



Planning & Development Services Division

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Salt Lake County Planning Commission

Public Meeting Agenda

Wednesday, August 13, 2014 8:30 A.M.

**THE MEETING WILL BE HELD AT SALT LAKE COUNTY GOVERNMENT CENTER
2001 SOUTH STATE STREET, NORTH BUILDING, MAIN FLOOR, COUNCIL CHAMBERS,
ROOM N1100**

ANY QUESTIONS, CALL (385) 468-6700

*REASONABLE ACCOMMODATIONS FOR QUALIFIED INDIVIDUALS MAY BE PROVIDED
UPON RECEIPT OF A REQUEST WITH 5 WORKING DAYS NOTICE. 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 by the Planning Commission on any item listed on the agenda which may include: approval, approval with conditions, denial, continuance or recommendation to other bodies as applicable.

BUSINESS MEETING

- 1) Planning Commission Training Part II by District Attorney's Office.
- 2) Approval of Minutes from the May 14, June 11, and June 30, 2014 meeting
- 3) Other Business Items (as needed)

ADJOURN



MEETING MINUTE SUMMARY

Salt Lake County Planning Commission Meeting

Wednesday, May 14, 2014 8:30 a.m.

Approximate meeting length: 5 hours 55 minutes
Number of public in attendance: 17
Summary Prepared by: Wendy Gurr
Meeting Conducted by: Commissioner Young (**Chair**)

**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 and Staff:

Commissioners	Public Mtg	Business Mtg	Absent	Planning Staff / DA	Public Mtg	Business Mtg
Tod Young – Chair	x	x		Todd Draper	x	x
Neil A. Cohen	x	x		Wendy Gurr	x	x
Jeff Creveling	x	x		Max Johnson	x	
Ronald Vance – Vice Chair	x	x		Zach Shaw (DA)	x	x
Clare Collard	x	x		Adam Miller (DA)	x	
Todd Sutton	x	x		Tom Christensen (DA)	x	
Bryan O’Meara	x	x				

BUSINESS MEETING

Meeting began at – 8:32 a.m.

- 1) Approval of Minutes from the April 16, 2014 meeting
Motion: to approve the Minutes from the April 16, 2014 meeting, with the correction of a letter inadvertently in bold font.
Motion by: Commissioner Creveling
2nd by: Commissioner O’Meara
Vote: unanimous in favor

- 2) Other Business Items (as needed)

Todd Draper of Staff updated the Planning Commissioners with information in regards to the Western Planner Conference. He confirmed Friday of the conference week will be devoted to citizen planner and commissioner training, with sessions potentially also on Thursday afternoon. The conference will be held Sept 30-Oct 2.

Todd Draper of Staff reminded all Planning Commissioners to speak clearly into the microphone. When the microphone light is off, the microphone is on.

PUBLIC HEARINGS

Hearings began at – 8:49 a.m.

28884 – Scott Geertsen for Elite Capital Properties, LLC – Requesting approval for a Conditional Use Permit for the construction of a Two-Family Dwelling. **Location:** 945 East 9400 South. **Zone:** A-1 (Agricultural, 10,000 sq. ft. min. lot size). **Community Council:** White City. **Planner:** Todd A. Draper

Todd Draper of Staff provided details from the Staff Report.

Commissioners and Staff had a brief discussion. Commissioner Young asked if it has been decided if there is an access easement, Todd Draper of Staff confirmed there is not an access easement. Commissioner Vance stated he has information there is an irrigation easement. Commissioner Vance asked Todd Draper if he was aware of the second irrigation box on this property. Todd Draper of Staff indicated that easements and irrigation lines will be part of the subdivision review. Commissioner Cohen asked if this is the only twin home in the area. Todd Draper of Staff stated there are two to the West that he has previously worked on, but that the majority are single family homes. Commissioner Cohen asked what BMP stood for. Todd Draper of Staff indicated that it stands for Best Management Practice. Commissioner Creveling asked about planning review of setbacks for bay windows. Todd Draper of Staff stated that bay windows must meet side yard setbacks unless they are 18" off the floor.

PUBLIC PORTION OF MEETING OPENED

Speaker # 1: Applicant

Name: Scott Geertsen

Address: 3590 Plymouth Rock Cove, Lehi

Comments: He confirmed the approach is onto 9400 South. He plans to put a turn-around on both sides of the drive, so residents are able to turn around. He stated there is a subdivision called Shadow Oaks nearby that consists of all twin home residential dwelling units. This would be a great improvement for this property. He is aware of necessary easements for the irrigation boxes to the West of the property.

Commissioner Cohen motioned to close, Commissioner Vance seconded the motion.

PUBLIC PORTION OF MEETING CLOSED

Commissioners and Todd Draper of Staff had a brief discussion.

Motion: to approve application #28884, subject to Staff recommendations.

Motion by: Commissioner Creveling

2nd by: Commissioner Collard

Vote: unanimous in favor

28885 – Scott Geertsen for Elite Capital Properties, LLC – Requesting preliminary approval of the Preliminary Plat for the 2-lot Elite Capital Properties Subdivision. The purpose of the subdivision is to accommodate the division of a Two-Family Dwelling. **Location:** 945 East 9400 South. **Zone:** A-1 (Agricultural, 10,000 sq. ft. min. lot size). **Planner:** Todd A. Draper

Todd Draper of Staff provided details from the Staff Report.

Commissioners and Todd Draper of Staff had a brief discussion.

PUBLIC PORTION OF MEETING OPENED

Speaker # 1: Applicant

Name: Scott Geertsen

Address: 3590 Plymouth Rock Cove, Lehi

Comments: He confirmed the irrigation line is mislabeled as SD on the plat.

