on the creation of a new Mountain Resort Zone; establishing Chapter 19.13 of the Salt Lake County Zoning Ordinance. Presenter: Curtis Woodward

Commissioners and Staff had a brief discussion.

PUBLIC PORTION OF MEETING OPENED

Speaker # 1: Snowbird

Name: Jason Stoel

Address: Not provided

Comments: Mr. Stoel explained the documents received, what they would like to see and strictly their opinion updated August 3rd point of reference. The letter received at the last meeting would like to set that aside. The document with the comments provided a few seconds ago is important. They have been working on this document and it references where they are. They oppose in different areas and the comments are to help see whose opinion is. On the very back of the last page, they only disagree on a couple points.

Commissioner Young said there is a problem, staff analysis, potential motion items and basic document. Need to tell county council what should be approved in the ordinance with certain changes. Commissioner Young said this throws them back instead of forward. Mr. Stoel asked if they would like to

see this format as their proposed motions. Commissioner Young said he is going to give him the document with staff analysis and any changes reflected in those points should be pointed out and what should be in there.

Commissioner Persing said this should be discussed before telling other people to do that for them. Let the final changes get worked out at the county council. Commissioner Johnson said if this goes forward, there should be a closing date and at that point call a public meeting. Commissioner Johnson said she doesn't see any way to get it organized. Commissioner Persing said should give it a try to finish the public hearing.

Speaker # 2: Save Our Canyons

Name: Carl Fisher

Address: 824 South 400 West

Comments: Mr. Fisher said at the last meeting they had handed out a document. Continued refining this document and find an agreement. Handed a document last time and now working off a new document and had many areas they didn't agree and the current one has two and correlates over to the proposed motions.

Mr. Fisher went through his motions, recommendations and changes.

Commissioner Kanter said the ski resorts want it as a use. Mr. Fisher said this use catapults something that should come through as a conditional use. They want to be able to have the discussion. Ski resorts are preset on detrimental effects addressed through imposition as conditions, a condition can be allowed. Mr. Fisher asked if there are no conditions. Commissioner Hutchings said you can state different uses are not allowed. Mr. Preston said you can deny uses. Commissioner Kanter confirmed the uses not allowed would be high and no condition imposed to deny.

Speaker # 3: Snowbird

Name: Bob Bonar

Address: Not provided

Comments: Mr. Bonar said he wants to clarify a few things. The boundary talks about the definition if the boundary included is Forest Service special permit area. There is a big difference between the forest service boundary and their private property. The County has a few little roles to play on federal land and vice versa. Not reach an agreement on unanticipated future uses. Ski resorts have to go through conditional use process and denials. He thinks it makes it unreasonable to go through county council asking for an amendment to their master plan for things that are common. Things they can live with on future uses, with Forest Service guidelines on natural based recreation.

Commissioner Cohen said if the recreation is to define in Subsection "A", add natural resource based from the forest service manual. Mr. Bonar said would be consistent if they wanted to put some use they don't know about right now and use as a template or guideline. Mr. Bonar suggests conditional uses are not easy for the ski resort and requiring to do that is onerous. Commissioner Ellis asked about the boundary issue and adds in the private land issue, the 18 points are not in point number one. Mr. Bonar said they have been consistently saying he doesn't know how to define MRZ as the forest service permit area. Commissioner Kanter said what came in today has new language to it and make a case why that language should be included specifically. Mr. Bonar said at the base area, most gulches and mineral basin are private property, but outside of the boundary of the forest service. Forest service boundary doesn't include any private property. Land skied on is part of the forest service boundary but they don't have control of what they do, the county does on the private land. Commissioner Persing said the intention is to include private lands within the operational ski resorts. Commissioner Johnson said a lot of

ski areas in the western United States, private Citizens have a right to develop on private land, if we don't include definitions, we have no way to get it to be what we envisioned. They don't have control. Deer Valley has houses up to the divide because it's private. Commissioner Persing said to keep it focused on this. Commissioner Young said he agrees.

Commissioners had a brief discussion.

Speaker # 4: Salt Lake City Public Utilities

Name: Carly Castle

Address: 1530 South West Temple

Comments: Ms. Castle said there was a meeting and she was unable to attend that. They have been working for several weeks trying to get a consensus and came to. She drew a boundary map.

Commissioner Kanter asked why it is in the public interest to fix the ski resorts boundaries. Ms. Castle said it's been a problem for 50 years. This is important water shed areas, all areas. The goal for many years to fix the boundaries, is easier to mitigate and anticipate problems, the issue of public land, forest service with permits on and used for public use and access. These are historically USFS land.

Speaker # 5: Save Our Canyons

Name: Carl Fisher

Address: 824 South 400 West

Comments: Mr. Fisher said from Save Our Canyons prospective, they have done polls over again. People don't want the ski areas to expand. If they don't tie the MRZ to the ski area boundaries, they don't support the MRZ being applied to areas north of the highway. Without this provision, and isn't put in, they can't support this ordinance. Conversation is if the ski resorts don't get the MRZ they can't apply.

