

Salt Lake County Planning Commission

Public Meeting Agenda

Wednesday, September 16, 2015 8:30 A.M.

Location

SALT LAKE COUNTY GOVERNMENT CENTER
2001 SOUTH STATE STREET, ROOM N1-100
NORTH BUILDING, MAIN FLOOR
(385) 468-6700

UPON REQUEST, WITH 5 WORKING DAYS NOTICE, REASONABLE ACCOMMODATIONS FOR QUALIFIED INDIVIDUALS MAY BE PROVIDED. PLEASE CONTACT WENDY GURR AT 385-468-6707. TTY USERS SHOULD CALL 711.

The Planning Commission Public Meeting is a public forum where the Planning Commission receives comment and recommendations from applicants, the public, applicable agencies and County staff regarding land use applications and other items on the Commission's agenda. In addition, it is where the Planning Commission takes action on these items. Action may be taken which may include: approval, approval with conditions, denial, continuance or recommendation to other bodies as applicable.

PUBLIC MEETING

29629 – Reconsideration of the action taken at the August 12, 2015 meeting regarding Legislative item #29629 (Mountainous Planning District).

29629 – Salt Lake County Planning Commission's consideration of whether to recommend approval of an ordinance designating an area of unincorporated Salt Lake County as the Mountainous Planning District and creating the Mountainous Planning District Planning Commission. **Presenter:** Wilf Sommerkorn

BUSINESS MEETING

- 1) Approval of Minutes from the August 12, 2015 meeting.
- 2) Other Business Items (as needed)

ADJOURN

File # 29629

Salt Lake County Planning Commission Summary and Recommendation

Public Body: Salt Lake County Planning Commission

Meeting Date: September 16, 2015

Request: Recommend Approval of Ordinance Creating Mountainous Planning District

Community Councils: Millcreek, East Millcreek, Canyon Rim, Mt. Olympus, Granite, Big Cottonwood

Planner: Wilf Sommerkorn

Community Council Recommendations: See attachments

Planning Staff Recommendation: Approval

Applicant Name: Mayor Ben McAdams

PROJECT DESCRIPTION

Establish, by ordinance, a Mountainous Planning District comprised of the Wasatch Mountains of unincorporated Salt Lake County generally east of city and township boundaries, excluding the Town of Alta. The ordinance will also establish a Mountainous District Planning Commission which will have the primary responsibility for preparing and recommending plans and land use ordinances for this area, as outlined in state code and county ordinance for planning and land use regulation.

SITE & VICINITY DESCRIPTION (see attached map)

The area of the Wasatch Mountains in unincorporated Salt Lake County, generally east of existing city and township boundaries, excluding the Town of Alta.

NEIGHBORHOOD RESPONSE

Individual property owner and citizen responses are being received, will be presented at the meeting.

COMMUNITY COUNCIL RESPONSE

Discussion has taken place with all affected community councils except Canyon Rim, which has not yet held a meeting in time for them to consider this request. See attachments for responses from Community Councils.

REVIEWING AGENCIES RESPONSE

N/A

STAFF ANALYSIS

Planning for the central Wasatch mountains currently rests with the Salt Lake County Planning Commission and County Council. All decisions related to planning and zoning of this great place are recommended by a planning commission made up of residents from unincorporated areas of Salt Lake County, and reviewed and approved by the elected County Council.

The central Wasatch Mountains are a wonderful and important regional resource. Visitorship to the area from Parley's Canyon on the north to Little Cottonwood on the south is about 5 million a year, more than any of Utah's popular national parks! Home to several world-class ski resorts and alpine scenery, visitors include those from around the nation and even from around the world. This area is an important place for the entire state of Utah.

Planning for the future of this key area is the subject of a broad region-wide coalition of groups and individuals who have a keen interest in the future of the central Wasatch, known as Mountain Accord. As such, it is increasingly becoming viewed as a regional, and even statewide, resource.

With current efforts underway to formalize the roles of the unincorporated areas of the county and move most areas to become either incorporated cities or metro townships, with their own planning roles and functions, the area of unincorporated county to draw on for members of the Salt Lake County Planning Commission dwindles. It is also apparent that the interests concerned about the central Wasatch exist throughout the county's residents, not just those in unincorporated Salt Lake County.

To that end, HB351 was passed in this year's session of the state legislature, which allows for the creation of a mountainous planning district in Salt Lake County to address these concerns and interests. The proposed ordinance just forwarded to you is the county's effort to put this mechanism into effect. This ordinance creates the Mountain Planning District and establishes a Mountain District Planning Commission specifically for this area, composed of 9 members to be appointed by the Salt Lake County Mayor and Council. The intention is for members to be drawn from around the county, including residents who live in cities and have an interest in the future of this key regional jewel.

The Mountain Planning Commission would have authority much as any other planning commission does, for the Mountain Planning District area.

The proposed ordinance would establish the Mountainous Planning Commission with the following provisions:

- Ordinance:
 - o PC to be comprised of 9 members, must be registered voters of Salt Lake County, one of whom resides within the area of the MPD
 - o Other provisions as exist in county ordinance (mode of appointment, terms, etc.)
- Bylaws:
 - o Recommend that membership of the PC be comprised, in addition to the one residing in the MPD, of a person from each of the following: Salt Lake City, Millcreek Township, Holladay City, Cottonwood Heights City, Sandy City, Draper City, and 2 members from the remaining cities or townships.

All existing land use ordinances and zoning of property would remain as is currently, no changes are proposed.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.



MOUNTAINOUS PLANNING DISTRICT

Planning for the central Wasatch mountains currently rests with the Salt Lake County Planning Commission and County Council. All decisions related to planning and zoning of this great place are recommended by a planning commission made up of residents from unincorporated areas of Salt Lake County, and reviewed and approved by the elected County Council.

The central Wasatch Mountains are a wonderful and important regional resource. Visitorship to the area from Parley's Canyon on the north to Little Cottonwood on the south is about 5 million a year, more than any of Utah's popular national parks! Home to several world-class ski resorts and alpine scenery, visitors include those from around the nation and even from around the world. This area is an important place for the entire state of Utah.

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The Mountain Planning Commission would have authority much as any other planning commission does, for the Mountain Planning District area.

Please review the attached ordinance and provide us your comments as soon as possible. Thanks you!



SALT LAKE COUNTY ORDINANCE

Ordinance No. _____

Date _____, 2015

MOUNTAINOUS PLANNING DISTRICT AND PLANNING COMMISSION

AN ORDINANCE ENACTING CHAPTER 2.75A AND CHAPTER 19.07 OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 2001, DESIGNATING A MOUNTAINOUS PLANNING DISTRICT, ESTABLISHING A PLANNING COMMISSION FOR THIS DISTRICT, AND PROVIDING FOR THIS PLANNING COMMISSION'S COMPOSITION, AUTHORITY, RULES AND PROCEDURES, AND MAKING OTHER RELATED CHANGES.

The County legislative body of Salt Lake County ordains as follows:

SECTION I. Chapter 2.75A of the Salt Lake County Code of Ordinances, 2001, is hereby enacted to read as follows:

CHAPTER 2.75A MOUNTAINOUS PLANNING DISTRICT

- 2.75A.010 MOUNTAINOUS PLANNING DISTRICT CREATED**
- 2.75A.010 POWERS EXERCISED BY THE MOUNTAINOUS PLANNING DISTRICT PLANNING COMMISSION**
- 2.75A.030 POWERS AND DUTIES NOT AFFECTED**

- 2.75A.010 MOUNTAINOUS PLANNING DISTRICT CREATED**

Pursuant to the provisions of Section 17-27a-901 of the Utah Code, the county council has created a Mountainous Planning District as stated in Section 19.07.020 of this Code. The

Mountainous Planning District has boundaries as set forth in Section 19.07.010 of this Code, which includes portions of the unincorporated county previously under the jurisdiction of the Salt Lake County Planning Commission or the Millcreek Township Planning Commission.

2.75A.020 POWERS EXERCISED BY THE MOUNTAINOUS PLANNING DISTRICT PLANNING COMMISSION

1. The powers and duties of the Mountainous Planning District Planning Commission members are provided for in Chapter 19.07 of this Code. Those powers and duties shall be exercised within the geographical boundaries of the Mountainous Planning District as provided therein. All matters that were pending and had previously been under the jurisdiction of the Salt Lake County Planning Commission or the Millcreek Township Planning Commission regarding property now within the geographical area of the Mountainous Planning District shall be considered to be under the jurisdiction and subject to all the powers and duties of the Mountainous Planning District as of the effective date of this ordinance.
2. The Salt Lake County Planning Commission and the Millcreek Township Planning Commission shall cease to exercise jurisdiction over all newly filed planning and zoning matters within the Mountainous Planning District area on the day this ordinance becomes effective.

2.75A.030 POWERS AND DUTIES NOT AFFECTED

This chapter does not affect the powers and duties of the Salt Lake County Planning Commission or the Millcreek Township Planning Commission, outlined in Chapter 19.05, Salt Lake County Code of Ordinances, 2001, over all pending and future land use applications regarding any property located in areas remaining within their jurisdictional boundaries and outside of the Mountainous Planning District.