Commissioner Cohen motioned to close, Commissioner Vance seconded the motion.

PUBLIC PORTION OF MEETING CLOSED

Motion: to approve application #28885, subject to Staff recommendations.

Motion by: Commissioner Sutton

2nd by: Commissioner Vance

Vote: unanimous in favor

Commissioner Young asked to reorder the Agenda to hear Application 28887 after Application 28881. Commissioner Vance motioned to reorder, Commissioner Creveling seconded the motion.

28881 – Scott Carlson for AES Investments LLC and MRL Real Estate Development LTD – Requesting Preliminary approval of the Preliminary Plat for the 3-lot Sierra Estates Subdivision. **Location:** 3677 East Little Cottonwood Road. **Zone:** R-1-10 z/c (Residential, 10,000 sq. ft. min. lot size). **Planner:** Todd A. Draper

Todd Draper of Staff provided details from the Staff Report.

Commissioners and Todd Draper of Staff had a brief discussion.

PUBLIC PORTION OF MEETING OPENED

Speaker # 1: Applicant

Name: Scott Carlson

Address: 2264 North 1550 East, Lehi

Comments: This property has an extensive history of use and misuse for quite a while. Property has gone through a variety of ownerships. Intent is in line with what the general neighborhood had hoped for. The walls were constructed years ago and drainage has occurred for many years and access has occurred as they exist. They have reached an understanding with UDOT and have a tentative agreement and are filing applications for formal access. He described access points. The zoning allows for a 10,000 square foot Lot. The parcels are significantly greater than that and not quite finished up with UDOT to finish the approval process. The smallest lot would be 13,000 – 15,000 square feet. They have a garage on the property to the East and it appears to be on the property line. Lot 1 has a shed and given the amenity, would like to leave it on the lot. They discussed the soil contamination potential from the old mining days, he has a report and intends to comply with the requirements of the report. The public utility easements will be requested for removal and replacement. All of this will be shown on the final plat. Details remain to be worked out. This will be a great subdivision.

Commissioner Young asked Mr. Carlson to identify the edge of pavement. Mr. Carlson pointed out the edge as a dotted line as well as the edge on the South side of the road.

Speaker # 2: Citizen

Name: Robert Grow

Address: 9267 Little Cottonwood Place

Comments: His son-in-law Karl owns the Smart property. 24 pits were dug on all the properties and identified 4 places that need remediation to the West of the property. It has been accepted for a clean-up plan, by DEQ and the federal government. The subdivision plats came from a different point of the beginning. The property plats shifted to the East. The wall was put on the property line before the property lines were shifted 5 feet. They will obtain building permits and would like to not knock down the accessory building.

Commissioners and Todd Draper of Staff had a brief discussion.

Commissioner Sutton motioned to close, Commissioner Cohen seconded the motion.

PUBLIC PORTION OF MEETING CLOSED

Commissioners had a brief discussion.

Todd Draper of Staff confirmed their motion would be to grant Preliminary approval of the preliminary plat. Commissioners acknowledged this.

Motion: to grant preliminary approval of application #28881, subject to Staff recommendations.

Motion by: Commissioner Cohen

2nd by: Commissioner Collard

Vote: unanimous in favor

28887 – Rich Welch for Garbett Homes – Requesting approval of a proposed 15 lot Planned Unit Development Subdivision known as Treseder at Little Cottonwood PUD. **Location:** 3601 East Little Cottonwood Road. **Zone:** R-1-10 z/c (Residential, 10,000 sq. ft. min. lot size). **Community Council:** Granite. **Planner:** Todd A. Draper

Todd Draper of Staff provided details from the Staff Report.

Commissioners and Todd Draper of Staff had a brief discussion.

PUBLIC PORTION OF MEETING OPENED

Speaker # 1: Civil Engineer

Name: Scott Carlson

Address: 2264 North 1550 East, Lehi

Comments: He is happy to see the history and previous uses cleaned up. He has revised site plans, different from a month ago. They have continued to work with the neighborhood and staff. The new plans have increased setbacks. They have several home plans to choose from. In regards to the acreage, the survey does show sufficient acreage. There are 15 lots in the proposed subdivision, with an amenity lot and green space lots. 41% will be landscape and is not the same as open space. They believe they have 55% open space, well above the 50% requirement. Each home has a 3 car garage and 20 feet of driveway space for parking. Lots 1 and 2 also have side garages without the parking in front of the garage. Not anticipating parking on the street. This will be a gated subdivision.

Commissioner Cohen asked where the neighboring property owner Richard Beck wants to have rear access. He would access across lot B in the common area.

Speaker # 2: Garbett Homes

Name: Jacob Alstead

Address: 10288 South Eagle Cliff Way, Sandy

Comments: Garbett Homes is a local, private held company and are happy to be involved in this location. They have built townhomes and most recently single family homes. This has been a problem area for the community and the county. They have discussed and his involvement is a case study working with surrounding neighbors. They heard some good and some bad. It was clear they needed to make changes. They created a committee and started meeting to provide something to beautify the area. Their key mark is energy efficiency. They have spent 100's of thousands of dollars developing these homes. There is a radon issue here and will install a radon detection system in every home. All homes will have basements. In all the meetings they have had with the neighbors, never has there been an issue with the basements. The potential for short term rentals however has been an issue.

Speaker # 3: Granite Community Council

Name: Mary Young

Address: 3260 East Wasatch Pines Lane, Granite

Comments: The community council has been looking forward to this for decades. She hasn't seen new designs, but believes this will totally fit in with the community. They trust they will take care of the community of Granite and they look forward to this and urge the commission to approve.