Commissioner Kanter asked if it is the same issue. Commissioner Persing said he is understanding and the public boundary with the bill, if it can be resolved. Mr. Fisher said it's about north of the boundary and if they allow MRZ to be zoned, there are uses that they can't support. Commissioner Johnson asked if you do land trade, that can't be included. Mr. Woodward said in this document there is a map and a boundary of the use permit and this map differs from the map he sees coming from the mountain accord group. Commissioner Kanter said she has been asking the groups to make their case and she is asking Mr. Woodward now the staffs position and critical issues.

Mr. Woodward said this came up originally and the definition of where a zone boundary falls is left up to the county council. Prefer to leave decision up to county council and that's their job. Planning Commission recommended to the forest service and council went along, staff would administer the ordinance accordingly. He's not really aware of the process that permit boundary gets amended. We prefer rather than create a circumstance in the zoning ordinance. Commissioner Kanter asked Ms. Castle her position. Ms. Castle said she has been told they can't support that unless it conforms to USFS.

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

PUBLIC PORTION OF MEETING CLOSED

Commissioners had a discussion on each motion.

Motion: Amend section 19.13.020(A) to read:

A. The minimum area requirement for a Mountain resort Zone shall be 1,000 contiguous acres located within both the Salt Lake County Mountainous Planning District and a US Forest Service Special Use Permit Ski Area boundary. The resort may be made up of multiple property owners making application under one contiguous and cohesive plan. At least one of the owners must be a Mountain Resort. Lands under contract or agreement with a local, state, or federal agency may satisfy the contiguous land requirement and the minimum area requirement, although land owned by the federal government is not subject to the requirements of this Chapter.

Motion by: Commissioner Persing

2nd by: Commissioner Ellis

Vote: Commissioner Johnson voted nay, all other commissioners voted in favor (of commissioners present). Motion passed.

Motion: Amend section 19.13.030(A) (permitted uses in the MRZ recreation district) to:

- Remove “solar farm,”
- Amend “Mountain resorts, including the following” to exclude “recreational sports field,” “skating rink,” and “skateboard park” from the list.
- Remove “outdoor recreation equipment,” “ski bridge,” and “mountain bike terrain park,” but add them to 19.13.030(B) as conditional uses.
- Amend “parking area or structure with four(4) or fewer spaces,” to read “employee and maintenance parking area with four(4) or fewer spaces.”
- Remove zip line.
- Remove public and quasi-public use structure until it is more precisely defined.
- Add Class B Beer outlet and Class C Beer outlet

Motion by: Commissioner Persing

2nd by: Commissioner Ellis

Vote: Commissioner Johnson abstained, all other commissioners voted in favor (of commissioners present). Motion passed.

Motion: Amend section 19.13.030(B) (conditional uses in the MRZ recreation district) to:

- Amend “Parking area or structure with five (5) or more spaces” to read, “Employee and maintenance parking area or structure with five (5) or more spaces.”
- Amend “Recreational uses not listed in subsection A” to instead read, “Natural resource based recreational facilities having a similar character as other permitted or conditional uses in this section.” Also add the following definition to section 19.13.090: “Natural resource based recreational facility. A facility that encourages outdoor recreation and enjoyment of nature that, to the extent practicable, harmonizes with the natural environment; including uses such as zip lines, mountain bike terrain parks and trails, frisbee golf courses, and ropes courses; but excluding tennis courts, water slides and water parks, swimming pools, golf courses, and amusement parks.”
- Amend “Restaurant, including restaurant liquor license” to instead read, “food and beverage businesses, including alcoholic beverage licenses”

Remove “Forest industry”

Motion by: Commissioner Cohen

2nd by: Commissioner Ellis

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

Motion: Amend 19.13.030(C)(1) to:

- Remove “outdoor recreation equipment,” “zip line,” “alpine slide,” and “mountain coaster” from the list of exemptions, but add an exception as follows: “Natural Resource Based Recreational Facility.”

- Change “may” to “shall, as necessary” in reference to conditions imposed. Make the same change in subsection (C)(2).

Motion by: Commissioner Cohen

2nd by: Commissioner Johnson

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

Motion: Amend to 19.13.030(C)(2) to add:

- f. Discourage unintended trespass onto adjoining land

Motion by: Commissioner Ellis

2nd by: Commissioner Hutchings

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

Motion: Amend section 19.13.040(A) (Permitted uses in the MRZ village district) to:

- Remove “ski bridge,” “recreational sports field,” “skating rink,” “zip line,” and “mountain bike terrain park” from the land use designation “Mountain resorts, including the following:”
- Remove “outdoor recreation equipment”

Motion by: Commissioner Persing

2nd by: Commissioner Ellis

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

Motion: Amend 19.13.040(B) (Conditional uses in the MRZ village district) to:

- Add “mountain bike terrain park,” “outdoor recreation equipment,” “skating rink,” “swimming pools,” and “ski bridge”
- Replace “Recreational uses not listed in subsection A” with, “Natural resource based recreational facilities having a similar character as other permitted or conditional uses in this section.”