SECTION II. Chapter 19.07 of the Salt Lake County Code of Ordinances, 2001, is hereby enacted to read as follows:

CHAPTER 19.07 MOUNTAINOUS PLANNING DISTRICT

- 19.07.010 MOUNTAINOUS PLANNING DISTRICT AREA DESIGNATED**
- 19.07.020 MOUNTAINOUS PLANNING DISTRICT PLANNING COMMISSION**
- 19.07.030 LAND USE AUTHORITY**

19.07.010 MOUNTAINOUS PLANNING DISTRICT AREA DESIGNATED

A. Mountainous Planning District Map

The area of the Mountainous Planning District is hereby designated according to the Mountainous Planning District Map that is on file with the county clerk, and such map is made by this reference a part of this title as if fully described and detailed herein. The map of the Mountainous Planning District may be examined by the public subject to any reasonable regulations established by the county clerk. All of the area within the Mountainous Planning District Map meets the following criteria:

1. The area is primarily used for recreational purposes, including canyons, foothills, ski resorts, wilderness areas, lakes and reservoirs, campgrounds, or picnic areas;
2. The area is used by residents of Salt Lake County who live inside and outside the limits of a municipality;
3. The total resident population in the Mountainous Planning District Area is equal to or less than 5% of the population of Salt Lake County; and
4. The area was within the unincorporated area of Salt Lake County before May 12, 2015.

B. Boundary Location Rules

Where uncertainty exists as to the boundary of the Mountainous Planning District, the following rules shall apply:

1. Wherever the boundary is indicated as being approximately upon the centerline of a street, alley or block, or along a property line, then, unless otherwise definitely indicated on the map, the centerline of the street, alley or block, or such property line shall be construed to be the boundary of the Mountainous Planning District.
2. Whenever such boundary line of the Mountainous Planning District is indicated as being approximately at the line of any river, irrigation canal, or other waterway or railroad right-of-way, or public park, or other public land, or any section line, then in such cases the center of the stream, canal or waterway, or of the railroad right-of-way, or the boundary line of such public land or such section line shall be deemed to be the boundary of the Mountainous Planning District.
3. Where the application of the above rules does not clarify the Mountainous Planning District boundary location, the land use hearing officer shall interpret the map.

19.07.020 MOUNTAINOUS PLANNING DISTRICT PLANNING COMMISSION

A. Creation.

1. There is hereby created a Mountainous Planning District, consisting of the area described in Section 19.07.010 of this chapter.
2. There is hereby established a Mountainous Planning District Planning Commission (“Planning Commission”).

A. Powers and Duties. The Planning Commission shall have the following powers and duties:

1. Make and recommend to the county council a general plan and amendments to the general plan for the Mountainous Planning District;
2. Prepare and recommend to the county council land use ordinances and a zoning map and amendments thereto for the Mountainous Planning District;

3. Consider and recommend to the county council a subdivision ordinance and amendments thereto for areas within the Mountainous Planning District;
4. Recommend proposed application processes and the appropriate delegation of power to at least one land use authority and at least one appeal authority as provided in Section 17-27a-302 of the Utah Code.
5. Act as the land use authority as provided in Section 19.07.030;
6. Advise the county council on matters that the county council directs;
7. Provide other functions as specified in this chapter or as directed by the county council.

B. Membership, Appointment, Terms, Removal, and Vacancies:

1. The Planning Commission shall be composed of nine (9) members to be appointed by the mayor with the advice and consent of the county council. The mayor, with the advice and consent of the county council may also appoint up to two (2) alternate members of the Planning Commission. Alternate members must meet the qualifications as the other Planning Commission members.
2. All members of the Planning Commission shall serve a term of three (3) years, except that in the case of the first Planning Commission appointed under the provisions of this section, three (3) members shall be appointed for an initial term of one (1) year, three (3) members shall be appointed for an initial term of two (2) years, and the remaining three (3) members shall be appointed to serve a full three-year term. Any alternate members of the Planning Commission shall be appointed to serve a term of four (4) years. In the event a term of a member shall expire without a successor having been appointed, the member shall continue to serve until a successor has been appointed and the term of the successor shall terminate on the

same day as though the successor was appointed in a timely manner. Any vacancy created during the term of a member shall be filled for only the remainder of the unexpired portion of that term. No member shall serve more than two (2) consecutive full terms.

3. The Planning Commission shall elect a chair and vice chair from among its members to sit for one year terms and may, by majority vote, adopt rules regarding its activities, which rules may not be in conflict with the Land Use, Management and Development Act, Utah Code Ann. §17-27a-101 *et. seq.*, or this Ordinance. The chair shall be considered for purposes of establishing a quorum and shall act as a voting member.
4. Unless otherwise provided by law, any vacancy occurring on the Planning Commission by reason of death, resignation, removal or disqualification shall be filled by the mayor with the advice and consent of the county council for the unexpired term of such member. The mayor with advice and consent of the county council may remove for cause a member of the Planning Commission upon the filing of written charges against the member and after a public hearing on the charges conducted by a hearing officer appointed by the mayor if requested by the member.
5. Quorum: No meeting of the Planning Commission shall be official or of any effect except when a quorum of the members are present. Five members of the Planning Commission shall constitute a quorum. All actions shall require the concurring vote of a majority of the members present, unless stricter voting procedures are established by the Planning Commission.

C. Qualifications for Membership:

1. Planning Commission members must be registered voters who reside either in the unincorporated or incorporated areas of Salt Lake County.
 2. At least one Planning Commission member shall reside within the Mountainous Planning District.
 3. Planning Commission members shall represent areas located in the unincorporated and incorporated county. In appointing Planning Commission members, the mayor and county council shall endeavor to provide as much geographically balanced representation as is practicable.
- D. Jurisdiction: The Planning Commission shall have jurisdiction regarding all pending and future planning and zoning matters and proceedings within the Mountain Planning District Area, including areas of the Mountainous Planning District that are also located within a municipality or are unincorporated.
- E. Meetings:
1. The Planning Commission shall establish a regular meeting schedule.
 2. The Planning Commission must comply with Title 52, Chapter 4, Open and Public Meetings Act.

19.02.030 LAND USE AUTHORITY

A. Land Use Authority Designation. Except as otherwise provided herein, the Planning Commission is designated as the land use authority pursuant to state law as provided in this Title and is authorized to act to the same extent as any other planning commission under this Code, including for the following land use applications:

1. Mobile home parks as provided in Title 15, Chapter 24
2. Subdivisions as provided in Title 18, Chapter 08
3. Preliminary plats as provided in Title 18, Chapter 12

4. Planned unit developments as provided in Title 19, Chapter 78
5. Conditional use permits as provided in Title 19, Chapter 84
6. Modifications to designated county historical sites as set forth in Title 19, Chapter 86
7. Nonconforming uses and special exceptions as set forth in Title 19, Chapter 88

SECTION III. This ordinance shall become effective fifteen (15) days after its passage and upon at least one publication of the ordinance or a summary thereof in a newspaper published and having general circulation in Salt Lake County.

APPROVED and ADOPTED this _____ day of _____, 2015.

SALT LAKE COUNTY COUNCIL

By _____
Richard Snelgrove, Chair

ATTEST:

Sherrie Swensen
County Clerk

Approved as to form and legality:

R. Christopher Preston
Deputy District Attorney
Date: _____

Voting:

Council Member Bradley voting	_____
Council Member Bradshaw voting	_____
Council Member Burdick voting	_____
Council Member DeBry voting	_____
Council Member Wilson voting	_____
Council Member Granato voting	_____
Council Member Jensen voting	_____

Council Member Snelgrove voting _____
Council Member Newton voting _____

Vetoed and dated this _____ day of _____, 2015.

By _____
Mayor Ben McAdams or Designee

(Complete As Applicable)

Veto override: Yes__ No__ Date _____

Ordinance published in newspaper: Date _____

Effective date of ordinance: _____

SUMMARY OF

SALT LAKE COUNTY ORDINANCE NO. _____

On the _____ day of _____, 2015, the County Council of Salt Lake County adopted Ordinance No. _____, enacting chapters 2.75A and 19.07 of the Salt Lake County Code of Ordinances, 2001, regarding the creation of the Mountainous Planning District and the Mountainous Planning District Planning Commission and making other related changes.