Speaker # 4: Citizen

Name: Robert Grow

Address: 9267 Little Cottonwood Place

Comments: He said this has been a long time coming for the community. This is compatible with the size of the surrounding lots. When the prior developer came in and it was zoned under R-1-15, they wanted to reduce the lot size to R-1-10 to make it a PUD. There was a lot of involvement from the community and the community has a written agreement with the developer. That written agreement includes a 25 foot setback. There is a 25 foot high hill at the back of the property and he believes there are setbacks and restrictions on the amount of light coming down the hill. There were three units that were pretty close and the developer agreed to pull those back to about 20 feet of setback. These conditions neighbors agreed to almost a decade ago. He wants to thank the developer, this has moved forward more rapidly than anything they have ever seen. He wants this approved with acknowledgment of the neighbors private conditions. On behalf of the neighborhood, they want the project approved as it will make them happy to have the neighborhood filled in.

Todd Draper of Staff reviewed the revised plans. His main concern was the 25 foot rear setback in the agreement with the neighbors. There needs to be a distinction between ordinance and private agreements. He is concerned looking at some of the patios, as they extend into the proposed setback. He had the same concern regarding the 16.5 foot setback on the South. Some patios are partially covered and some are fully covered. He acknowledged there may be outside conditions that are not enforced by the County. He advised Commissioners to look to staff for recommended setbacks.

Counsel Zach Shaw, Commissioners and Todd Draper of Staff had a discussion.

Speaker # 5: Citizen

Name: Robert Grow

Address: 9267 Little Cottonwood Place

Comments: They think the homes will fit in the area without walk out basements, as the ground is flat.

Commissioner Cohen confirmed this development is right next to Mr. Grow's other development.

Commissioners and Staff had a brief discussion.

Speaker # 6: Garbett Homes

Name: Jacob Alstead

Address: 10288 South Eagle Cliff Way, Sandy

Comments: He is comfortable with the county moving forward with the conditions proposed by Staff. They are going to stay within their commitments to the neighbors. He had a discussion easing the front setbacks from 15 to 10 feet with the agreement from the neighbors. Setbacks discussed with the neighbors did not include the patio. Landscaping will be provided on the South side of the wall. Lot 13 still has a full length drive. He will take up discussions with neighbors regarding the architectural design and colors.

Todd Draper of Staff explained if a building permit application comes to the County and meets or exceeds the setbacks, it will be approved. The county setbacks are for the most part less restrictive than the neighborhood proposal. Staff is comfortable with the 10 foot front yard setback from curb or sidewalk to edge of house. Private agreements are privately enforceable. Commissioner O'Meara asked about lots C and D and if there is a requirement from UDOT. Todd Draper of Staff stated they don't have any buildings proposed, he reiterated that the setback is measured from the property line to the home. Commissioner O'Meara is concerned with lots 11, 12, and 13. If there are problems with setbacks and lot lines, they would have to come back and apply for a plat amendment. Commissioner Creveling confirmed all proposed building lots exceed the minimum setbacks. Todd

Draper of Staff advised per Counsel Zach Shaw, that a copy of the CC&R's will need to be provided for the staff to review to insure there are no ordinance violations.

Commissioners had a brief discussion.

Speaker # 7: Citizen

Name: Joe Sturdy

Address: 3558 (illegible)

Comments: He has concerns with increased traffic around the West corner and asked if it is possible to place a mandatory traffic mirror on the wall as a safety concern.

Commissioner Young stated the traffic mirror request would need to be submitted to the HOA.

Commissioner Creveling motioned to close, Commissioner O'Meara seconded the motion.

PUBLIC PORTION OF MEETING CLOSED

Counsel Zach Shaw, Commissioners and Staff had a brief discussion.

Motion: to approve application #28887, subject to the Staff Recommendations 6 points and add condition #7, each building will have to have a radon mitigation system proposed prior to the issuance of a Building Permit. Secondly, item #3 to be replaced with the setbacks from the provided condition sheet that is of the neighborhood, the only change is side setbacks 6 feet as opposed to 5.

Motion by: Commissioner Creveling

2nd by: Commissioner Vance

Vote: unanimous in favor

****Additional clarifications of this motion were discussed at the end of the Public Hearings.****

28889 – Debbie Sanich for Turning Point Properties – Requesting preliminary approval of the Preliminary Plat for the 5-lot Turning Point Subdivision. **Location:** 10658 South Dimple Dell Road. **Zone:** R-1-43 (Residential, 1 acre min. lot size). **Planner:** Todd A. Draper

Todd Draper of Staff provided details from the Staff Report.

Commissioners and Todd Draper of Staff had a brief discussion.

PUBLIC PORTION OF MEETING OPENED

Speaker # 1: Applicant

Name: Debbie Sanich

Address: 13979 Sage Hollow, Draper

Comments: She bought the property in 2011, didn't know it had been approved to be subdivided. They don't have intentions of selling the property. Wanted to get it filed quickly, as they previously had the Mylar signed by everyone. The intent is to build one additional house on lot 3. Water and sewer are approved and they will have an HOA. The barn was there prior to the last approval. HOA will govern the barn, roadway, and underground utilities. She is just waiting on the slope stability study for Lot 4.

Commissioner Cohen asked what home was on the property. She confirmed a 14,000 square foot substance abuse treatment home. She operates and owns the treatment center and land. She will build another house for the same purpose. They have no intention of selling the other lots. She feels it is important to be on the lane itself. The traffic engineer had asked about some damaged curb, gutter and sidewalk, which they will fix. The engineers that went out and looked at it thinks it's okay to just do repairs and that it will not need to be replaced. Commissioner O'Meara asked about access to the common area and barn area. She said you can access the barn from the private road.