Motion by: Commissioner Persing

2nd by: Commissioner Ellis

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

Motion: Amend 19.13.040(F)(1) and (2) to:

- Remove “outdoor recreation equipment,” “zip line,” “alpine slide,” and “mountain coaster” from the list of exemptions, but add an exception as follows: “Natural Resource Based Recreational Facilities.”
- Amend the opening statement in paragraph 2 to change the word “may,” to “shall, as necessary.”

Motion by: Commissioner Cohen

2nd by: Commissioner Hutchings

Vote: Commissioner Johnson voted nay, all other commissioners voted in favor (of commissioners present). Motion passed.

Motion: To accept amendment numbers 9, 10, 12, 13, 14, 15, 16, and 18, and remove number 17 in one motion.

Motion by: Commissioner Persing

2nd by: Commissioner Ellis

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

Motion: Modify 19.13.050(B) and 19.13.060(B) to include notification to the Forest Service as part of the MRZ Area Plan and MRZ Village Development Plan approval processes.

Motion by: Commissioner Persing

2nd by: Commissioner Ellis

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

Motion: Add the following subsection to 19.13.030: “F. Any application for a new or expanded ski run that includes the removal of significant trees shall be accompanied by a forestry study prepared by a certified forester that includes mitigation measures to protect the overall health of the forest in harmony with the purpose and intent of section 19.72.110 of the Foothills and Canyons Overlay Zone. Conditions of approval may be imposed to mitigate the impacts of the removal of significant trees.”

Motion by: Commissioner Persing

2nd by: Commissioner Ellis

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

Motion: Add subsection “G” to 19.13.050 as follows:

G. Plan Amendments

A previously approved MRZ Area Plan may be amended subject to the review procedures in subsection 19.13.050(D) to propose changes to any of the information contained in 19.13.050(C)(1) through (4) above, including changes to the boundaries of the MRZ-village and the MRZ-recreation districts or to add land that has been acquired by the resort through land trade involving properties within Big or Little Cottonwood Canyons.

Motion by: Commissioner Persing

2nd by: Commissioner Ellis

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

Motion: Amend 19.13.060(C) to include the paragraph on parking from the original draft; which will read, “Have the following issues been addressed? 1) The probable number of cars to be operated by those using the proposed development and the nature of the proposed uses; 2) the availability of public transit and other transportation facilities, including those for pedestrian access; 3) the commitment to utilize automobile disincentive techniques in the proposed development; and 4) the potential for joint use of common parking.”

Motion by: Commissioner Persing

2nd by: Commissioner Ellis

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

Motion: Amend 19.13.060(C)(6) to read: “Does the proposed development provide adequate access and circulation? Are traffic congestion mitigation techniques included as part of the Development Plan?”

Motion by: Commissioner Persing

2nd by: Commissioner Ellis

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

Motion: Remove Transfers of Development Rights (primarily found in section 19.13.080) from the ordinance. The feasibility of TDRs as an effective tool for open space preservation in the canyons needs further study through the General Plan process as suggested by the Blue Ribbon Commission before an ordinance should be implemented. The acquisition of in-holdings through purchase or land trades is encouraged.

Motion by: Commissioner Persing

2nd by: Commissioner Ellis

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

Motion: Amend paragraph 19.13.050(E)(4) to read, “Uses, activity, and density that are consistent with protecting the natural setting in which the property is located, based on the current environmental data available to Salt Lake County.”

Motion by: Commissioner Persing

2nd by: Commissioner Ellis

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

Motion: Add subparagraph 19.13.060(C)(2)(e) to read, “In assessing the impacts of the proposed development plan, has consideration been given to the current environmental data available to Salt Lake County?”

Motion by: Commissioner Persing

2nd by: Commissioner Ellis

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

Motion: Amend the definition of “outdoor recreation equipment” in section 19.13.090 as follows:

Outdoor Recreation Equipment: Playground equipment and accessory park related amenities, such as swing sets, slides, jungle gyms, sand boxes, picnic tables, and similar amenities.

Motion by: Commissioner Persing

2nd by: Commissioner Ellis

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

Motion: To recommend approval of file #29717 to the County Council with the recommended amendment motions and request the County Council does not take action until the Mountainous Planning District Planning Commission has an opportunity to review the minutes and written motion.

Motion by: Commissioner Persing

2nd by: Commissioner Ellis

Vote: Commissioner Johnson voted nay, all other commissioners voted in favor (of commissioners present). Motion passed.

BUSINESS MEETING

Meeting began at - p.m.

- 1) Approval of Minutes from the June 2, 2016 meeting.

Motion:

Motion by:

2nd by:

Vote:

- 2) Approval of Minutes from the July 7, 2016 meeting.

Motion:

Motion by:

2nd by:

Vote:

- 3) Election of Vice Chair for 2016
- 4) Other Business Items (as needed)

MEETING ADJOURNED

Time Adjourned – 7:33 p.m.