SALT LAKE COUNTY COUNCIL:

By _____
RICHARD SNELGROVE, Chair

ATTEST:

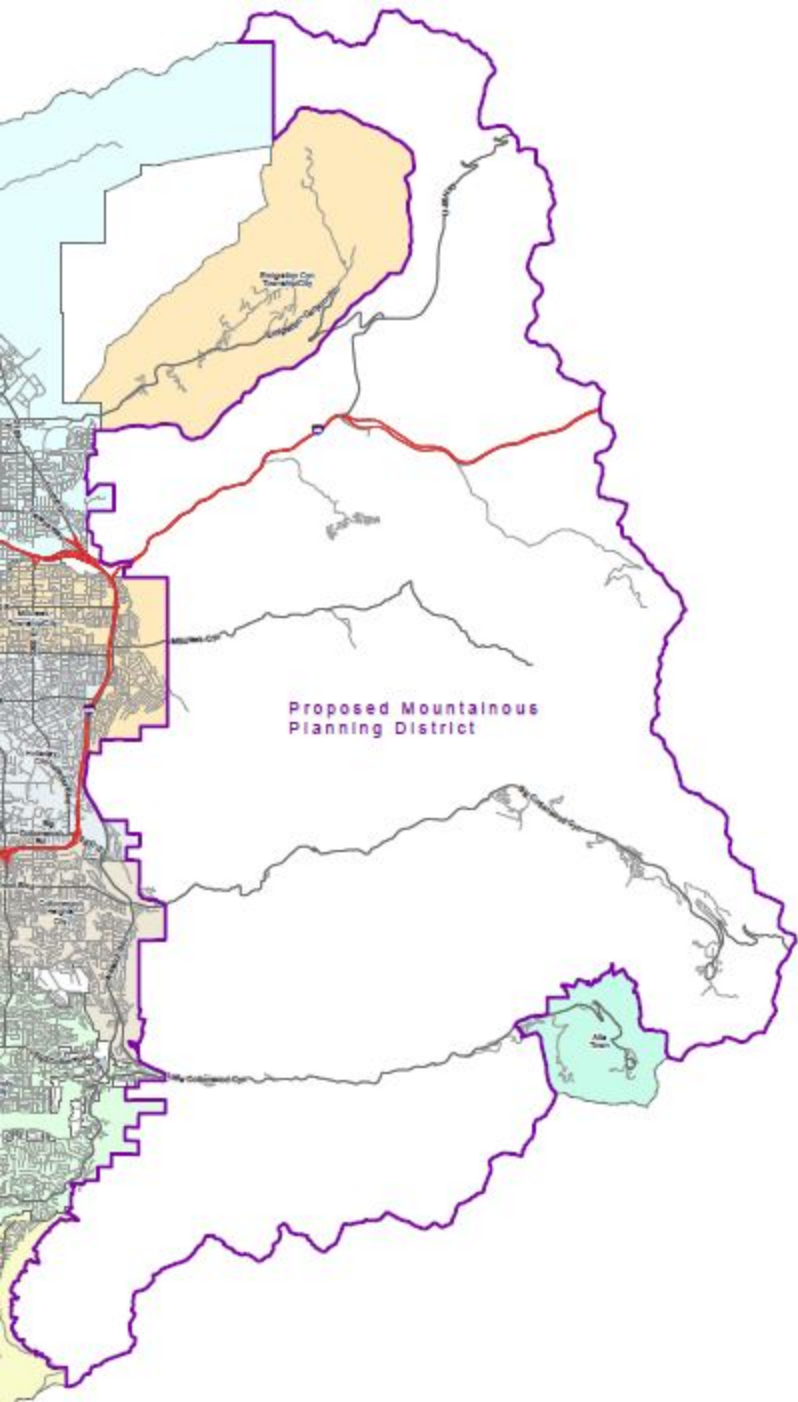
Sherrie Swensen, County Clerk

Approved as to Form:

Voting:

Councilman Bradley	_____
Councilman Bradshaw	_____
Councilman Burdick	_____
Councilman DeBry	_____
Councilman Wilson	_____
Councilman Granato	_____
Councilman Jensen	_____
Councilman Snelgrove	_____
Councilman Newton	_____

A complete copy of Ordinance No. _____ is available in the office of the Salt Lake County Clerk, 2001 South State Street, N2-_____, Salt Lake City, Utah.





Big Cottonwood Canyon

COMMUNITY COUNCIL

11300 E Silver Fork • Brighton, Utah 84121 • Phone: 435-940-9099
 barbaracameron@hotmail.com

Brighton
 Don Despain
 Steve Jorgensen
 Barb Slater

July 27, 2015

Brighton Ski Resort
 Randy Doyle

Cardiff
Laurel Pines
 Bart Reuling

Evergreen
Lady of the Lake
 Kirk Nichols

Forest Glen
 Bill Mackie
 Greg Hatch

Giles Flat
 Bruce Plott

Mill D
 Dorran Sampson

Mt. Haven
 Bryan O'Meara

Mule Hollow
 Brooke Derr

Pine Tree/Bear Trap
 Karin Peterson

Silver Fork
 Tom Loken
 David Eckhoff
 LaNette Phillips
 Barbara Cameron

Solitude Ski Resort
 Gary DeSeelhorst

At Large
 Cyle Buxton
 Carolyn Keigley

Dear Wilf,

Big Cottonwood Community Council would like the following considerations to be included in the Mountainous Planning District:

Each canyon should have an official representative who is a property owner on the Mountainous Planning District. Property owners are aware of the many issues involved, including high visitation, watershed, wildfire, and public safety.

There should be separate canyon planning councils for each canyon for the purpose of helping the Planning Commission implement policies unique to that canyon. The chair of the local council could be a representative on the larger Mountain Planning Commission. Mayor McAdams said this might be a possibility when he met with our Community Council in April.

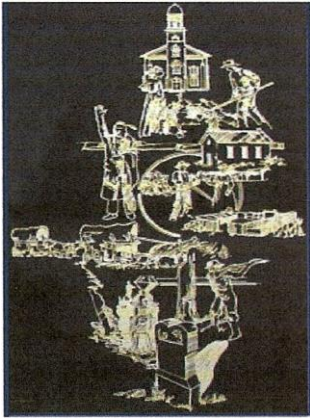
The Planning Commission could recommend a General Plan for the entire Mountainous Planning District, but should include a section for each canyon because there are different issues, despite the many common concerns.

Salt Lake County could take the lead in bringing canyon stakeholders to the table for planning discussions on a *regular basis* (quarterly or semi-annually), including the US Forest Service, UDOT, UPD, UFA, SLC Public Utilities, Trails Utah, ski resorts, residents. The Mountain Accord process has shown how helpful this can be.

Thanks for helping with these concerns,

Barbara Cameron, Chair
 Big Cottonwood Community Council

1.



GRANITE COMMUNITY COUNCIL

Wilf Sommerkorn

Salt Lake County Office of Regional Development
2001 S State
Salt Lake City, Utah 84190

July 10, 2015

Dear Wilf:

Thank you very much for attending the Granite Community Council's (GCC) recent meeting. We appreciated your briefing on the Mountainous Planning District as well as your responsiveness to our questions. I regret that we had some other major issues and people on our agenda, which limited the time we were able to dedicate to your discussion.

The following comments reflect both those noted during our meeting and others that Council members have provided since the meeting.

We recognize that Mayor McAdams' goal in achieving passage of this legislation is to protect our most valuable resource—our canyons. We also recognize the reality of politics and that one sometimes has to include people and organizations in such an effort, in order to get their support for passing the bill, while recognizing that they may not actually share the goal of protecting (vs. developing) the canyons.

Drew Weaver expressed concern about the proposed commission. We want to keep high-rise apartments, other high-density development, and more commercial development out of the Granite/Little Cottonwood Canyon area. He noted that the existing county planning and zoning commission, with input from GCC, has done a good job of stewardship with regard to preserving the quality of the community at the mouth of our canyon. He believes that the proposed commission could take planning power and stewardship away from the people of Granite and other residents of the mountain/canyon areas, and transfer this power to valley people who might not have the same priorities or the same detailed local knowledge. Drew speculated that the proposed commission may really be a back-door way to achieve the goals of Mountain Accord, such as rail up the canyon. People on the mountainous planning commission may have very different priorities from those on the current county planning commission.

Catherine Kanter expressed a desire to see a local representative from the Granite area on the mountainous planning commission.

Terry Wood noted that he has some concerns that the work of the Blue Ribbon Panel that has been reviewing the new Foothill Canyon Overlay Zone (FCOZ) ordinances (Terry is a member of that panel) may get swept under the rug if the new mountainous planning commission takes over this task.

Bill Clayton later noted that some of the residents of Wasatch Resort have expressed the concern that people on the mountainous planning commission who don't live in the canyon/mountain areas may not understand some of the unique issues faced by canyon residents, in much the same way as a canyon resident might not understand some of the issues faced by residents of downtown Salt Lake City, for example. A canyon resident isn't eligible to be on the Salt Lake City planning and zoning commission, but a Salt Lake City resident will be eligible to be on the mountainous planning commission and thereby have authority over whether a Wasatch Resort homeowner can modify a retaining wall in his back yard, for example.

We in Granite love our canyon and want to protect it at least as much as Mayor McAdams does. However, as you can see from the comments above, we are very strongly alarmed that having a single canyon resident on this 9-member commission, who would need to represent all the impacted canyons, would make it extremely difficult to slow down or stop possible

runaway development urges of other members from cities which could benefit from said development, e.g., Sandy and Cottonwood Heights.

Also, the concerns and issues affecting one canyon don't necessarily mirror those in another. I would not want to have a Granite resident representing all the canyons, who doesn't know the problems of Big Cottonwood Canyon. Ideally, each affected canyon should be represented and the number of members from cities should be reduced to balance the power of the cities.

In addition, the Blue Ribbon Panel worked on FCOZ revisions for a quite lengthy time and it would be a disgraceful waste of manpower to possibly toss out the results of their work and have a new commission start from scratch, if that is the County's intent. This doesn't send a great message to all the hundreds of volunteers in the County who labor over documents, attend meetings, and do their best to improve processes in the County.

We will encourage our residents who care about the future of the canyon to attend County meetings where this is discussed further. Again, thank you for spending the time to brief us on this important change.