Commissioner O'Meara motioned to close, Commissioner Collard seconded the motion.

PUBLIC PORTION OF MEETING CLOSED

Commissioners and Todd Draper of Staff had a brief discussion.

Motion: to approve application #28889, subject to Staff recommendations and the revised Preliminary Plat Plans dated 04/28/2014.

Motion by: Commissioner Creveling

2nd by: Commissioner O'Meara

Vote: unanimous in favor

28891 – Kyle Christensen for SWK Property Management – Requesting approval of a proposed 4 lot Planned Unit Development Subdivision known as Janke Estates PUD. **Location:** 10308 South Dimple Dell Road. **Zone:** R-1-21 (Residential, ½ acre min. lot size). **Community Council:** Granite. **Planner:** Todd A. Draper

Todd Draper of Staff provided details from the Staff Report.

Commissioners and Todd Draper of Staff had a brief discussion.

PUBLIC PORTION OF MEETING OPENED

Speaker # 1: Applicant

Name: Kyle Christensen

Address: 5421 South Alpine Drive, Murray

Comments: He stated they have worked closely with staff and the application does exceed the ordinance. They anticipate approval today.

Commissioner Creveling asked what the sizes of the particular rectangles were on the plat, so he can see if the building would fit inside of that. Mr. Christensen stated that the house plans they have are a little bit bigger than the rectangles, a little bit wider and not quite as deep. They do still meet all the setbacks requirements. He went to the neighbors in the Dimple Dell Circle and only 2 neighbors were in favor of annexing into Sandy City. Mr. Zarbach (neighbor) doesn't want them to remove an existing wall to put in new fencing. He has vegetation growth on the wall. They will just put their fence on their property. They wish to use wood fence to match the existing wood fencing already there. As far as drainage on Dimple Dell, Mr. Layton installed the swell and it is not part of an irrigation system. Their landscaping plan will include a new swell. The Planning Commissioners reviewed the drawing Mr. Christensen handed out. These will be craftsman style homes. The style will be built as the same foot print, but they may not build the second story on all the homes.

Speaker # 2: Granite Community Council

Name: Mary Young

Address: 3260 East Wasatch Pines Lane, Granite

Comments: They are happy to have the developer come back. The residents and the Community Council were agreeable. They will build fine quality homes. They recommend approval with the changes noted in the letter. They felt that the construction of curb, gutter and sidewalk should not be required, as they want to maintain the existing rural charm.

Commissioner Cohen asked if the developer was at their meeting. Ms. Young confirmed he was there and agreeable.

Commissioner Cohen motioned to close, Commissioner Sutton seconded the motion.

PUBLIC PORTION OF MEETING CLOSED

Commissioners and Todd Draper with Staff had a brief discussion.

Motion: to approve this application based upon Staff recommendations 1) and 2) with three additional conditions:

- 3) Follow the Granite Community Councils recommendation to rotate the footprint on Lot 4 counter clockwise sufficient to mitigate negative views.
- 4) Building materials to be similar and consistent on all four sides of the elevation.
- 5) Recommend use of drought tolerant turf grass in the open space on the West end of the PUD.

Motion by: Commissioner Creveling

2nd by: Commissioner Vance

Vote: unanimous in favor

Motion: to recommend to the Mayor's office that an exception to curb, gutter and sidewalk be granted.

Motion by: Commissioner O'Meara

2nd by: Commissioner Sutton

Vote: unanimous in favor

Commissioner Cohen motioned to close the Public Hearing, Commissioner Collard seconded the motion.

Commissioner Collard excused herself at 1:28 p.m.

Todd Draper with Staff asked to discuss and clarify the minimum setbacks for application. Todd Draper and Commissioner Creveling discussed the minimum setbacks on the private neighborhood agreement compared to Staff Report. Todd Draper clarified the County measurements and definitions and the need to use the common terminology for purposes congruence with the ordinance. The Front setback from garage to curb should state from curb or sidewalk. Todd Draper asked for reasoning behind imposing a greater setback than what the neighborhood was proposing. The rear setbacks requested were measured by the neighborhoods own personal understanding and not by County Ordinance. Todd commented that in looking at the neighborhood agreement, it appeared they were not counting covered decks or anything 18 inches or higher. He needs additional clarification of the reasoning for increasing the setbacks from what's shown to 25 feet, specifically Lots 5, 6, and 7. Counsel Zach Shaw asked the commissioners if it was the intent of the Planning Commission to increase the setback from what the neighbors are okay with or is it to codify what the neighbors were comfortable with. Commissioner Young confirmed it is to codify. Counsel Zach Shaw said if that's the case, the way the County has to measure the setback, the 25 foot rear yard setback has expanded from what the neighbors are comfortable with. Counsel Zach Shaw related that he did speak with Mr. Grow, who is representing the neighbors and Mr. Grow confirmed the neighbors are comfortable with less than a 25 foot setback from the lot line to the edge of the covered patio and are aware the patios will be covered. Commissioner Creveling said the drawing clearly indicates the setback at 25 feet on the North end and the building as drawn encroaches into that setback. The drawing is conflicting with the 25 foot proposed setback. Counsel Zach Shaw suggested to file a clarifying motion or a motion to clarify the prior motion. Max Johnson with Staff believes there is a different understanding that from the County perspective and the community perspective. Todd Draper suggested to make it easier to just clarify the setback for the specific lots that are problematic. Commissioner Creveling said the neighborhood was very specific on the entire north side. Counsel Zach Shaw expressed concern on reopening the public hearing after a motion has already been made and this should be limited to a clarification of the motion. Commissioner Creveling would like to make a proposed motion.

Motion: that as a point of clarification application #28887, that the particular aspect of the condition for changing the setbacks, north and south, east and west to curb, that the dimensions that they use and that the measurement of those will be by County Ordinance.

Commissioners Creveling stated that he personally would like to leave the dimensions the same, but the question is, where they are measured from under the County Ordinance. He is suggesting that the language is understood for this condition so these particular modified setbacks are only nebulous as to back of curb or back of sidewalk. He

claims they are making smaller setbacks for Lots 1, 2, 3, 4, and 7. Commissioner Cohen stated for Lot 6 to comply it would have to be on an on grade patio. Commissioner Creveling agreed. Commissioner Young said all they are saying is they need to make sure all of the structures are within the specified setbacks, 25 feet on the North side and 16.5 everywhere else. Todd Draper wanted to clarify what he is hearing is that, "the Planning Commission is giving to some lots and taking from others." Commissioner Creveling confirmed this and stated they are codifying the neighbor's requests. Counsel Zach Shaw asked the Planning Commission if this was their intention in their motion. Commissioner Creveling asked Commissioner Young if they should ask each member their clarification. Commissioner Sutton was unsure, because he believed they were trying to codify what the neighborhood intended and the expanded setback was not their intention. Commissioner Cohen was sure they wanted to put in what the neighborhood agreed upon. Commissioner Creveling clarified his motion as 25 foot setback is only across the North side and 16.5 foot setback on South, East and West side and when there's a point on the interior road to be from the back of curb or back of sidewalk. Commissioner Vance agreed with Commissioner Cohen's clarification. Commissioner Young thinks the setbacks need to be applied universally throughout the subdivision as the agreement states. Counsel Zach Shaw confirmed it was consensus that the intent of the motion was what the neighbors were comfortable with. He asked Todd Draper if he had a solution to get them there. Todd Draper needs clarification that Commissioner Creveling said 16.5 on the East and West, because that conflicts with the staff report and the earlier motion and the neighborhood agreement and the plans and perimeter from the neighbors that says 15 feet. Commissioner Creveling stated the neighborhood agreement did not use 15 feet anywhere.

Commissioners had a brief discussion. Todd Draper asked for a break to discuss with Counsel.

Todd Draper of Staff recommended to clarify and help codify what was intended by the neighborhood that a motion be made with the following clarifications to the setbacks:

- Front yard to home to the nearest edge of the private street or sidewalk be 10 feet
- Front yard to the garage from the nearest edge of the private street or sidewalk be 20 feet
- Rear yards be left at 15 feet
- Private agreement between the developer and the adjacent home owners be enforced privately.

Todd Draper said the reason they are recommending this is to go back to the fact that we have the original staff report recommendation and to eliminate the discrepancy in how the neighborhood intended the setbacks to be measured or how they interpreted them. Their private interpretation is relative to their private agreement. If this is not acceptable, Staff would recommend for the lots in question, that the 25 foot setback be reduced to the minimum of 15 feet and allow the private agreement to take its own course separate from this body. Staff recommends the minimum 15 feet perimeter setback all the way around. Commissioner Cohen reconfirmed the private agreement exceeds the minimums. Todd Draper advised the 1.5 feet difference on the South is minimal. The lots in question on the north can be reduced to a 15 foot setback, because the rear yard setback was not universal in the minds of the neighborhood for lots 1-4 and lots 5-7. Counsel Zach Shaw advised they could do a clarifying motion. Commissioner Creveling said with respect to the staff, he completely disagrees. The neighbors are asking for an increased setback on the North side and the Planning Commission was given them an increased setback.

Commissioners had a brief discussion. Commissioner Creveling discussed street side yard setback for Lot 12. Todd Draper of Staff confirmed you can specify individual setbacks for individual lots, he pointed out street side yards on lots 1, 2 and 12. This could be made into a condition #8 to say that the street side yard for lot 12 is 20 feet. Commissioner Creveling said both lots 1 and 2 should be the 10 feet back from both curbs. The only other individual setback that needs to be addressed is lot 12. Counsel Tom Christensen stated since Commissioner Creveling made the original motion he should make the clarifications of his motion and vote on it. He should only clarify. Commissioner Creveling asked the Chair if he could clarify a condition of the Motion for #28887 regarding setbacks.

Motion: To clarify conditions that are different than Staff Recommendation of the minimum setbacks required in light of the request of the community who have been so involved in this project and has allowed it to get to this point with their full support. Being the North rear setback as defined by County Ordinance will be 25 feet. The South rear yard setback will be 16.5 feet. The East and West perimeter setback will be 15 feet. The building side

yards will be 6 feet. The street back to curb front setback will be 10 feet. The street back of sidewalk to building front will be 10 feet and the garage to either back of curb or back of sidewalk will be 20 feet.

Motion by: Commissioner Creveling

Commissioner O'Meara asked for an amendment of the motion for lots 5, 6, and 7 that the rear is 15 feet. Commissioner Cohen noted that there is still a recognized agreement between the developer and the community that the North setbacks would be 25 feet. The amendment failed for lack of a second. Commissioner Young called for a second of Commissioner Crevelings motion.