Sincerely,

Mary J. Young
Chairman, Granite Community Council



July 31, 2015

Via Email and U.S. Mail

Millcreek Township Planning Commission
Salt Lake County Planning & Development Services
2001 S. State Street, #3600
Salt Lake City, Utah 84190-3050

Re: Request for Recommendation Regarding Mountainous Planning District Ordinance

Dear Honorable Planning Commission Members:

The Mount Olympus Community Council was requested to make a recommendation to the Planning Commission regarding the proposed Mountainous Planning District Ordinance. We discussed this matter at our regular meeting on July 21, 2015.

In our discussion, we noted the concerns of the Granite Community Council that appointees to the Mountainous Planning Commission might not fully appreciate the impact their decisions may have for people living in or adjacent to the canyons. Granite expressed concerns that a resident of Granite be appointed to the Mountainous Planning Commission. We in Mount Olympus share this concern and hope that the appointment process will provide for a resident of Millcreek Township to sit on that Commission.

While we understand that the current administration intends to appoint a broad array of representatives and that the Mountainous Planning Commission, as authorized in the statute, will have more commissioners than other planning commissions, we wonder if enabling the ordinance should specifically provide for more representation from residents of the planning district and the areas immediately bordering the canyon areas such as Mount Olympus and/or Granite since we are more impacted by the consequences of activities in the canyon, including traffic and other issues.

Apart from this concern, we believe that the ordinance is relatively vanilla and similar to the ordinances which authorize other planning commissions in unincorporated Salt Lake County and its townships. Thus, we don't have a problem with the ordinance *per se*, apart from the concerns expressed above. Our Council voted to recommend passage of the ordinance, as drafted, however, we believe that consideration should be given to the concerns regarding representation expressed herein.

Millcreek Township Planning Commission
July 31, 2015
Page 2

Very truly yours,

MOUNT OLYMPUS COMMUNITY COUNSEL

A handwritten signature in blue ink, appearing to read "Jeff Silvestrini", with a long horizontal stroke extending to the right.

Jeff Silvestrini
Chair

12 August 2015

With deepest concern for understanding I address the;

Salt Lake County Planning Commission,

May I respectfully and adamantly request a speedy reconsideration of the vote taken today to POSTPONE your decision on the formation of a Mountainous Planning District and Planning Commission.

It was quite clear, in the hearing today that you all were opposed to the proposed Legislation in HB351.

Why would you cause, yourselves and we, the citizens to lose 3-6 months of time to move forward with lobbying the next entity on a bill that sunsets in 11 months?

We and you need that time to further discuss with the Mayor and Council before they take their vote.

Your role is to make a recommendation to the Council. Please do this, weather it is yea or nay and allow us to move forward with the next appropriate entity.

Dean E Christensen



Owner of and property tax payer of a cabin in:

[REDACTED]

-----Original Message-----

From: N. William Clayton [REDACTED]
Sent: Sunday, August 23, 2015 10:41 PM
To: Township Services
Cc: JaNea Raines
Subject: Mountainous Planning District

As a homeowner and resident at Wasatch Resort in Little Cottonwood Canyon, I object to the inclusion of my property in the proposed Mountainous Planning District based on the following points:

- 1) The proposed district creates a situation of unequal representation. At the present time, all members of a given planning commission must reside in the area over which that commission holds jurisdiction. By contrast, only one member of the proposed Mountainous Planning District Planning Commission need reside in the Mountainous Planning District. All other members of the Commission may reside anywhere else in Salt Lake County. Thus, for example, a resident of Salt Lake City may sit on the Mountainous Planning Commission and thereby be empowered to tell me, a canyon resident, what I may or may not do with my private property, while I as a resident in the Mountainous District will remain ineligible to serve on the Salt Lake City Planning Commission.
- 2) Property owners and residents in the mountainous areas tend to possess a much more intimate understanding of the realities of life in their mountain communities than do people who live in the cities of the valley, just as residents of Salt Lake City, for example, have a much more intimate understanding of the realities of urban life than I as a canyon resident have. This sort of on-the-ground experientially-developed expertise is important when making decisions about the use of property.
- 3) The proposed district would sacrifice local control by enabling people who live outside the district to control the use of the private property of people who live in the district.
- 4) Property owners in the mountainous area will be treated as second-class citizens.

Thanks for taking time to consider my views on this matter.

Best regards,

Nelson William Clayton
[REDACTED]
[REDACTED]

From: NoReply@slco.org [<mailto:NoReply@slco.org>]
Sent: Thursday, August 20, 2015 12:29 AM
To: Kathy Hart
Cc: Rolen Yoshinaga
Subject: Mt aire v mountainess council

This is an automated email from the slco.org website. To contact this person, do not reply directly to this email; instead use the contact information provided below.

From:	James Daly
Email:	[REDACTED]
Phone:	No phone number provided by user.
Subject:	Mt aire v mountainess council
Message:	<p>To whom it may concern in regards this proposed mountain awareness council. A letter was supposedly sent to all properties owners in Mt. Aire canyon. It was not. Not only am I an owner, I'm also the chairman of the Parleys Canyon Community Council. Due to alot of us not being informed, I ask that you delay or cancel any vote regarding this issue so I can at least be sure to inform all of the property owners of what changes may happen. Our thoughts should be heard before any vote. Note that our canyon community has literally carved our own roads and cabin lots for over 60 years. We maintain our roads through our own funds and volunteers. We supply our own water with our natural springs, provided our own septic tanks for each of our cabins as well. We have a board that deals with all matters already. We have a fire Council whom is in constant contact with fire officials. We clear our own deadfall, clear any dead brush ourselves. We keep in contact with Chief Hudson and officer Wright of the UPD. There has been ZERO crime or fires. It has always been this way. Mt Aire is a community made and maintained by its property owners. Built by the hands of it's owners. We lawfully and carefully keep to every state code and policy. For</p>

over 60 years it has been a community of generations and generations of people who love and protect the canyon and all of it's natural beauty and resources from any harm whether it be nature or man. We do not allow guns, hunting, open fires. For that reason, Mt Aire stays beautiful, clean, safe and Un spoiled. Why bring instrangers that do not know the area when we have protected it so well? We bring state or county officials in every year so we know that all is done proper. We utilize our own resources except for power. We carefully and lovely protect our environment and local wildlife. Please put this into account and not include us in that proposal. In the very least, give me a month to prepare the owners of the proper info so the good people of our community can speak with you all. You will see the people who love and protect this beautiful place. We deserve the right, reserve the right and I believe we earned the right for us all to be heard on this matter. Once again please give us time to gather one another if you still plan on moving forward.

Sincerely,

James Daly

Chairman Parleys Community Council

██████████

Plz let me know what is going on!

Written Objection to the inclusion of our property in the proposed Mountainous Planning District

Mr. and Mrs. Bruce L. Engelhard

Parcel number: [REDACTED]

Address: [REDACTED]

To Whom It May Concern at the Office of Township Services/Wendy Gurr, and the Salt Lake County Council,

Please file this objection to the Office of Township Services in regard to not including our property in the proposed Mountainous Planning District. There are several reasons why we choose to not be included, please note and consider the issues that are listed below in your future planning proposals:

- First off, we believe that the residents in the proposed areas should be represented in any and all planning commission opportunities. And, specifically we believe we should hold the majority with regard to percentage of representatives sitting on this commission. The fact is, we have lived and owned property for over 20 years in the Cottonwoods. This is our home and our neighborhood. We believe we should have a say in how any planning and zoning issues should be handled in the future.
- Secondly, we believe that this proposal for a new Planning Commission is totally redundant with regard to the planning and zoning that is already in place. Salt Lake County and the FCOZ planning commission are already providing adequate protection to any future building and changes in the canyons and proposed area. That said, there is always room for improvement. Yet, this is not the time and or platform to criticize this existing government entity. It is our opinion that it would be best to fix and work with this existing entity rather than create another layer of government. Please consider opening this opportunity for public input to offer improvements in the existing format.
- In regard to the first reason cited above, we are in total objection to the proposed format of having the numerous towns, cities and townships offered seats on the proposed planning commission. These communities do not have any idea what it takes to not only live in our communities, but most importantly they do not have any idea on what services we are already being offered.
- These services, and or lack of services are another reason we are in objection to this proposed planning commission. Presently, we pay for all our own services: including garbage, police protection and the various items included in our Salt Lake County Property Taxes. Salt Lake County does not pay a cent for snow removal and or any road maintenance in Big Cottonwood Canyon. Our only road that has any services is the main highway: Big Cottonwood Road. And this is a Utah State Roadway with these services being paid for by the State. Plus, we plow our own streets. Salt Lake County and the surrounding communities located near Big Cottonwood appear to be vying for any possible tax revenue from the limited businesses in Big Cottonwood; and this appears to be a major motivation that could be a "conflict of interest" if these surrounding communities are entitled to help make any decisions for planning in Big Cottonwood Canyon. One more thing in regard to this debate about revenue versus services offered: we in Big Cottonwood Canyon have been in direct conflict with County Mayor Ben McAdams. We have been unable to get the Mayor to respond to our requests to offer up the costs the County spends in Big Cottonwood Canyon. We have repeatedly been told that the County spends significant amounts of dollars in Big Cottonwood, and we are in complete disagreement to this statement.
- Finally, this last issue about money-spent plays a huge part in our lack of understanding why we in Big Cottonwood are not allowed to have our own town and or township. This debate continues to rage on, and the above cited discrepancy plays a huge part in our lack of understanding and beliefs that we are and or can be in control of our own governing. We believe that we in Big Cottonwood should be offered more alternatives to creating our own township and or town. Please look closely at this above request and specifically push Mayor Ben McAdams to get us the requested information with regard to making transparent the dollars actually spent by the County Government in Big Cottonwood Canyon.
- And finally, please consider this as a part of our disapproval and reason for not being included in the proposed Mountainous Planning District. The fact is, Mayor Ben McAdams was not even able to get representatives from our district to support this proposal. He had to get a representative from the Ogden area to get this proposal in our State House of Representatives. This alone should indicate that not only is this a questionable idea, but most importantly one that was not thought through and or having clear direction.