2nd by: Commissioner Vance

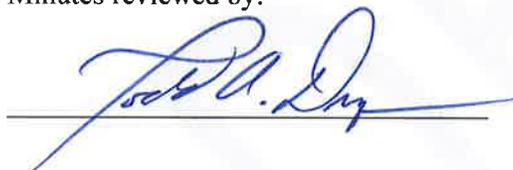
Vote: Commissioner O'Meara voted nay, all other commissioners in favor (of commissioners present)

Commissioner Name	For Motion	Against Motion	Not Present
Commissioner Young	x		
Commissioner Vance	x		
Commissioner Cohen	x		
Commissioner Creveling	x		
Commissioner Sutton	x		
Commissioner O'Meara		x	
Commissioner Collard			x

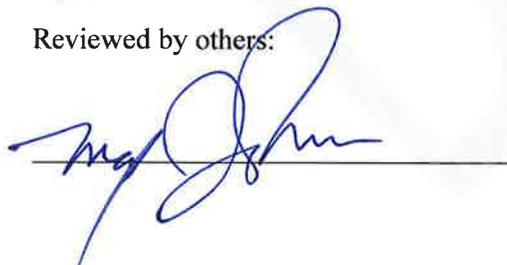
MEETING ADJOURNED

Time Adjourned – 2:27 p.m.

Minutes reviewed by:

 7/2/14

Reviewed by others:

 7-3-14



MEETING MINUTE SUMMARY
Salt Lake County Planning Commission Meeting

Wednesday, June 11, 2014 8:30 a.m.

Approximate meeting length: 1 hour 23 minutes
Number of public in attendance: 0
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 and Staff:

Commissioners	Public Mtg	Business Mtg	Absent	Planning Staff / DA	Public Mtg	Business Mtg
Tod Young – Chair		x		Todd Draper		x
Neil A. Cohen		x		Wendy Gurr		x
Jeff Creveling		x		Max Johnson		x
Ronald Vance – Vice Chair		x		Zach Shaw (DA)		x
Clare Collard		x		Chris Preston (DA)		x
Todd Sutton			x			
Bryan O’Meara		x				

BUSINESS MEETING

Meeting began at – 8:35 a.m.

- 1) Other Business Items (as needed)

Todd Draper of Staff provided an update to the Little Cottonwood HUB Building, file #28833. The Applicant has resubmitted and is currently going through the review process with results of the latest review. He informed the Commission that this item will be added to an agenda for the final review requested. There are concerns with the short building season and Staff may ask for a Special Meeting of this body.

Commissioner O’Meara arrived at 8:37 a.m.

- 2) Planning Commission Training by District Attorney’s Office.

Counsel Zach Shaw opened the training and gave an overview of what they will be covering today regarding the Planning Commissioner Resource Manual. Commissioner Young stated that Rules and Laws apply to them as Planning Commissioners. Commissioner Young stated that if he has a question and he can’t find the answer, he is confident he can ask Mr. Draper or Staff and get an answer. Commissioner Young reminded Commissioners not to overlook Rules related to the Media. Counsel Zach Shaw confirmed that if the Media communicates with a Commissioner, they should not speak with them directly and should refer them to County staff. Commissioner Young recommended reading 19.02.20. Counsel Zach Shaw confirmed that they will be providing

training on 19.84. He also recommends familiarizing themselves with Chapters 19.90 and 19.78. Counsel Chris Preston added 19.88 and 18.12.030. Counsel Zach Shaw also added 19.72. Commissioner Young suggested to the commissioners 19.83. Counsel Chris Preston added that design standards were reviewed and adopted by previous planning commissions.

Counsel Zach Shaw handed out an outline of additional information to be added to the Resource Manual. Counsel Zach Shaw advised that the Commissioners create a new section for training in their manual, as there would be a 30 page outline provided in the near future. Commissioner Young stated they need more intensive training on Rezones. Counsel Zach Shaw confirmed that next month they hope to have training on Conditional Uses.

Additional discussion among Staff, Counsel and the Commissioners was had on the following topics:

- Ethics
- Due-Process
- Ex-Parte Communication
- Site Visits
- Government Records Access and Management Act (GRAMA)
- Email Communications

3) Approval of Minutes from the May 14, 2014 meeting.

Approval of minutes was continued to the next meeting.

MEETING ADJOURNED

Time Adjourned – 9:58 a.m.



MEETING MINUTE SUMMARY

Salt Lake County Planning Commission Meeting

Monday, June 30, 2014 8:15 a.m.

Approximate meeting length: 59 minutes
Number of public in attendance: 10
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 and Staff:

Commissioners	Public Mtg	Business Mtg	Absent	Planning Staff / DA	Public Mtg	Business Mtg
Tod Young – Chair	x	x		Todd Draper	x	x
Neil A. Cohen	x	x		Wendy Gurr	x	x
Jeff Creveling			x	Max Johnson	x	
Ronald Vance – Vice Chair	x	x		Zach Shaw (DA)	x	x
Clare Collard	x	x		Greg Baptist	x	x
Todd Sutton	x	x		Tom Christensen (DA)	x	
Bryan O’Meara		x				

BUSINESS MEETING

Meeting began at – 8:15 a.m.

- 1) Other Business Items (as needed)

No Other Business Items to discuss.

PUBLIC HEARINGS

Hearings began at – 8:16 a.m.

28833 – Tanya Friese for Crown Castle International Corp. and Alta Ski Lifts Company– Requesting final approval of a Conditional Use Permit for construction and operation of a Wireless Telecommunications HUB building. **Location:** 10027 East Little Cottonwood Canyon Road. **Zone:** FR-20, Foothills and Canyons Overlay Zone (FCOZ). **Community Council:** Granite. **Planner:** Todd A. Draper

Todd Draper of Staff provided details from the Staff Report.