To: Office of Township Services

Date: 14-Aug-2015

2001 South State Street,

North Building, Rm: N1-100

RE: Objection to inclusion of property in Mountainous Planning District.

Partial # [REDACTED]

[REDACTED] [REDACTED]

This property is land locked and at present any inclusion in the Mountainous Planning District would have no benefit. I therefore object to the inclusion of my parcel in this district.

Sincerely,

Danny J. Entler

[REDACTED]

[REDACTED]

[REDACTED]

This letter was emailed to all County Council members on 8/19 in response to the SOC article of 8/18.

Dear County Council Members,

We are writing to you on behalf of Log Haven Restaurant, which has been serving local residents in Millcreek Canyon for over fifty years.

The outrageous newsletter article distributed yesterday by Save Our Canyons, which assails the motives and impugns the integrity of the County Planning Commissioners, is an unacceptable form of pressure politics. It smacks of Donald Trump or our dysfunctional U. S. Congress operating right here in Salt Lake County. The article not only suggests that the Planning Commissioners “may have purposely held the ordinance hostage,” but it raises the specter of “powerful lobbying interests” causing the ordinance to “completely collapse” if it is not rushed through without further consideration.

In defense of the Planning Commissioners, they extended their response because they had only received the packet of information a day or two earlier, and they wanted to take the time necessary to understand the implications of the ordinance and the issues about which they were being asked to advise. Their additional desire to know the results of the November 3rd elections before advising you may very well have an impact on their viewpoints. The results of the Community Preservation election may have an impact on your viewpoints as well, especially with respect to Millcreek Township and Millcreek Canyon. In any event, the Commissioners did not take an “activist role in trying to defeat” the District; they acted responsibly and in good faith, and they should not be disparaged or bullied.

SOC's effort to incite its members and to flood your offices and the Planning Commissioners' offices with angry letters reinforces our concern that SOC cannot be trusted to accept a balanced approach to land use issues in the canyons. We are extremely concerned that they and their total-wilderness allies would use a new Mountainous Planning District to adopt a new General Plan and new Zoning Ordinances for the canyons that would not only prevent new businesses from starting but also significantly impact the existing businesses that local residents have used and loved for years.

This power play by SOC reinforces our belief that, if you do ultimately vote to adopt a Mountainous Planning District, each member of the Salt Lake County Council should be able to appoint one of the new Planning Commissioners. This division of power would give many residents more confidence that the final appointments would result in the “balanced” approach that was supposed to be the goal of Mountain Accord. If all of the appointment power is vested in just one person, he or she could fill the new Planning Commission with members who share a common ideology but who are not otherwise subject to objection by the County Council. This has been one of the major downfalls of new regional planning commissions in other states and should be remedied before you vote.

Regional planning bodies, such as the California Coastal Commission and the Tahoe Regional Planning Agency, which were stacked with commissioners sharing a common “save our” ideology, trampled on the rights of private property owners and businesses in their jurisdictions, resulting in many years of contentious litigation. If you allow such an unbalanced approach in Salt Lake County, Mountain Accord could quickly change into Mountain Discord.

Please understand that we love the canyons and want to save them too. In fact, we feel so strongly about this that we actually purchased a fire truck and learned to use it in order to help protect Millcreek Canyon. On the other hand, we hope that you can also understand and take into account why we would

feel threatened, as long-standing business and land owners, by your creation of a potentially anti-business Planning District and a potentially unbalanced Planning Commission.

Thank you for seriously considering our concerns and the proposal that each County Council Member have the ability to appoint a new Planning Commissioner if a Mountainous Planning District is adopted.

Margo Provost and Edward Marshall
on behalf of Log Haven Restaurant

September 10, 2015

Dear County Planning Commissioners:

As most of you know, many residents of the Millcreek area want to retain local control over Millcreek Canyon. Therefore, the Mt. Olympus Community Council, the Millcreek Community Council, and the East Millcreek Community Council have all considered the negative impacts that including Millcreek Canyon within a Mountainous Planning District (an “MPD”) would have at this time upon the ability of a new Millcreek Metro Township to annex Millcreek Canyon in the future.

As a result, all three Community Councils have voted (the first two unanimously) to ask you to recommend that Millcreek Canyon be excluded from the MPD boundaries - at least until after the November 3rd elections are decided and a new Millcreek Metro Township has the chance to decide whether to annex Millcreek Canyon as part of its territory.

The first two sections below summarize considerations made by the Community Councils in making their requests to you; and the third section summarizes the additional reasons why we believe that Millcreek Canyon should be excluded from the proposed MPD permanently.

1. Putting Millcreek Canyon Within the Boundaries of an MPD at This Time Would Harm the Ability of the City of Millcreek or Millcreek Metro Township to Annex Millcreek Canyon in the Future.

At the June 30th County Council meeting, many residents from around the Millcreek area pleaded that Millcreek Canyon, which has been considered part of Millcreek township for so long, be left within the boundaries of the new City or Township. The Mayor told the residents that the City or Township could always choose to annex Millcreek Canyon in the future. A few County Council members confirmed this with the County legal counsel, and then they followed the Mayor's lead in setting the proposed City or Township boundaries. The problem is that there was no discussion of how a subsequent annexation of Millcreek Canyon would be affected by an MPD.

The interaction between the proposed MPD Ordinance and the Community Preservation Act is extremely important because it would have a negative impact upon the future City or Metro Township.

As you know, HB 351 provides that once an area is included in an MPD, the land use authority remains in the MPD even if the area is later annexed to a municipality. (See lines 1053-61 of HB 351 or Utah Code section 17-27a-901, which was amended by HB 351.) Therefore, once Millcreek Canyon is included in an MPD, a new City of Millcreek or Millcreek Metro Township would not be able to regain planning and land use control by a subsequent annexation.

An MPD might also impose additional planning expenses on the new City or Township if it chooses to have its own Planning Commission as well. Moreover, it would create the risk that the City or Township might have to share in potential legal costs and liabilities from possible litigation relating to the ski resorts or Cottonwood Canyons, which would be part of the same MPD. Such litigation can arise either from private interests or from public interest groups, such as the recent lawsuit by the Sierra Club against the Tahoe Regional Planning Agency.

Would it be desirable for a new City or Township to take on the expense of annexing Millcreek Canyon within its boundaries if the land use control over the canyon would remain with the MPD? Would it be a prudent financial action to assume additional operating costs and legal risks? Would annexation make sense any more if Millcreek Canyon were already in the boundaries of the MPD?

The Mt. Olympus Community Council, the Millcreek Community Council, and the East Millcreek Community Council all decided that they do not want to give up control over Millcreek Canyon land use decisions to an MPD and do not want to assume any unnecessary costs or risks.

You can accomplish the Community Councils' requests by recommending that Millcreek Canyon be left as an "island" until the election results are known and the new City or Township has had a chance to decide whether it wants to annex Millcreek Canyon. As an island, it would neither be part of the MPD nor the City or Township, but rather it would remain temporarily under the county's planning jurisdiction. So if the City or Township subsequently annexed this island, it would then acquire the land use and planning control while avoiding the potential MPD costs and risks.

2. The Community Preservation Vote is Supposed to be about Preserving the Rights and Interests of the Local Townships. Taking Millcreek Canyon Away from Millcreek Township Only Five Weeks Before the Election Would Violate the Meaning and Spirit of that Election.

By the time that the County Council can provide the public notice of its meeting, it will likely not be able to consider the proposed MPD ordinance until its September 29th meeting at the earliest. That would be exactly five weeks before the November 3rd Community Preservation elections. Five weeks is a very short time to wait in order to get a better idea of the Millcreek community's desires.

The future annexation of Millcreek Canyon into the City of Millcreek or Millcreek Metro Township is an issue that should be decided by the City or Township voters or by their elected Council members. It should not be decided before the City or Township is even formed. Millcreek Township has already been hurt by annexations of its territory in the past, and it should not be hurt again now by having Millcreek Canyon taken away and annexed into an MPD before it can do anything about it.

3. There Are Many Compelling Reasons to Exclude Millcreek Canyon from the MPD Permanently.

* Millcreek Canyon and the issues relating to it are so different from the Cottonwood Canyons that it should not just be lumped into the same MPD with them. It does not have ski resorts and does not attract tens of thousands of visitors from around the entire world creating traffic and related issues.

* Although some people from the region and other areas use Millcreek Canyon, there is no question that it is used primarily by local Millcreek residents and should be controlled by them.

* The National Forest Service already owns, controls and protects almost all of the land in Millcreek Canyon, and a new MPD would not be effective or necessary to control the National Forest Service.