Commissioner Cohen said a letter was received from the Town of Alta and they had some concerns and were curious if Todd Draper had any concerns. Todd Draper of Staff stated as far as the Town of Alta, had indicated the last time they met, they were most concerned with the aesthetics. The Town of Alta was happy and worked directly with the applicant, to move the location back further into the hillside and to enhance the exterior. Commissioner Cohen said the exterior of the building is acceptable as far as the Granite Community Council and Alta are concerned. Todd Draper of Staff indicated that there is an attachment to the letter received from the Town of Alta that still shows a railing out front, but that has

since been eliminated. Commissioner Cohen said the Engineer reports stated the avalanche impact will not increase. Commissioner Cohen pointed out that on-site parking is identified. Todd Draper of Staff said this is a different review process with UDOT because UDOT is partnering with the applicant on this building and UDOT will have capacity with their fiber optic and traffic systems. UDOT has already approved the parking and access. Commissioner Cohen asked about snow removal and if UDOT has that figured out. Todd Draper of Staff indicated that this will not change the UDOT snow removal typically they're blowing the snow. He believes even with the current location, it will be blown over the top of the building.

Commissioner O'Meara recused himself. He has had some discussions and interactions as a member of Big Cottonwood Canyon Community Council and doesn't think he can be impartial.

PUBLIC PORTION OF MEETING OPENED

Speaker # 1: Crown Castle International Corp

Name: Tanya Friese and Brian Christensen with Horrocks Engineering

Address: 5350 North 48th St., 305. Chandler, AZ

Comments: She confirmed they have been working closely with the Granite Community Council, Town of Alta and Alta Ski Resorts on the adjustments to the building. They request the approval of the conditional use permit. Mr. Christensen had a follow up with a couple of the items. The snow melt system that will be installed under the sidewalks and concrete is an electric snow melt system and will not have fluids involved, so there is not a potential hazard. They presented the proposed building to Granite Community Council and they expressed their support and also met with the Town of Alta, Tom Pollard and John Guldner and they've expressed their support as well. They have a letter of support from them, along with the property owner Alta Ski Lifts. This is an unmanned facility and the parking is utilized once or twice a month by one or two technicians, so it would have a very low, use traffic. They have worked directly with UDOT as they are a partner in this project and will work with them to modify the snow removal operations if needed.

Speaker # 2: Alta Ski Area

Name: Mike Maughan

Address: Not provided

Comments: He confirmed they are supportive of this project and have been working with the Town and the Residents and they've asked the Contractors to try and address all the concerns. They support it in a way it can be done and benefits all.

Speaker # 3: Town of Alta

Name: John Guldner

Address: Not provided

Comments: They are in support of fiber optics, including the HUB Building. They have worked very well with Horrocks and Crown Castle and they have been very receptive and responsive to all points. Whatever is approved takes care of the concerns of the residents across the street. The building has been redone and doesn't look like an industrial building anymore. They are worried about parking and that it doesn't overflow into the street and the snow removal and storage doesn't interfere with UDOT operations and doesn't spill over onto the other side of the street onto the resident's properties and houses. They are strongly in support.

Commissioner Cohen wants to know if the residents have been informed of the reports that state the avalanche hazard is not going to increase the impact to the houses. Mr. Guldner doesn't know if any of the neighbors have seen the report, but he knows they have been informed verbally.

Todd Draper of Staff added that the purpose of attending the Planning Commission meeting is to get information out to the public. Commissioner Young asked if the residents would be provided with copies of the documentation that has been produced. Todd Draper of Staff advised if they want a copy, they could obtain one, this is public record.

Speaker # 4: Representative of a Citizen

Name: Megan DePaulis

Address: 222 South Main Street, Suite 2200, Salt Lake City

Comments: She is here on behalf of Mr. Brighton, whose residence is 75 feet away from this building. She noted Mr. Brighton was not provided copies of all the updated reports. She brought materials to distribute to outline the reasons why she believes this application violates the ordinances set out in the Foothills and Canyons Overlay Zones.

Ms. DePaulis provided a handout and Commissioner Young asked for a moment to review the information.

Commissioner Young asked if these documents were provided to Staff. Ms. DePaulis confirmed all documentation was either from the application file or provided from April 16th. Commissioner Young asked to confirm with Staff they have reviewed the letter dated April 28th and what do they do next. Counsel Tom Christensen confirmed they did receive the April 28th letter asking for an Appeal and they have reviewed that. They just received the June 30th letter for the first time this morning. Commissioner Young asked what the recommendation is to them from Counsel. Counsel stated there is adequate evidence before them to make a decision at this meeting. Commissioner Vance said in his opinion, until the final decision is made there is nothing to appeal. Ms. DePaulis addressed Commissioner Vance's question, stating that in the ordinances, any Planning Commission decision may be appealed within 10 days regardless of the decision. Rather than go to District Court, Mr. Brighton has attempted to work with Crown Castle and the parties involved to resolve the issues. She said information has been lost and there have been no effort made to inform Mr. Brighton of updated studies nor directly address his concerns, so the appeal still stands. She believes that this inaction is a de facto denial under our ordinances and it should go to the hearing officer. Commissioner Young asked her what issues have not been resolved. She stated that one issue is the slope analysis. A majority of the building is on a 30-40%, and sometimes 40-60% slope. She believes slope averaging is not allowed under the ordinances. She said the only time slope averaging is mentioned in FCOZ is to determine when a certain amount of buildings can be clustered. Under the ordinance, this body doesn't have authority to waive slope analysis or building permit for grades above 40%. She stated that proposed grading also violates the standards and they are digging in deeper into the hill. The avalanche analysis that was submitted to the Staff for review, and the Staff report that was formulated on June 19th, with updated documentation dated June 25th or June 28th, she can't imagine the Staff came in on a Saturday and took a look at all of this information. She believes the information that is actually within the Staff report is insufficient, as it doesn't show there is an increased threat to nearby residences. In the Geotechnical review in the Staff report, the Agency says they are unable to do a geotechnical review because of winter conditions. However, we are in mid-summer. The slope is clear and there is no valid justification for not undertaking a geotechnical review at this time. There is no evidence or anything in the record to suggest the slope is manmade. Regardless, there is nothing in the ordinances that would allow you to encroach into the slope at 40%. Mr. Brighton has engaged an avalanche expert to talk about his analysis of information that has been presented.