- * There are only two private parcels in the entire Millcreek Canyon – the Boy Scouts & Log Haven. The Boy Scouts have had campgrounds on their land for about a hundred years. Log Haven has rehabilitated its property and been an excellent steward of the land and the water. A new MPD is not necessary to add restrictions on these two owners beyond the current zoning and FCOZ.
- * There are only two businesses in all of Millcreek Canyon – Millcreek Inn and Log Haven. Since Millcreek Inn is on NFS land, it would not be subject to the MPD.
- * There are only two homes on private land in Millcreek Canyon – one at the Boy Scout camps and one at Log Haven. There are no large residential subdivisions or shopping areas that could occur here.
- * The existing zoning ordinances and FCOZ already impose very strict controls on the land use. Why would a new MPD be necessary if its real goal were not to further restrict economic uses and private property rights, changing difficult requirements into extremely onerous or impossible ones.
- * The owners of Log Haven have devoted their lives and their finances to make it a very special place in the mountains for the local community and want any future land use decisions affecting it be made by local residents who know and use both Millcreek Canyon and Log Haven.
- * Other canyons have already been excluded from the boundaries of the proposed MPD. There is no valid reason why Millcreek Canyon should not be excluded as well.
- * Is an MPD really necessary to “save” or control Millcreek Canyon given the preceding facts?

4. The Boy Scouts Executive Council Has Also Voted Unanimously to Request that Millcreek Canyon Be Excluded from the Boundaries of the MPD, and They Will Be Writing to You Separately.

For all of the reasons stated above, we respectfully request that you advise the Mayor and the County Council to leave Millcreek Canyon out of the boundaries of the MPD either permanently or at least until after the November 3rd elections have been held and a new City of Millcreek or Millcreek Metro Township can make its decision regarding annexing Millcreek Canyon.

Thank you for your consideration and your anticipated support of this request.

Margo Provost & Edward Marshall
for Log Haven Restaurant Group & Flying Cloud Enterprises

August 19, 2015

SALT LAKE COUNTY PLANNING COMMISSION

2001 SOUTH STATE STREET, N3-600

SALT LAKE CITY, UTAH 84190-4050

RE: Proposed Mountainous Planning District

Parcel No. [REDACTED]

Dear Planning Commission,

The majority , roughly 280 acres, of our property was included in the boundaries of Cottonwood Heights City when it incorporated. This fifty acre parcel was not included because of some contamination issues from the gun shooting range operated by the Salt Lake County Sheriff. I felt it was better to have only one political entity involved in whatever remediation would be required.

Currently I am working with Cottonwood Heights City in planning the future use of all property, of which this fifty acre parcel will be included. Right now the property is be operated as a gravel pit. Since the access to this parcel will come though our property in Cottonwood Heights, at some point it will be annexed into the City.

Consequently, we do not want our property to be included within the proposed Mountainous Planning District.

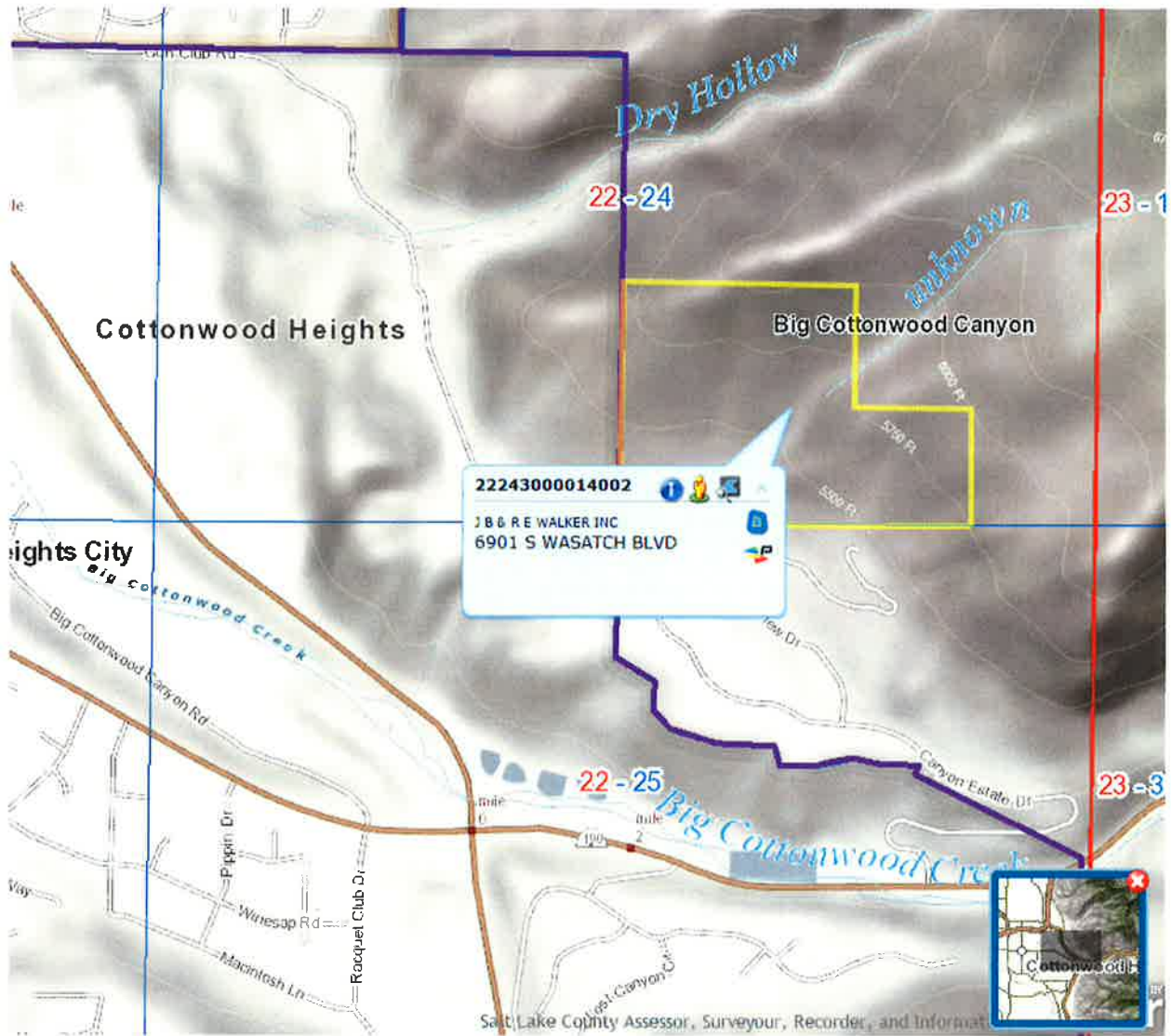
Yours truly,

WALKER DEVELOPMENT LLC



Douglas Shelby

General Member



21 August 2015

Office of Township Services

Attn: Wendy Gurr

2001 S. State Street N3-600

Salt Lake City, UT 84190-4050

As an owner of property in Forest Homes Subdivision in Lambs Canyon please accept this request to exclude my property from being part of the proposed Mountainous Planning District ordinance. The property has been in my family since the 1950s and well established with power and water to the property. I do not think being subject to the proposed Mountainous Planning District is in the best interest for this property owner and the property as well.

Sincerely,



Gordon A. Tibbitts

From: Larry Walker [REDACTED]
Sent: Monday, August 24, 2015 12:19 AM
To: Township Services; JaNea Raines
Subject: objection to inclusion of my property in the Mountainous Planning District

As a homeowner, property owner, and resident at the mouth of Little Cottonwood Canyon, I object to the inclusion of any of my property in the proposed Mountainous Planning District. I met with neighbors and nearby property owners and we share both individualized and collective concerns regarding inclusion, as follows:

- 1) The proposed district creates a situation of unequal representation. At the present time, all members of a given planning commission must reside in the area over which that commission holds jurisdiction. By contrast, only one member of the proposed Mountainous Planning District Planning Commission need reside in the Mountainous Planning District. All other members of the Commission may reside anywhere else in Salt Lake County. Thus, for example, a resident of Salt Lake City may sit on the Mountainous Planning Commission and thereby be empowered to tell me, a canyon and canyon mouth resident and property owner, what I may or may not do with my private property, while I as a resident in the Mountainous District will remain ineligible to serve on the Salt Lake City Planning Commission.
- 2) Property owners and residents in the mountainous areas tend to possess a much more intimate understanding of the realities of life in their mountain communities than do people who live in the cities of the valley, just as residents of Salt Lake City, for example, have a much more intimate understanding of the realities of urban life than I as a canyon and canyon mouth resident and property owner have. This sort of on-the-ground experientially-developed expertise is important when making decisions about the use of property.
- 3) The proposed district would sacrifice local control by enabling people who live outside the district to control the use of the private property of people who live in the district.
- 4) Property owners in the mountainous area will be treated as second-class citizens.
- 5) Some of my property scheduled for inclusion in the Mountainous Planning District, if included, would be split into a different district from adjacent/contiguous property I currently own. This will create further unnecessary complications, cost, and bureaucracy with any activities or processes regarding my property.

Thank you for your time and efforts in considering my position.

Regards,

--

Larry E. Walker

Owner

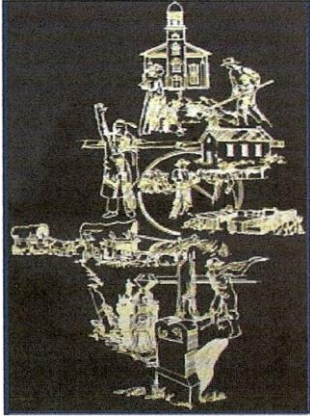
[REDACTED]

[REDACTED]

[REDACTED] **three adjacent parcels with same address; one is unfortunately listed for inclusion consideration)**

[REDACTED] **(As Owner, property under contract)**

Notice: This message (including any attachments) contains confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this message, and are hereby notified that any disclosure, copying, or distribution of this message, or the taking of any action based on it, is strictly prohibited.



GRANITE COMMUNITY COUNCIL

September 5, 2015

Wilf Sommerkorn
Salt Lake County (SLCo) Office of Regional Development
2001 S State
Salt Lake City, Utah 84190

Dear Wilf:

Thank you again for attending our Granite Community Council meeting last week to further discuss the Mountainous Planning District proposal.

After a lengthy discussion among the Council and guests, the Granite Community Council hereby expresses its support of the effort to have the SLCo Planning Commission reconsider its August 12th action and recommend approval of the creation of the proposed Mountainous Planning District (MPD) Planning Commission.

Our Council further expresses its support for the recommendation that the composition of the nine-member MPD Planning Commission include a minimum of three "canyon area residents."

The Council also discussed the concept of the merger of the SLCo Planning Commission and the MPD Planning Commission and, after further discussion, the Granite Community Council also expresses its support for the concept of the merger, to the extent possible, of the SLCo Planning Commission (and its members) and the MPD Planning Commission, which merged and resulting Planning Commission would assume the role and responsibilities of the existing SLCo Planning Commission, the proposed MPD Planning Commission, and the White City Township Planning Commission.

Sincerely,

Mary J. Young
Chairman, Granite Community Council



September 8, 2015

Spencer Hymas
SHymas@slco.org
Salt Lake County Planning Commission
2001 S. State Street, #N3600
Salt Lake City, Utah 84190-3050

Salt Lake County Council
2001 S. State Street, #N2-200
Salt Lake City, Utah 84114-7501

Re: Mountainous Planning District Ordinance

Dear Honorable Commission and Council Members:

The Mount Olympus Community Council was approached by the owners of Log Haven restaurant in Millcreek Canyon to address their concerns about the Mountainous Planning District and the inclusion of Millcreek Canyon in the same. Based upon listening to them and comment from other residents in attendance at our meeting on September 1, 2015, we urged the planning commission to recommend and the Salt Lake County Council to revise the proposed ordinance to require at least one representative on the new Mountainous Planning District Planning Commission to represent Millcreek Canyon. We believe that Millcreek Canyon has qualities which are different from Big and Little Cottonwood Canyons.

As we have expressed before, ideally, Millcreek Township would retain control over Millcreek Canyon. We were unsuccessful in convincing the County Council to retain the canyon as part of Millcreek Township with or without a Mountainous Planning District overlay. However, our sense is still that the planning commission for Millcreek Township is better suited to address the concerns of Millcreek Canyon and particularly its commercial interests than a planning commission composed of persons who are not as informed concerning the impacts and consequences of decisions in Millcreek Canyon.

Very truly yours,

MOUNT OLYMPUS COMMUNITY COUNSEL

A handwritten signature in blue ink, appearing to read "Jeff Silvestrini", is written over the printed name.

Jeff Silvestrini
Chair

MEETING MINUTE SUMMARY
SALT LAKE COUNTY PLANNING COMMISSION MEETING
Wednesday, August 12, 2015 8:30 a.m.

Approximate meeting length: 2 hours 40 minutes

Number of public in attendance: 30

Summary Prepared by: Wendy Gurr

Meeting Conducted by: Commissioner Cohen

***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	
Tod Young	X	X	
Bryan O'Meara	X	X	
Ron Vance	X	X	
Todd Sutton			X
Clare Collard			X

Planning Staff / DA	Public Mtg	Business Mtg
Todd Draper	X	X
Wendy Gurr	X	X
Max Johnson	X	X
Zach Shaw (DA)	X	X
Chris Preston (DA)	X	X
Wilf Sommerkorn	X	X

BUSINESS MEETING

Meeting began at – 8:37 a.m.

- 1) Approval of Minutes from the May 13, 2015 meeting.

Motion: to approve Meeting Minutes from the May 13, 2015 meeting, with the amendment to complete the second paragraph on page 3 of 6 of the discussion on application #29130.

Motion by: Commissioner Vance

2nd by: Commissioner O'Meara

Vote: unanimous in favor (of commissioners present)

- 2) Upcoming Utah APA Fall Conference

County Township Planning Supervisor Max Johnson provided information regarding the conference and mentioned that the County will cover registration expenses for any planning commissioner who wants to attend this conference.

- 3) Other Business Items (as needed)

No other business items to discuss.

PUBLIC HEARINGS

Hearings began at – 8:47 a.m.

29139 – Tom Romney requests preliminary plat approval for the proposed 16 Lot Parley’s Pointe Phase 1 Subdivision. **Location:** 3153 East I-80 Freeway. **Zone:** FR-20 (Forestry and Recreation), Foothills and Canyons Overlay Zone (FCOZ). **Planner:** Todd A. Draper

County Township Services Planner Todd Draper provided an analysis of the Staff Report.

Commissioner’s Young and Cohen discussed details of the preliminary plat with Mr. Draper. Mr. Draper said there are not specific setback requirements in FCOZ and added that the request is for a clustered subdivision. Commissioner Cohen asked if all the reviewing agencies have responded. Mr. Draper said all but one, but he spoke to them verbally and they did not have any objections. The traffic engineer believes revisions are required and there are some special exceptions granted that still apply. Commissioner Cohen asked if this requires approval of the reviewing agencies. Mr. Draper said it took them from 2005 to 2006 to complete the technical review. Commissioner Cohen asked that when the plans come before the Planning Commission are there usually this many unresolved items. Mr. Draper said there can be a fair amount unresolved. Technical standards have changed over the past ten years. Commissioner Cohen asked for neighborhood responses. Mr. Draper said one owner built a house last year and they were concerned that any new construction could damage their property.

PUBLIC PORTION OF MEETING OPENED

Speaker # 1: Applicant

Name: Tony Romney

Address: 2361 Berkley Street

Comments: Mr. Romney said this has been owned by Romney lumber company and Nora Carson. He added that this would be a benefit to Salt Lake County residents and that they have been through extensive reviews in the 1990’s and 2000’s. They understand the technical issues addressed and have worked closely with Salt Lake City and Salt Lake County.

Commissioner Cohen pointed out the applicant has owned this property for quite some time. Mr. Romney confirmed since 1968. They have gone through three different slope studies, and have revised plans to meet standards. Commissioner Cohen asked some clarifying questions regarding the plat to which Mr. Draper responded accordingly.

Speaker # 2: Executive Director Save Our Canyons

Name: Carl Fisher

Address: 824 South 400 West, #B115

Comments: Mr. Fisher said they inquired and emailed Mr. Draper to get information, without a response. He doesn’t know how a favorable recommendation can be made without information. There isn’t any details of this project that have been conveyed, so he has no idea if the organization would support or oppose this application.

Commissioner Cohen asked what the criteria would be. Mr. Fischer said the FCOZ ordinance was put in place for important community, and biological, and ecological reasons. They have had people hiking and taking pictures of bobcats. This application seems rushed. If it returns on the next agenda, people will have time to identify any adverse impacts.

Speaker # 3: Nephew of Applicant and Engineer

Name: Thomas Romney

Address: 2361 Berkley Street

Comments: Mr. Romney said they are not asking to do anything outside of the previously granted property rights. They believe this project will be positive for the community as phase one will have thirteen homes and phase two with four additional homes over a 300 acre site. The preservation of open space outweighs the development while trying to protect their property rights. Salt Lake City is fully on board and believes it would be a great addition. They will close off further development, and have provided preliminary and final drawings.

Commissioner Young appreciates the information obtained. They just received the information in the past few days and would have wanted more time to study. Commissioner Cohen understands it was approved in the past and they could have been done, but the approval expired. Mr. Draper confirmed that it did expire and said that as long as everything meets ordinance they will receive approval. Mr. Draper added that because this application is in FCOZ, the Planning Commission could require the applicant to come back to the Planning Commission for final approval once the technical reviews are done.

Commissioner Young motioned to close the Public Hearing, Commissioner Vance seconded.

PUBLIC PORTION OF MEETING CLOSED

Commissioners and Staff had a brief discussion.

- 1) **Motion:** to grant preliminary approval of application #29139 with Staff Recommendations, with the following additions:

Add the word "shall" to condition #1;

- 2) Include a fifth Condition, which is: Project will be brought back to the Salt Lake County Planning Commission for final plat approval.

Motion by: Commissioner Young

2nd by: Commissioner Vance

Vote: unanimous in favor (of commissioners present)

29629 - Salt Lake County Planning Commission will consider whether to recommend approval of an ordinance designating an area of unincorporated Salt Lake County as the Mountainous Planning District and creating the Mountainous Planning District Planning Commission. **Presenter:** Wilf Sommerkorn

County Regional Planning and Transportation Director of Regional Development Wilf Sommerkorn provided an analysis of the Staff Report.

Commissioner Young asked what the composition of the Planning Commission will be. One member must be a resident of the district, and Mr. Sommerkorn added that the others could come from anywhere. Commissioner Cohen asked if this area is proposed and when does it become final? Mr. Sommerkorn said once it's adopted by the County Council it's official. This would be a change to land use ordinance and this is why it has to be adopted. Commissioner Cohen asked if the statute has a time certain as to when

establishment needs to be done. Mr. Sommerkorn said it has a sunset date, which means it can be repealed in July 2016 unless the legislature makes a change. Commissioner Cohen said depending on the election there may or may not be other Planning Commissions survive. Mr. Sommerkorn said this would go right to the boundaries, but not include the other areas. This proposal would allow for county wide commissioners in incorporated or unincorporated areas. County Counsel Chris Preston said the ordinance is drafted, follows the statute, and states that members of the Planning Commission must be residents of the county, whether incorporated or unincorporated. It doesn't create a requirement that a certain number come from either, just a requirement that commissioners are residents of Salt Lake County. Mr. Preston said that on page 6 and 7 of the ordinance is a list of qualifications of membership. Their qualifications come out of the statute. Commissioner Young said he knows the statute requires a Mountainous Planning District, why not just rewrite the ordinance and take this body to be the Planning Commission. He thinks it's overkill as written and there is not enough business for two large Planning Commissions in Salt Lake County.

The Commissioners had a brief discussion.

PUBLIC PORTION OF MEETING OPENED

Speaker # 1: Granite Community Council

Name: Mary Young

Address: 3260 East Wasatch Pines Lane

Comments: Ms. Young said the community council considered this in July. They have received information on this topic from Mayor McAdams. She would like the county to consider the unincorporated islands. A majority of the community doesn't want anything to do with Sandy City. They had many council members express concern. They want to keep high density and commercial out of Cottonwood Canyon and the Granite Community. She asked what the connection between mountain accord and the Mountainous Planning District was and is concerned that a rail line is going up in canyon. She would like someone in the canyons to be on the commission. The canyons have residents of Wasatch Resort with unique problems that are different from any city, they are alarmed that a single canyon resident would be on the commission and that one person couldn't represent all the needs. Residents of Granite, the County Planning Commission, and the County Council listens to residents. They have done a good job in Granite and the Canyon and she would hate to see that go.

Commissioner Cohen said the current Planning Commission make up could have only had one person representing both canyons. Ms. Young said she would like to see a representative from each of the canyons. She doesn't feel the County Planning Commission has done a great job listening and hasn't had the interest of the city. Sandy city isn't bad, but they act like a city and that's their nature. Commissioner O'Meara said he is a resident of the proposed Mountainous Planning District and sits on the Big Cottonwood Canyon Community Council for Mt. Haven and purposely didn't attend the meeting and sat out of the community council meeting for good reason. He never thought of his subdivision differently being mountainous and is interested in how that might change. Commissioner Cohen said they will have the canyon overlay zone and current zoning, and land use regulation in place. He is under the impression that was going to remain and stay in place as written.

Speaker # 2: Big Cottonwood Canyon Community Council

Name: Barbara Cameron

Address: 11185 Mountain Sun Lane

Comments: Ms. Cameron expressed her concerns with the map and why was it mandated. She didn't know it was coming and why is the Salt Lake County Planning Commission being replaced? They have an ordinance for your recommendation. They hope the recommendation will include at least one member

for each canyon. The Commission could take the lead to get stakeholders together to discuss what happens in the canyons. The County has done that with Mountain Accord. The County supplies Big and Little Cottonwood Canyons with financial accounting. Little and Big Cottonwood Canyon were able to pursue township status recently and was denied. These canyons don't want to be orphans.

Speaker # 3: Big Cottonwood Canyon Community Council

Name: David Eckhoff

Address: 11402 Silver Fork Road

Comments: Mr. Eckhoff said they were elected by their community council to represent them. They were opposed to the legislation which was jammed through, and they weren't involved at all. State Senators had a conversation and they are opposed to this without review. They don't feel this is good legislation or good democracy. The legislation bill and proposed ordinance has some bad features and it excludes Alta. He asked why Emigration Township is excluded. Mr. Eckhoff said that Big Cottonwood Canyon wants to form a township or a municipality, but this would prevent them from having the Authority other municipalities have. He added that the County Planning Commission already represents the canyons and does a great job. He said that three members of the Planning Commissioner represent the Big Cottonwood Canyon Community Council and they are supportive of the Mountain Accord process. Mr. Eckhoff suggests that the Planning Commission postpone action for three months to be just, fair, and reasonable.

Speaker # 4: Director of Mountain Accord

Name: Laynie Jones

Address: 11337 East Silverstone Lane, resident of Big Cottonwood Canyon

Comments: Ms. Jones said they have heard the past two years an out-pouring of passionate people. Comments from all over Salt Lake County that the Canyons are an asset and the intent behind the Mountainous Planning District is for watershed and recreation activities. As a resident, she believes the canyons have unique issues, and representatives should be looking at these issues. She addressed Ms. Young's concerns, adding that the Mountain Accord Executive Board has no jurisdiction, has not taken a position, and has no intent by the executive board to take a position.

Commissioner Cohen asked if Mountain accord has been going on for two years. This bill was passed this year creating the Mountainous Planning District and that area is already under the Salt Lake County Planning Commission and what Ms. Jones just said supports that all areas in the county should have a voice.

Speaker # 5: Executive Director Save Our Canyons

Name: Carl Fisher

Address: 824 South 400 West, #B115

Comments: Mr. Fisher said they support this process and that the Wasatch mountains are unique to this process. The mountains are a huge draw locally, regardless where you live. Individuals need to have not only a voice but need representation for canyon residents and those who value the area. The use is tremendous and a large portion is USFS. There are many interests such as residents, ski resorts, and the list goes on. The Community Preservation Act thinks the Mountainous Planning District will help protect the landscape and should be managed as a landscape. The alternative would be for each canyon to have their own planning commission, as residents from all over come to these areas.

Speaker # 6: Utah Chapter of Sierra Club

Name: Mark Clemens

Address: 1411 South Utah Street, #8

Comments: Mr. Clemens said his primary interest is in conservation and watershed values. The concerns and comments of leaders and members have been courteously received by this Planning Commission in the past. He shares concerns of the community councils, he doesn't want to see increased high density, and the proposal to establish the Mountainous Planning District is the right direction to move to conserve in the Central Wasatch. His fear is that if it's not successful, the legislation would lose the focus of protecting the entire Central Wasatch. Planning should be served by a single planning commission and provide for input from institutions and on balance he would recommend serious consideration of the Mountainous Planning District.

Speaker # 7: Citizen

Name: Edward Marshall

Address: 6451 East Millcreek Canyon Road

Comments: Mr. Marshall said he is speaking on behalf of a group. All members object and want to remain within the jurisdiction of the Millcreek Township Planning Commission. Log Haven has been in Millcreek Canyon and for over 20 years and has been a special place where people can dine in the mountains and hold special events. Last week USA today named Log Haven one of the top 10 romantic places to dine. The people in this area value and treasure this area. He said the restaurant tried to build a new deck and the application became convoluted at the staff level. A new planning commission would threaten Log Haven. The Mayor would have the right to appoint planning commissioners They're in favor of the canyons, but they also think there is a place for a balanced approach, as Millcreek is so different from other canyons and shouldn't be lumped together. The statute provides for an opportunity to become a Planning Commission, and they ask to postpone the decision to give people a chance to comment. They ask the Planning Commission to oppose this move. If the Mountainous Planning District is adopted, they request Millcreek's exclusion.

Commissioner Young asked if they have considered that Millcreek Township could incorporate into a city. Mr. Marshall said the Mountainous Planning District would supersede Municipal Planning Commission's.

Speaker # 8: Citizen

Name: Brandon Whixom

Address: Not provided

Comments: Mr. Whixom said he has interest in six properties up Big Cottonwood Canyon and he is against the Mountainous Planning District. He has a right to own property and do what he want, and he and thinks it should be preserved. He asked who would pay for the Mountainous Planning District? The Salt Lake County Planning Commission should be kept as it currently exists.

Commissioner Young motioned to close the Public Hearing, Commissioner Vance seconded.

PUBLIC PORTION OF MEETING CLOSED

Commissioners had a brief discussion.

Motion: to continue application #29629 to the December 16, 2015 meeting.

Motion by: Commissioner Young

2nd by: Commissioner Vance

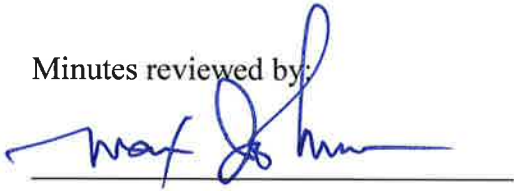
Vote: Commissioner O'Meara abstained, 3 to 1 vote (of commissioners present)

Commissioner Name	For Motion	Abstained Motion
Commissioner Cohen	x	
Commissioner Young	x	
Commissioner O'Meara		x
Commissioner Vance	x	

MEETING ADJOURNED

Time Adjourned – 11:17 a.m.

Minutes reviewed by:



9-11-15