Speaker # 5: Principal Engineer

Name: Rand Decker, Ph.D

Address: 83 El Camino Tesoros, Sedona, AZ

Comments: He stated he is in favor of improved telecommunications in Little Cottonwood Canyon. Would like to provide basis for concern with respect to the avalanche danger to Mr. Brighton's home. The Geologist reports supported by the Engineer's report say, "These forces most likely will be reduced". If an avalanche hits Mr. Brighton's home on a 100 year return, his house might crack, despite the fact it is engineered to accept impact and he's stuck with that. The downstream impact has to be mitigated by the upstream developer. If the same avalanche comes down and hits over the building and breaks Mr. Brighton's his home, are they prepared to stand behind this decision? He can't guarantee the impact forces are going to be reduced, he would like to suggest alternatives that can be built into the design of this structure, which are energy dissipaters that will slow an avalanche down over the facility and would reduce the impact force on Mr. Brighton's home. He is also curious if this building has to be exactly where it is within the footprint. He suggests moving it up East of the gate. For the developer, there is a variety of equipment on the exterior part of the building you don't want torn off by an avalanche.

Commissioner Cohen questioned Mr. Decker, if there is an avalanche and there is no building there, and the persons house that he built in the avalanche path is already impacted, what's the problem with the building that may reduce the impact? Mr. Decker stated it's not his problem it's yours. The Planning Commission can't say, nor can he that it will most likely reduce the avalanche force. Commissioner Cohen said if there is no building there, then there is no building there, and if the avalanche comes full force it is not going to increase it, if anything it is going to reduce it.

Counsel Tom Christensen reiterated that the legal standard is whether this building would increase the risk, not effectively decrease it. The question is whether the construction will substantially increase the risk of damage to the buildings below. If it doesn't increase the risk it doesn't increase any liability to the property owners or to the County. Commissioner Young is concerned with the slope standards and doesn't know where to proceed with that. Counsel Tom Christensen advised the County Staff Greg Baptist can address the issues.

Speaker # 6: Salt Lake County

Name: Greg Baptist

Address: 2001 South State Street, N3600

Comments: Mr. Baptist referred to documentation and advice from back when the ordinance was written in 1998-1999, the definition of slope and an averaging provision in there, referred to the documentation by the County Grading Engineer at that time dated January 28, 1999, quoted "Slopes must cover at least twenty-five (25) feet vertically and fifty (50) feet horizontally" as written under the ordinance of slope. There was a determination that doesn't work necessarily under the ordinance, so they came up with a policy determination and they have been doing it this way since 1999, there is over twenty-five foot of vertical change and a 86 foot horizontal run. Going from the low side of the slope onto the steeper slopes.

Speaker # 7: Citizen

Name: Karen Travis

Address: 9871 East Peruvian Acre Road

Comments: She lives next to Mr. Brighton, across the street from the proposed project. This ought to be based on what is actually there not what could be there if it was smoothed out. The slope averaging is using the side of the highway as a flat slope to counter 30 and 40% actual slope. Should be based on actuality. The letter from the town concerns are accurate. She hasn't seen anything that shows on-site parking. Not sure that a UDOT snow blower will be able to blow snow over the top of the building on a 40% slope. She hasn't received any thing from Todd and would like to have copies of what has been provided. Would like to know if there is going to be a road and if UDOT is going to blow the snow on private land or her property or load up the 40% slope.

Todd Draper of Staff provided Ms. Travis copies of documentation handed out at the meeting.

Commissioner Sutton motioned to close, Commissioner Collard seconded the motion.

PUBLIC PORTION OF MEETING CLOSED

Commissioners had a brief discussion. Commissioner Sutton's concern was the slope averaging, but that has been addressed. Commissioner Cohen had a question about the process. The planning commission received information they hadn't received prior to the meeting and there are reports addressing concerns raised after the preliminary approval. The Engineers report the avalanche hazard is not going to be increased and the geologist provided a summary accepting the reports of the engineers. Also the commissioners received information there was an appeal filed by one of the residents, the attorney for Mr. Brighton makes some statements about violating FCOZ ordinances. Commissioner Young asked for Counsel's advice and what direction they go. Counsel Tom Christensen said this is being confused and is being treated like an appeal. Counsel stated there is a lot of material coming in that is inappropriate for a planning commission decision. Their decision should apply the standards of the ordinance for approving a conditional use and if there is belief there is adequate evidence, then they can make a decision. As far as the planning commission is concerned just apply the criteria of the ordinance. The property owner

under state law has the benefit of the doubt if they present evidence and there's conflicting evidence. State law says you shall approve the conditional use if they can demonstrate there is not a health, safety or welfare problem based on the Engineer's and geologist reports. If contested, the appellant will have that same burden of proof at this level. If the Planning Commission feels like they need more time to look at the reports that have been submitted, they can continue.

Motion: to approve application #28833, subject to Staff Recommendations.

Motion by: Commissioner Sutton

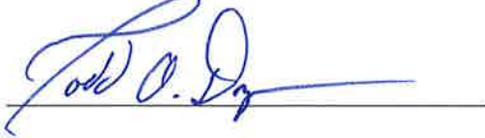
2nd by: Commissioner Vance

Vote: unanimous in favor (of commissioners present)

MEETING ADJOURNED

Time Adjourned – 9:14 a.m.

Minutes reviewed by:





Reviewed by others:

