



## EMIGRATION CANYON CITY COUNCIL MEETING

**AUGUST 26, 2025, 7:00 PM**

UNIFIED FIRE AUTHORITY STATION 119

5025 E. EMIGRATION CANYON ROAD, SALT LAKE CITY, UT 84108

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### EMIGRATION CANYON CITY COUNCIL MEETING MINUTES August 26, 2025

#### **Council Members Present:**

Joe Smolka, Mayor  
Jennifer Hawkes, Deputy Mayor  
Catherine Harris, Council Member  
Robert Pinon, Council Member  
David Brems, Council Member

#### **Council Members Absent:**

#### **Staff Present:**

Cameron Platt, Legal Counsel  
Diana Baun, City Recorder  
Det. Dawn Larsen, Unified Police Department  
Chief Bryan Case, Unified Fire Authority  
Tamaran Woodland, Engineering Manager (via Zoom)

#### **Others Present:**

#### **1. Welcome and Determine Quorum**

Mayor Joe Smolka, presiding, called the meeting to order at 7:00 PM and determined a quorum was present.

#### **2. Pledge of Allegiance**

The Pledge of Allegiance was recited.

#### **3. Recognize Visiting Officials - None**

#### **4. Public Comments**

**Kent Erickson** stated that he lived nearby and raised concerns about longstanding noise issues in Emigration Canyon. He referenced an August 12 article in the Wall Street Journal regarding noise cameras. Council Member David Brems responded that the council had been discussing noise cameras for some time, that one was available for use, and that the remaining challenge was refining enforcement.

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### EMIGRATION COUNCIL MEMBERS

MAYOR JOE SMOLKA, DEPUTY MAYOR JENNIFER HAWKES,  
COUNCIL MEMBER CATHERINE HARRIS, COUNCIL MEMBER ROBERT PINON,  
COUNCIL MEMBER DAVID BREMS

**Emily Plue** who lived on East Emigration Canyon Road, requested an encroachment agreement for a fence she wished to construct. She explained that she had emailed Mayor Joe Smolka with supporting materials. Mayor Joe Smolka asked staff how such agreements had been handled in the past. Legal Counsel, Cameron Platt explained that applications were reviewed by the Municipal Services District staff, and if granted, an agreement would be drafted and presented to the applicant for review before proceeding.

**Ken Compass** a resident of East Pioneer Fork Road, commented on the 2023 Hopkins study previously cited by Council Member Catherine Harris in support of narrowing lanes on Emigration Canyon Road. He stated that upon reviewing the study himself, he found it concluded there was no statistically significant association between narrower lanes and fewer crashes. He further noted that a subset analysis of roads similar to Emigration Canyon Road showed an even weaker association. He thanked Council Member Harris for referencing the study but concluded that the evidence did not support narrowing lanes. In response, Council Member Harris clarified that while there was no statistical significance in the number of accidents, there were significant differences in accident severity, and she emphasized the importance of considering the entire study rather than selectively using data.

**Megan Palazzo** a resident of North Pioneer Fork Road, spoke about her teenage stepdaughter's recent encounters with cyclists while driving in the canyon. She expressed concerns about safety, noting one incident where a cyclist behaved belligerently and another where the cyclist apologized. She suggested creating a committee to improve communication between residents and the cycling community. She proposed outreach through social media campaigns, posters in cycling shops, and online updates about cycling traffic in the canyon.

**Tim Erickson** a resident of Emigration Canyon Road, voiced strong support for Megan Palazzo's proposal. He described the stress residents experienced when backing vehicles onto the road and recounted an incident where a cyclist was severely injured in front of his home. He urged the community to educate both drivers and cyclists, suggesting an information station at the mouth of the canyon where rules of the road could be explained. He expressed concern about potential road widening, arguing that increased road capacity would attract more traffic and create additional problems. Mayor Joe Smolka responded that a road improvement project was planned, but it was uncertain what changes it would entail until the following year. Tim Erickson pressed further, warning against widening the road.

During this exchange, the council members reminded attendees that clapping and cheering were not appropriate during public comment. Mayor Joe Smolka reiterated this, thanked speakers, and expressed appreciation for the committee idea suggested by Megan Palazzo and Tim Erickson.

Council Member Catherine Harris emphasized that the council was working to ease tensions between cyclists and vehicles. She urged residents to also contact state legislators and the governor, pointing out that while the state heavily promoted cycling and invested in cycling programs, it did not provide adequate infrastructure or safe alternatives for cyclists. She

argued that most cyclists would prefer roads without vehicles if they existed and encouraged state-level support.

Council Member Jennifer Hawkes reported that she had received over a dozen emails from residents on issues including road conditions and cyclist interactions. She explained that she forwarded these to staff and noted that such correspondence should be considered part of public comment. Diana Baun clarified that emails received prior to the posting of the meeting packet were included in the supporting documents uploaded to the Utah Public Notice Website, and any later emails would be available for review in the minutes, but not included in the packet.

## **5. Stakeholder Reports**

### **A. Unified Police Department**

Detective Dawn Larsen reported that Emigration Canyon had 49 calls for service in July. She highlighted several incidents, including a rollover accident in Pinecrest where the unrestrained driver had to be extracted and transported to the hospital, assistance provided to the Sheriff's Office with an injured hiker on the backside of Emigration Canyon Road, and three vehicle burglaries in the canyon. She explained that all of the burglarized vehicles had been left unlocked, with one incident involving a garage break-in where an unlocked vehicle was targeted. She urged residents to keep their vehicles locked, even when parked inside garages. She added that no follow-up information or suspect leads were available because no residents had home security cameras in place.

She noted that the law enforcement memorial ride went smoothly, with many residents showing support by taking photographs, and the road closure had been brief. She recommended adding no parking signs near Ruth's, explaining that without signage, enforcement was not possible and vehicles were beginning to park directly on the roadway. She also updated the council on group bicycle rides in the canyon, stating that she was working with her motor sergeant and Officer Erickson to have multiple officers present during the large Tuesday evening ride to improve safety and compliance.

Council Member Jennifer Hawkes added that another cycling group regularly rode through on Tuesday mornings at 6:30 a.m. Detective Dawn Larsen acknowledged that she had previously spoken with that group and noted that they had not violated any rules.

Council Member Robert Pinon inquired about the permitted group size for rides. Council Member Jennifer Hawkes referenced an earlier email regarding fireworks that had included related questions and asked whether Detective Larsen had received a copy.

Mayor Joe Smolka commended Detective Dawn Larsen and Mike for their coordination with Salt Lake City to clean up a drinking area near Sunnydale. Detective Larsen confirmed that the site was part of the watershed, and after she contacted Salt Lake City, their staff promptly arrived and worked with local officers to clean the area.

## **B. Unified Fire Authority**

Chief Bryan Case of the Unified Fire Authority introduced Battalion Chief John Wilde, noting that he had known him for 20 years and that Chief Wilde oversaw Battalion 11, which included Station 119 and four additional stations. He explained that Chief Wilde was responsible for the crews, stations, and response areas in the north and northeast battalion and that he responded to all large incidents.

Chief Bryan Case reported that over the last two months, there had been 11 calls in Emigration Canyon. Four of these were false alarms or incidents where no problem was found, including smoke scares and faulty smoke alarms. Two calls involved vehicle accidents, one of which was a motorcycle accident and the other a rollover previously mentioned by Detective Dawn Larsen. Four calls were medical in nature, and one involved a natural gas leak that was resolved easily when crews discovered a slightly open valve on an appliance. He shared that Unified Fire Authority's fire marshal had prepared educational materials on lithium-ion battery safety as part of their community risk reduction effort. These materials had already been provided to Council Member Jennifer Hawkes and would be posted on the Emigration Canyon website for residents' education. He reminded the community to remain cautious during the ongoing wildland fire season and thanked residents for their diligence.

Chief Bryan Case also informed the council that the Unified Fire Authority continued to offer CPR certification courses. These four-hour courses included a small fee and resulted in a two-year certification. He explained that if there was sufficient interest, courses could be held locally at Station 119. He concluded his report by noting that he would keep his remarks brief in the interest of time.

## **C. Salt Lake County Animal Services**

Gary Bowen, representing Salt Lake County Animal Services, reported that the department was undergoing a thorough reorganization that had even prevented them from holding their usual in-person meeting that month, requiring them instead to meet virtually via Zoom. He explained that the primary agenda item was preparation for the agency's annual fundraiser, which had not been held for several years. The event, known as the Spaghetti Gala, would take place downtown, and notices would be sent out so interested community members could participate. He added that he had spoken with Mayor Joe Smolka about identifying anyone in Emigration Canyon who might be willing to contribute a donation or an item for the auction portion of the fundraiser. Apart from this, he reported that Animal Services operations were proceeding well.

## **6. Project Updates**

Tamaran Woodland was in attendance via Zoom, however the technology was not allowing her to speak so Mayor Smolka gave the following report based on earlier discussions with her:

Mayor Joe Smolka reported on project updates provided to the council. He explained that the culvert replacement projects at Skycrest and Cedar Loft had been delayed due to property



acquisition issues. As a result, the work would not take place this year and would instead be postponed until after next year's runoff. He noted that this was unfortunate timing, as the current dry conditions without water in the creek would have made the work easier. He also informed the council that the Utah Department of Transportation had issued a Request for Proposal Letters and Qualifications (RPLQ) for the road improvement project. Four consultants had submitted proposals, and a selection committee was scheduled to meet the following week to review submissions and select a consultant.

## **7. Consent Agenda**

- A. Approval of Council Meeting Minutes**
  - i. November 19, 2024

**Council Member Brems moved to approve the November 19, 2024 City Council Meeting Minutes as published. Council Member Harris seconded the motion; vote was 5-0, unanimous in favor.**

## **8. Public Hearing Items – None**

## **9. Presentation Items**

- A. Granite School District Presentation on a Potential District Split and Population Analysis Study**

Steve Hogan, Director of Planning and Boundaries for Granite School District, addressed the mayor, council, and community to provide an update on the district's ongoing boundary study. He explained that the study, which began in February and would conclude in December, was part of a larger national and global trend of declining student enrollment, primarily due to falling birth rates. Additional factors included real estate prices and the growth of charter schools. He emphasized that Granite, like many districts across the country, faced the need to consider boundary adjustments and potential school closures. He stated that the study encompassed Eastwood Elementary, Wasatch, Skyline, and Churchill schools, which served Emigration Canyon students. He noted that the district had already held many public meetings of varying sizes and continued to seek community input to capture local nuances. He described Granite as a more mature district with older neighborhoods and declining enrollments compared to younger districts like Jordan or Alpine. He explained that Granite had already closed 10 elementary schools in recent years and anticipated that one to two additional closures would likely be recommended in this study.

Council Member Catherine Harris asked how many children from Emigration Canyon were currently enrolled and how the district publicized meetings.

Mr. Hogan responded that approximately 35 to 40 elementary students and 10 to 15 secondary students from the canyon were enrolled in Granite schools. He explained that the district used emails, text messages, mailed postcards, posters, and school announcements to notify patrons, though he acknowledged there could be gaps in coverage. Council Member Harris commented that she had not received any notices herself. Mr. Hogan reiterated the

challenges of ensuring complete coverage but encouraged feedback if communication lapses were noticed.

Council Member David Brems asked what the top scenarios might be.

Mr. Hogan explained that elementary closures were the primary focus, with Eastwood and Oak Ridge frequently discussed because of their age and poor facility condition index rankings. He said it was possible one of those schools would close, with students from the closed school likely transferred to the other. He clarified that decisions were not based solely on enrollment numbers but also building condition, walking routes, contiguous boundaries, and other factors.

When Mayor Joe Smolka opened the floor for public questions, a resident asked whether the boundary for Emigration Canyon could be changed to another district.

Mr. Hogan stated that this was outside the study's scope and not in the district's authority but emphasized Granite's commitment to keeping Emigration Canyon within its boundaries. Another resident asked about classroom sizes. Mr. Hogan explained that smaller schools often resulted in larger class sizes due to limited teacher numbers per grade, leading to split classes. He said the district aimed to right-size schools at 500 to 600 students to achieve three teachers per grade, which balanced class sizes more effectively.

Residents pressed for specific numbers, and Steve Hogan said Granite's funding formula supported a ratio of 24 students per teacher in grades K–2 and 27.25 in grades 3–5. He noted, however, that actual class sizes often exceeded these averages. One resident reported that their third grader at Eastwood Elementary was in a combined second- and third-grade class with about 39 students, which they found concerning. Steve Hogan acknowledged that split classes were not ideal and said adjustments were still being made early in the school year to balance numbers where possible. Another resident asked whether closures led to parents moving students to private or charter schools instead of remaining in the district.

Mr. Hogan responded that while some families initially left, often out of frustration, many returned later, and he emphasized that unhealthy class sizes and split classes already prompted families to leave even without closures.

Residents also asked how they could help keep local schools open.

Mr. Hogan encouraged community involvement, attendance at meetings, and use of the Granite School District website's planning and boundaries page, which included data, meeting videos, and a feedback portal.

Council Member Jennifer Hawkes asked about feedback options, and Mr. Hogan reiterated that public meetings were the best opportunity. He announced two large meetings scheduled for September 23 at Skyline High School and September 25 at Olympus High School, both at 6:00 p.m., where more data and recommendations would be shared.

## 10. Council Business

### A. Discussion and Possible Adoption of **Ordinance 2025-O-10**, Updated Fee Schedule

**Council Member Pinon moved to approve Ordinance 2025-O-10, Approving the updated fee schedule. Council Member Brems seconded the motion; vote was 5-0, unanimous in favor.**

### B. Discussion and Possible Adoption of **Ordinance 2025-O-08**, an Ordinance Repealing and Replacing Emigration Canyon's Special Event Code Chapter 14.56

Cameron Platt explained that, at the council's request, the city had prepared a full repeal-and-replace of the inherited county special event code to address Emigration Canyon conditions. The draft categorized permits into free speech, entertainment, recreational, and bicycle events. It required a permit for events over 50 participants or for any non-free speech event, and it set a lower participant threshold specifically for organized bicycle events. He stated that the former county threshold had been 50 for all events and that the draft presently listed 10 participants for bicycle events based on prior discussions, though he emphasized that any numbers or conditions were at the council's discretion. He said the Municipal Services District had readied its back-end systems in August to implement the changes. He described a review process that, depending on size and impacts, would require sign-offs from the Unified Police Department, Unified Fire Authority, and the Municipal Services District's event planner, allow conflict checks across dates and jurisdictions, and require copies of adjoining jurisdictions' permits when applicable. He added that the ordinance contemplated a 60-day notice requirement and that enforcement for unpermitted organized events would likely occur after the fact against organizers if an event created problems, rather than through on-scene citations.

Council Member Catherine Harris opposed the 10-participant trigger for bicycle events and favored 20 on enforceability grounds, noting that law enforcement resources were limited and that other traffic statutes (such as limits on riding abreast and impeding traffic) already applied regardless of a permit. She cautioned that a 10-person threshold could ensnare informal rides, giving the example of an 11-person book club outing, and reiterated that codes should be practically enforceable. She also asked whether events that did not impact lanes would still require police staffing; Mr. Platt answered that staffing depended on size and impacts, and that events merely passing through in ones and twos during the day would likely not require law enforcement, whereas blocking or impeding traffic or higher participant counts would. Council Member Harris supported using the ordinance as a tool to adjust requirements year to year based on observed impacts and asked that "special circumstances" language be drafted to address unexpectedly large turnouts or late requests, in addition to changing the bicycle threshold to 20.

A council member stated agreement with Catherine Harris's position.

Detective Dawn Larsen stated that UPD could continue enforcing two-abreast and related traffic rules and that a 20-participant threshold would be easier to manage and to prosecute

than 10 for any special event permit violation. She added that UPD needed adequate notice to review and staff events.

Council Member Robert Pinon agreed with setting the bicycle event threshold at 20.

Council Member Jennifer Hawkes asked whether the draft included an expedited fee for late permit applications and raised how to handle very large events. Mr. Platt responded that he believed an expedited fee had appeared in a prior version and agreed it should be placed in the city's fee schedule rather than the code text; he also noted UPD had indicated that requests with less than 14 days' notice would be difficult to review or staff.

Mayor Joe Smolka pointed out that the fee schedule's highest category presently applied to events over 900 participants, and he and Council Member Harris noted that commercial filming permits were handled in a separate category. Council Member Harris stressed that paying an expedited fee would not guarantee approval, and that such a fee would primarily incentivize early planning. Mayor Smolka asked how participant numbers should be measured for enforcement and fees. Mr. Platt answered that assessment should be based on what occurred on the day of the event—the number of participants and the actual impacts—acknowledging that some events can grow beyond initial expectations. He said requiring an after-action registration from organizers would likely create more administrative burden than benefit, and that the Municipal Services District intended to be proactive by contacting known organizers from past events and reactive when problems emerged.

Mayor Joe Smolka confirmed that the draft currently used 10 for bicycle events and asked that any change be included in a motion. Council Member Catherine Harris stated that 20 appeared to be the consensus and requested to see specific wording addressing special circumstances and late or unexpectedly large events before final action. Council Member Jennifer Hawkes recommended waiting and placing the revised ordinance on the September agenda.

**C. Discussion and Possible Adoption of Ordinance 2025-O-05, Ordinance Eliminating the Agricultural Exemption to the Requirement for Building and Land use Permits in Section 19.02.090 of the Emigration Canyon Code and Repealing and Replacing Chapter 19.02 General Provisions and Administration of the Emigration Canyon Code**

Brian Tucker presented four zoning items and first asked the council to consider an ordinance eliminating the agricultural exemption from Chapter 19.02 that had allowed agricultural land uses to be established without a land use permit under the county's legacy code. He explained that the exemption might have been suitable in valley communities decades ago but was ill-suited to Emigration Canyon. He clarified that state law still provided certain building-permit exemptions for bona fide agricultural structures, but the proposed city change would require agricultural land uses to obtain a land use permit like other uses. He added that the Planning Commission was also working on a separate ordinance that would later consider removing large-scale agriculture as a permitted use in the FR zones, but that was not before the council at this meeting. He then outlined a broader repeal-and-replace effort for Title 19, beginning with Chapter 19.02 (General Provisions and Administration), which had been rewritten from a model ordinance tailored by Attorney Polly McLean for Emigration Canyon and Brighton.



Because the update would proceed chapter by chapter, some provisions (such as performance bonds currently in 19.02.040) would remain temporarily until their new chapters were adopted.

Council Member Catherine Harris asked that the revisions be checked for consistency with the international Wildland-Urban Interface (WUI) code required by House Bill 48, noting potential cost implications for noncompliance. She also sought confirmation that the ordinance would remove the ability to establish agricultural uses without a land use permit.

Brian Tucker confirmed that consistency with WUI would be maintained and reiterated that the proposal removed only the local exemption from permitting agricultural land uses; state building-permit exemptions for legitimate agricultural structures would still apply, and misuse (e.g., storing personal items) would negate that exemption. In response to Harris's question about practical effects, he said the change would prevent, for example, someone from clear-cutting 40 acres to begin farming without first obtaining a land use permit.

Council Member Jennifer Hawkes asked whether the changes were confined to the agriculture section. Brian Tucker answered that the chapter was being repealed and replaced in full, with some subsections unchanged, some updated, and others slated to move to later chapters; he offered to provide a redline. A council member requested side-by-side change tracking for review, and Brian Tucker agreed to supply the version with strikeouts that had been sent to the Planning Commission.

Mayor Joe Smolka recognized Gary Bowen, who asked why the matter needed council action if the county had already rezoned some agricultural parcels years ago. Brian Tucker explained that while parcel zoning names had changed, agriculture remained a permitted use in FR zones under the inherited use tables; the ordinance before the council simply removed the exemption from permitting requirements and did not alter the use table. In response to public questions, he added that the change would not operate retroactively and would not affect established uses; it would require permits for new agricultural land uses going forward. He noted that the policy question about whether large-scale agriculture should remain permitted in the canyon—given topography, access, and land ownership patterns—would be addressed in a separate forthcoming ordinance.

Council Member Brems asked whether adoption was requested that night. Brian Tucker confirmed it was and clarified the item as Chapter 19.02. Council Member Harris summarized that the ordinance required agricultural uses to go through a permitting process similar in concept to other uses. Council Member Hawkes expressed discomfort proceeding without a redline showing changes but confirmed that the Planning Commission had held a public hearing and recommended approval. Council Member Robert Pinon asked whether all four items had undergone Planning Commission review; Brian Tucker stated they had and that staff also recommended approval.

**Council Member Brems moved to approve Ordinance 2025-O-05, Eliminating the agricultural exemption to the building requirements and land use permits. Council Member Pinon seconded the motion; vote was 5-0, unanimous in favor.**

#### D. Discussion and Possible Adoption of **Ordinance 2025-O-09**, Rezone RM Parcel to A-20

Brian Tucker presented a rezone request involving a 0.88-acre parcel near Camp K. He explained that the property was unusual because it was the only parcel in Emigration Canyon zoned Residential Multifamily (RM). The land was owned by Salt Lake City, with Camp K located on the larger surrounding property. The parcel in question was currently being used as a parking lot serving Ruth's and Emigration Brewery, as well as for garbage facilities and a sewer connection for nearby commercial uses. Mr. Tucker stated that the Planning Commission had concluded that Residential Multifamily zoning was not appropriate in Emigration Canyon, but before the city could eliminate the RM zone entirely, this one parcel had to be rezoned.

Council Member Catherine Harris recalled that the RM zoning was originally applied so that cabins housing multiple campers could be permitted. Mr. Tucker responded that, to his understanding, the zoning was applied to allow parking on a parcel not owned by the Emigration Brewery, and that RM had permitted off-site parking in that way. Council Member Harris asked whether rezoning would remove the ability to use the parcel for parking. Mr. Tucker explained that it would not. Instead, the existing use would become a legal nonconforming use, which meant the parking could continue indefinitely as long as it was not abandoned. He assured the council that parking could continue to be maintained in perpetuity under the nonconforming status.

Mayor Joe Smolka asked about the Planning Commission's process and whether Salt Lake City had been engaged. Mr. Tucker confirmed that both Salt Lake City and Camp K had been invited to participate. A Zoom meeting had been held with Salt Lake City and the operators of Camp K, and staff had also visited Camp K to tour the facility. However, Salt Lake City did not attend the Planning Commission's public hearing. Tucker noted that the Planning Commission held the hearing in June 2024, but the item had since been delayed before reaching the council.

Brian Tucker explained that the rezoning item was necessary because the city could not fully eliminate the Residential Multifamily (RM) zoning designation until this single parcel near Camp K was rezoned.

Mayor Joe Smolka asked whether approval required an additional public hearing for Salt Lake City, since they owned the parcel.

Cameron Platt responded that zoning decisions were discretionary for the council and confirmed it was appropriate to proceed. Council Member Harris noted that Salt Lake City had been properly noticed and had the opportunity to attend the Planning Commission hearing. Mr. Tucker added that the city had gone beyond formal notice by also reaching out directly and holding conversations with Salt Lake City representatives. Mr. Platt clarified that the intended zoning designation was FR-20, which was consistent with Camp K's zoning. Mr. Tucker confirmed this, acknowledging that if he had previously referred to A-20, that was a mistake.

Diana Baun noted the discrepancy between the agenda, which listed A-20, and the ordinance paperwork, which correctly stated FR-20. Brian Tucker reiterated that the city did not have an agricultural zoning designation on its books and that FR-20 was the correct zone.

Mayor Smolka asked what would happen if Camp K ceased operations. Mr. Tucker answered that under FR-20 zoning, the property could accommodate only one single-family residence unless the council chose to change the zoning in the future.

**Council Member Brems moved to approve Ordinance 2025-O-09, rezoning the above parcel from RM to FR-20. Council Member Hawkes seconded the motion; vote was 5-0, unanimous in favor.**

**E. Discussion and Possible Adoption of Ordinance 2025-O-07, An Ordinance Repealing and Replacing Chapter 19.88, Nonconforming Uses and Noncomplying Structures of the Emigration Canyon Code**

Brian Tucker introduced an ordinance to repeal and replace Chapter 19.88, which governs nonconforming uses and noncomplying structures in Emigration Canyon. He explained that when rules change, legally established uses or structures are generally allowed to continue until they are abandoned for a year. He noted that the county's inherited ordinance was unusually permissive compared to other communities. For example, it allowed someone to demolish a nonconforming structure and replace it with a larger one, even if the original structure had not complied with setbacks or other requirements. It also allowed an illegally built structure to be legalized after ten years without complaint. He cited Brighton as an example where a small, nonconforming cabin near a stream was lawfully rebuilt into a much larger home, retaining the original inadequate stream setback. The new ordinance would close such loopholes while still protecting the right to maintain and continue established nonconforming uses.

Council Member Robert Pinon asked whether property owners could still rebuild on the same footprint. Mr. Tucker confirmed they could and clarified that if a structure were destroyed by an act of God, it could be rebuilt in the same footprint so long as a permit application was filed within one year.

Mayor Joe Smolka asked whether the ordinance applied to conditional uses, and Mr. Tucker confirmed it did. Mayor Smolka also sought clarification about grandfathered uses, such as keeping horses. Mr. Tucker explained that the term "grandfathered" was essentially synonymous with "nonconforming use." He said a nonconforming use could continue indefinitely unless abandoned for a year, but once abandoned, it could not be reestablished.

A member of the public expressed concern that one year seemed short, especially given canyon winters. Mr. Tucker clarified that a property owner would not have to fully rebuild within a year if a structure were destroyed; filing for a building permit within the year would preserve their right, even if actual construction took longer.

Council Member Harris asked whether contingencies existed for situations such as temporarily moving horses off property during improvements with the intent to return them later. Mr. Tucker acknowledged that the current and proposed ordinance did not include such provisions but suggested that even minimal reestablishment—such as bringing horses back overnight—would preserve the use. Council Member Harris noted that while some properties had not housed horses or livestock for decades, their listings still reflected agricultural or horse use, and she wanted clarity about how the ordinance would apply in those situations.

Mayor Smolka commented that under the county system, allowances for horses had been tied to “family food production” rules, which permitted a set number of animals regardless of property size, a system he described as impractical. He said other Municipal Services District communities had adopted animal rights ordinances tying the number of animals to property size, but Brighton had resisted this due to strict watershed protections. He stated that such an ordinance could be considered for Emigration Canyon if desired.

Mr. Tucker added that Emigration Canyon did have watershed considerations, though they were less restrictive than in other areas. Mayor Smolka observed that only one property currently kept horses in the canyon, and those animals were removed during winter. Council Member Harris added that watershed issues remained relevant, noting that Salt Lake City held prior water rights up Pinecrest and had raised concerns about possibly restricting even the keeping of dogs.

**Council Member Brems moved to approve Ordinance 2025-O-07, An ordinance repealing and replacing Chapter 19.88 as discussed. Council Member Pinon seconded the motion; vote was 5-0, unanimous in favor.**

**F. Discussion and Possible Adoption of Ordinance 2025-O-06, An Ordinance Repealing Chapters 19.08, 19.44, 19.56, and 19.86 of Title 19 of the Emigration Canyon Zoning Ordinance**

Brian Tucker presented the final zoning item, which proposed eliminating several unused chapters from the current code. He explained that Chapter 19.08, the forestry zone, could be repealed because no property in Emigration Canyon was zoned forestry. Similarly, Chapter 19.44, the Residential Multifamily (RM) zone, was no longer needed now that the lone RM parcel near Camp Kostopulos had been rezoned. Chapter 19.56, the C-1 commercial zone, could also be eliminated since there was no C-1 property in the canyon. He clarified that the Planning Commission had also considered eliminating Chapter 19.86, the historic preservation zone, but did not recommend repeal. Instead, they requested further research to determine whether the chapter might apply, given the canyon’s historical significance. For that reason, the repeal of Chapter 19.86 was excluded from the current ordinance.

Diana Baun confirmed that Chapter 19.86 was not included in the ordinance draft and Mr. Tucker reiterated that it would remain in place while staff researched its relevance.

Council Member Jennifer Hawkes asked whether the Sun and Moon property purchased by the city was commercial. Brian Tucker confirmed it was zoned C-2, not C-1, and emphasized



that the city would retain C-2 zoning for existing commercial properties. Council Member Robert Pinon asked about the zoning of the old Pinecrest/Killian's bed-and-breakfast. Mr. Tucker responded that, to his knowledge, only the Sun and Moon, Ruth's Diner, Emigration Brewery, and Owl Meadows held C-2 zoning, and those parcels were unaffected by the proposed ordinance. Mayor Joe Smolka confirmed that all four commercial parcels were zoned C-2 and not included in the current repeal.

Council Member Catherine Harris expressed support for retaining the historic preservation chapter until further research was completed, noting the canyon's historic importance.

**Council Member Brems moved to approve Ordinance 2025-O-06, Repealing Chapters 19.08, 19.44, and 19.56 as noted above and leaving Chapter 19.86 as currently included in the code. Council Member Harris seconded the motion; vote was 5-0, unanimous in favor.**

#### **G. Discussion and Possible Action on a Lease Renewal for the 6291 E. Emigration Road Property**

**Council Member Harris moved to approve a lease renewal for property located at 6291 E. Emigration Canyon Road as discussed. Council Member Hawkes seconded the motion; vote was 5-0, unanimous in favor.**

#### **H. Discussion Regarding Micropaving**

Steven Kuhlmeier from Salt Lake County Public Works Operations explained that the county used a pavement preservation “micropave” treatment—coarser than slurry seal—on Emigration Canyon's collector roadway to extend the life of the 2021 mill-and-overlay surface. He said the product and aggregate size followed APWA-based specifications in the county's contract, and that preservation treatments are the most cost-effective option given the canyon's climate, plowing frequency, and salt use. He stated that inspections had occurred: the pavement manager and asphalt manager had driven the road, the county's lone inspector reviewed areas of concern, and seams generally appeared within tolerance for vehicular standards, noting there are no roughness standards specific to bicycles. He expected the surface to “wear in” and smooth through the winter under plow traffic, and said a sweeping pass was scheduled roughly two weeks after completion. He added that the contractor had not yet been paid for the season, that spot defects identified as hazards could be addressed now, and that broader design or standard changes would need to be directed through the Municipal Services District (MSD).

Council Member David Brems questioned why bicycle safety was not reflected in acceptance criteria and said the rough shoulder surface, especially downhill, pushed cyclists into the vehicle lane, creating an unsafe condition and liability risk. He asked whether any immediate smoothing (e.g., brushing or rolling) could be applied in bike lanes and later suggested a joint field inspection, including bicyclists, to locate and repair the worst segments; he also asked whether different aggregates could be used in shoulders versus travel lanes.

Council Member Jennifer Hawkes asked whether the work had been formally approved and inspected, and whether a different approach should have been used given the federally funded shoulder-widening project planned for the canyon. She questioned the value of a micropave expected to last several years when a major improvement is forthcoming, argued for clearer performance standards that ensure a smooth surface, and proposed an independent engineering review to recommend near-term fixes for hazardous areas. She emphasized immediate safety concerns, citing emails and rider feedback that cyclists were avoiding the bike lane.

Council Member Catherine Harris compared the outcome unfavorably to smoother projects she had ridden elsewhere, said the current surface felt noisy even in vehicles and could catch tires on ridges, and asked for closer county attention before turning to an outside reviewer. She agreed safety required near-term solutions, noted striping decisions were still pending at MSD, and supported identifying and repairing specific hazardous locations now while recognizing that some overall roughness might diminish after winter.

Council Member Robert Pinon reported specific stretches where divots and inconsistent finish made the bike lane unridable, forcing cyclists into the travel lane, and urged outright rejection and repair of those segments. He supported a coordinated on-site review to mark problem areas and consider an additional smoothing treatment limited to the bike lane if feasible.

Cameron Platt stated the council could direct staff to procure an outside inspection at a cost, and clarified that if the work met contract standards there might be no contractual remedy; otherwise MSD would have to address deficiencies with the contractor. He requested full project specifications, noting the county contract referenced APWA by incorporation. In response to a legal question from Mayor Joe Smolka about restricting cyclists, Mr. Platt said the city could potentially close the shoulder if it were hazardous, but could not categorically close the road to bicycles; where a striped bike lane exists, cyclists can be required to use it.

Public commenter Lynette Smolka urged residents to consider costs, the temporary nature of initial roughness, and the practical benefits of the chosen treatment compared with more disruptive and far more expensive options such as a new mill-and-overlay. She suggested better public education about what to expect during the “wear-in” period, while acknowledging the need to address discrete hazards.

Mayor Joe Smolka summarized that near-term safety issues must be addressed and asked Steven Kuhlmeier to coordinate an on-site walkthrough with Council Members Robert Pinon and David Brems to identify and prioritize hazardous segments for repair. Mr. Kuhlmeier agreed to coordinate directly, reiterated that spot locations could be addressed promptly, and said the county would sweep the corridor and continue inspections, while broader standards questions should be taken up with MSD.

#### I. Discussion and Possible Adoption of **Ordinance 2025-O-11**, Regarding Stage 2 Fire Restrictions

Cameron Platt explained that following discussions at the prior council meeting and subsequent emails, he had prepared an ordinance to implement Stage 2 fire restrictions in Emigration Canyon. He said the ordinance would take effect immediately, mirroring the State of Utah's Stage 2 restrictions, and would remain in place until the state reduced its restrictions.

Platt noted that he and Polly McLean planned to recommend a broader ordinance for all canyon municipalities they represent. That ordinance would delegate authority to a designated official—such as Unified Fire Authority (UFA), the mayor, or a council member—to impose or adjust fire restrictions midseason in consultation with UFA. He explained that under the current system, a full council meeting and ordinance were required, which could result in delays of weeks before restrictions were enacted.

Council Member David Brems emphasized that the council's action had come nearly three weeks after the restrictions were needed, describing the process as almost too late. He asked whether UFA would be willing to take on this delegated role.

Chief Bryan Case responded that UFA had done something similar in the past, noting that former fire marshal Brad Larson had previously issued such letters. He indicated UFA would be willing to provide support in this role.

Mr. Platt concluded that once the ordinance was adopted, the city would publish notice of the restrictions for public awareness. He asked the council for a motion to pass the ordinance enacting Stage 2 restrictions.

**Council Member Harris moved to approve Ordinance 2025-O-11, Regarding Stage 2 fire restrictions. Council Member Brems seconded the motion; vote was 5-0, unanimous in favor.**

#### J. Dark Sky License Plate Initiative Updates

No updates at this time.

#### K. Discussion Regarding Dogwalkers and Dog Waste Dispensers

Council Member Catherine Harris turned to the discussion on dog waste dispensers, noting she had not received direction after the prior meeting but had previously circulated a report. She explained that dispensers typically cost between \$250 and \$400, in addition to the ongoing expense of bags and periodic refilling. She also referenced earlier discussions about signage, emphasizing that both topics required council guidance.

Mayor Joe Smolka explained that the item had been tabled at the prior meeting because Council Member Harris was absent. Council Member Harris reiterated her willingness to research and provide options for dispenser purchases if that was the council's preference.

Council Member Jennifer Hawkes proposed creating consistent design guidelines covering signage, dog waste stations, trash receptacles, bike racks, and other public amenities, so that

materials and styles would be standardized across projects. Council Member David Brems responded that this type of design oversight fell within the council's purview, not the planning commission's. Council Member Hawkes volunteered to begin drafting guidelines for council review. Council Member Harris agreed to return with concrete options for dispenser purchases, and Brems offered to assist with research on trash cans.

Mayor Smolka stressed that such a discussion should be handled as a dedicated agenda item rather than added onto other topics. Council Member Hawkes noted she had asked for it to be placed on the agenda but it had been removed, and Diana Baun noted she must have missed that request. Council Member Hawkes also pointed out that dispensers had not been included in the current budget, and Council Member Brems added that future funding would need to be budgeted. Council Member Harris clarified that her intent for now was only to present cost comparisons and options.

Discussion turned briefly to dog walking regulations. Council Member Harris explained that Unified Police Department's Detective Dawn Larsen had recently stopped and cited individuals walking more than six dogs, as allowed under the city's ordinance. Gary Bowen suggested confirming alignment with Salt Lake County's ordinance, but it was noted the city's ordinance already contained those provisions

#### L. House Bill 48 Updates (Wildland Urban Interface Modification)

Council Member Catherine Harris reported on the implications of House Bill 48, which requires municipalities in wildfire-prone areas to ensure that all zoning and development ordinances comply with the 2006 International Wildland Urban Interface (WUI) Code. She noted that the law takes effect January 1, and although the state had not yet released full implementation rules, it was almost certain that all of Emigration Canyon would fall within an extreme wildfire risk zone under the forthcoming maps. She emphasized that noncompliance could expose the city to significant financial penalties, including up to a \$50 annual assessment per residence to fund a statewide wildfire suppression fund. She stated that the city had already adopted the 2006 WUI standards in prior years, but cautioned that all future ordinance updates must also meet those requirements. She expressed concern about the state's delay in providing details, particularly regarding how individual homes would be assessed, noting that the task could involve tens of thousands of evaluations statewide before the January deadline.

UFA Chief Bryan Case added that House Bill 48 also requires each affected municipality to formally adopt a wildland–urban interface map. He explained that since nearly all of Emigration Canyon lies in a high-risk area, the entire community would likely be designated within the map boundaries.

Council Member Harris recalled that while the city had already implemented WUI codes, it had not previously adopted a formal WUI map, as that determination had been left to state forestry authorities. Cameron Platt confirmed that although the city had adopted the 2006 WUI code, it had never formally approved a map.



Chief Case concluded that the adoption of such a map would now be mandatory under state law and said Unified Fire Authority was preparing to assist its partner municipalities in meeting that requirement. Harris responded that adopting the map would likely be the simplest part of compliance, but emphasized that many questions remained unanswered due to the state's limited communication ahead of the January deadline.

#### **M. Healthy Utah Designation Updates**

Council Member Robert Pinon reported that he was still in the process of completing the application for a designation that required outlining three community projects. He explained that he had prepared draft versions of the projects but was not yet ready to present them. Council Member Pinon stated that he would provide the drafts before the next council meeting so the council could have a more substantive discussion. He emphasized that the intent of the application and the projects was to identify ways to serve the community by implementing three distinct initiatives designed to engage residents in a meaningful way.

#### **N. Discussion and Possible Action Regarding Franchise and MET Taxes – *Mayor Joe Smolka***

Council Member David Brems expressed frustration at ongoing delays, saying the council kept discussing the franchise tax and municipal energy tax (MET) without taking action. He urged that the council move forward and be ready to adopt an ordinance at the next meeting.

Mayor Joe Smolka clarified that the council could proceed immediately with the franchise tax, since a public hearing had already been held, but could not do the same for the MET tax because that still required a public hearing.

Cameron Platt confirmed this, noting the franchise tax ordinance could be prepared for adoption in September. For the MET tax, a public hearing would need to be held first—likely in September—with adoption of the ordinance following in October.

Diana Baun said she would coordinate with Cameron Platt on the ordinance language and ensure the public hearing was properly noticed.

Council Member Brems reiterated that Emigration Canyon was the only community not collecting these taxes, leaving the town without needed revenue, and said it was time to get both measures finalized.

#### **11. City Attorney Updates**

No updates at this time.

Council Member Jennifer Hawkes asked to discuss another item for the next council meeting, raising the issue of water conservation incentives after receiving an email that was copied to the council. She explained that residents could qualify for a state program offering credits

when they removed a percentage of their grass, but the town needed to be formally listed with the state in order for residents to participate.

Mayor Joe Smolka responded that the town already met the necessary standards, noting that some of them had been adopted in previous code updates. Council Member Robert Pinon also confirmed that the qualifications were in place.

Council Member Hawkes clarified that despite this, the town still had to ensure it was officially included on the state's eligibility list so residents could benefit. She recalled that the council had previously directed staff to pursue this but no action had been finalized. She volunteered to follow up with the appropriate contact, identified as Matt, and report back at the next meeting.

Diana Baun confirmed she would note this as an agenda item for an update on credits for water conservation and landscaping.

## **12. Council Member Reports**

### **A. Council Member Brems**

- 1. Unified Police Department (UPD) & Salt Lake Valley Law Enforcement Service Area (SLVLESA)**
- 2. Emigration Canyon Planning Commission**
- 3. Community Renewable Energy Program**

Council Member David Brems delivered a brief report highlighting several important updates. He began with the most recent Unified Police Department meeting, which opened with a moment of silence for two Tremonton police officers who were killed and two others who were wounded. The meeting was deeply emotional, with Sheriff Rivera and Chief Mazuran pledging to provide temporary officers to Tremonton to help the community recover from the tragedy. Council Member Brems also noted that Mayor Silvestrini of Millcreek expressed profound gratitude to UPD and the fire department for their response to a devastating fire in Millcreek that destroyed 23 households, leaving many residents without homes. He pointed out that such a tragedy serves as a reminder of the risks that could also affect Emigration Canyon. Turning to local matters, he emphasized the significant progress made by the Emigration Canyon Planning Commission, with the council adopting four ordinances that evening and additional ordinances still under review. Finally, he provided an update on the Community Renewable Energy Program, reporting that a public hearing is scheduled for September 19 before the Public Service Commission. Requests for proposals for renewable energy providers have been issued, and once approved, they will be narrowed to a select group of candidates for negotiation.

### **B. Council Member Harris**

- 1. Unified Fire Authority (UFA) & Unified Fire Service Area (UFSA)**
- 2. Watershed Plan**

Council Member Catherine Harris reported on budget matters related to the Unified Fire Authority and Unified Fire Service Area. She explained that Salt Lake County had historically contributed approximately \$3 million annually to UFA to help cover emergency services in the canyons recreation areas, primarily Big and Little Cottonwood Canyons, with some coverage in Parleys Canyon and near Herriman. The reasoning for this contribution was that most of the individuals requiring emergency services in these areas were not residents, and therefore, the costs should be offset by the county at a regional level. However, Salt Lake County had begun questioning whether it should continue making this contribution, noting that by 2027, unincorporated Salt Lake County would have fewer than 1,000 residents. County officials argued that the funding allocated through its budgetary contribution to UFA should be sufficient to cover all needs without the additional \$3 million. She stated that she had been asked to participate in facilitated discussions between UFA, UFSA, and Salt Lake County on this issue. She noted the challenge that the county both requested and would ultimately decide the outcome of these discussions, making the process difficult. To date, three facilitated meetings had been held, but she suggested that the county appeared focused on persuading others to accept the withdrawal of funding rather than seeking compromise. She cautioned that the potential loss of \$3 million represented a significant reduction in UFA's \$91 million budget, and the shortfall would have to be covered by smaller municipalities such as Emigration Canyon. She added that a potential solution could involve approaching the state, since state agencies promote canyon recreation through tourism and should share responsibility for funding emergency services in these areas.

In response, Council Member David Brems asked whether Emigration Canyon contributed more in taxes to UFA than it received in services. Council Member Harris explained that while the number of incident responses might suggest the canyon paid more than it directly received, the broader value of UFA membership included planning, coordination, and disaster preparedness services that would not otherwise be available. She stressed that evaluating value solely by incident count or officer hours, as is often done with UPD, was not an appropriate way to assess fire services. Chief Bryan Case added that UFA's financials were fully transparent and publicly available in the annual budget book, and he encouraged council members to review the detailed information it contained. Council Member Harris agreed and reiterated that Emigration Canyon did receive significant value from its participation, particularly in preparedness for large-scale disasters such as wildfires.

Council Member Harris then provided a brief update on the watershed plan, noting she had been working with Sandy on follow-up reporting but had not yet received the promised documentation. She confirmed she would continue working to obtain the report.

Council Member Brems added that once this discussion concluded, he would also provide an update on sound cameras and civil complaints later in the meeting.

### **C. Council Member Pinon**

- 1. Wasatch Front Waste and Recycling District (WFWRD)**
- 2. Utah Broadband**
- 3. Update on Possible High-Density Development**

Council Member Robert Pinon presented his report on the Wasatch Front Waste and Recycling District. He announced that longtime general manager Pam had retired and been released from her duties but would remain as a consultant for approximately six weeks to assist with the transition. The district's new general manager and CEO, Evan Tyrrell, had officially taken his oath of office, and Pinon expressed enthusiasm about his leadership. He also noted that Herriman had decided to withdraw from WFWRD, prompting an RFP for a feasibility study to assess the implications of that decision. Herriman's withdrawal was motivated by dissatisfaction with a recent fee increase, which officials there believed was not justifiable for their residents. Council Member Pinon emphasized his continued appreciation for WFWRD's service to Emigration Canyon, noting that the district traveled long distances into difficult terrain, particularly in the winter, to provide waste and recycling collection. While he acknowledged that the canyon was an outlier in terms of the cost of service compared to other areas, he stressed that the district's commitment remained a benefit to the community and expressed gratitude for their efforts. He concluded by reporting that he had no new updates on Utah Broadband or on potential high-density development in the canyon, which he noted was good news.

Council Member David Brems then reported on progress toward securing a sound camera for Emigration Canyon. He explained that during a recent meeting with SLVLESA and UPD, he had spoken with Chief Mazuran and Rachel Anderson, and Chief Mazuran had agreed to provide a camera if the city could demonstrate a method for making the resulting complaints enforceable. Council Member Brems stated that once this mechanism was confirmed, the canyon would receive a sound camera.

Cameron Platt explained that enforcement could be handled through civil code enforcement under Title 12. He outlined the three types of municipal enforcement—administrative, criminal, and civil—and emphasized that noise violations qualified as civil matters because they were equipment or status violations, not moving violations. Under civil enforcement, UPD or a designated code enforcement officer could issue citations, with a lower burden of proof of 51% rather than the criminal standard of beyond a reasonable doubt. He noted that the system already existed through the MSD and had been implemented in Brighton for parking enforcement.

Council Member Brems asked how the process would work with the sound camera. Mr. Platt explained that the camera would capture a photograph of the noisy vehicle's license plate, and after human verification, a citation would be mailed. State law required that violators have 20 days to respond, after which a second notice would be sent, followed by a default hearing if no response was received. MSD staff, through its existing code enforcement section, would handle these processes. He confirmed that similar systems had been upheld in U.S. courts, including in New York and Pennsylvania, providing legal support for their use. Council Member Brems noted that the cost of the camera was approximately \$40,000.

#### **D. Deputy Mayor Hawkes**

1. Website ([www.emigration.utah.gov](http://www.emigration.utah.gov))
2. CodeRED



### **3. Association of Municipal Governments**

#### **4. Utah League of Cities and Towns (ULCT)**

Council Member Jennifer Hawkes reported that she had updated the city website with safety information provided by Chief Bryan Case regarding lithium batteries. The document, available as a PDF or in a readable format online, contained important guidance in light of recent fire incidents caused by battery malfunctions. She encouraged council members and residents to review the information carefully.

Council Member Catherine Harris asked whether the video shown to the UFA board on battery safety could also be linked, noting its impact. Chief Case explained that only a one-page fact sheet had been provided for the website to keep it concise, but he offered to supply additional materials, including the video, if the council wished. Council Member Harris shared that the video had prompted her to change her personal charging habits, such as unplugging her e-bike and other devices, and Chief Case confirmed that lithium battery fires were a growing national issue.

Council Member Hawkes continued by noting that the website now also included links under the government section to the ECRIC study, the Effort Study, and the Lochner study for public reference. She then turned to the topic of CodeRed, explaining that although tabletop exercises were underway, she wanted to schedule a training session for the council before the end of the year. This training would walk participants through the platform's functions and ensure that each council member understood how to use their assigned codes. She suggested holding the training via Zoom, as had been done in the past, and asked Diana Baun to help coordinate scheduling a work session.

Diana asked whether the training should take place before a regular council meeting or be scheduled separately. Hawkes replied that it might need to be a separate meeting conducted individually through Zoom. Cameron Platt clarified that because the session would be a training rather than a decision-making meeting, it would not qualify as a public meeting under state law, meaning a public notice would not be required. Diana said she would confirm the rules, but Mayor Joe Smolka reiterated that since it was purely instructional and not deliberative, it did not need to be noticed.

Council Member Jennifer Hawkes provided her report from the League of Municipal Governments. She informed the council that a new fee was being implemented by the Division of Drinking Water to stabilize funding for drinking water regulation and infrastructure projects while reducing reliance on expiring federal grants. The fee would be based on annual household water consumption at a rate of \$0.331 per 1,000 gallons, with an estimated impact of \$4.59 per month per household. A flat fee of \$35 per year would apply to households using less than 10,000 gallons. The program was scheduled to become official on July 1, 2026, with the first payment due July 1, 2027. She stated that she would circulate the website link where council members could review the details and a question-and-answer section. She also reported that she had registered for a League webinar on beer tax scheduled for August 27 and invited other council members to join if interested. Additionally, she noted that the council needed to update its list of voting

members with the League, as updates could be made either in August or January. For now, she recommended continuing with the current roster while updating emails. She reminded the council of the League's annual convention scheduled for October 1–2, with an optional additional session on October 3 focused on conflict competence. The cost of the extra session was \$30 for those already attending the convention or \$80 as a standalone option. She suggested that it would be useful for council members to attend at least one of these training opportunities, especially the League's crash course on public meetings and notices, scheduled for December 6 (in person) and December 13 (online), with a follow-up conflict competence course on January 10. She committed to sending the council the relevant dates and links.

She then turned to the issue of road striping, noting her concern and confusion over the discussion at the most recent meeting. Council Member Hawkes stated that she did not vote because the discussion had shifted to lane widths rather than the originally planned review of striping issues, which she believed left residents confused as well. She reminded the council that a walkthrough in 2020 had identified problems with the upper half of the canyon's striping that were never addressed, and she emphasized the need to ensure that any new work on the lower half was completed correctly. She referenced an engineering review conducted by peers that highlighted errors in signage, symbol sizing, and other engineering details, none of which were properly incorporated into the striping plan. She urged the council to adopt a checklist or review process to confirm that the striping was implemented according to engineering standards, stating that the unresolved issues from the earlier project should not be repeated.

Council Member David Brems responded by expressing tentative interest in attending the League's fall conference if Council Member Hawkes preferred to attend the summer session, and She agreed to share additional information and coordinate attendance.

## **E. Mayor Smolka**

- 1. Greater Salt Lake Municipal Services District (MSD)**
- 2. Landfill Council**
- 3. Wasatch Front Regional Council (WFRC) Transportation Committee**
- 4. Council of Governments (COG)**
- 5. Legislative Update**

Mayor Joe Smolka provided updates from the Greater Salt Lake Municipal Services District (MSD). He explained that there would be at least two, and possibly four, new board members after the upcoming elections. He also revisited the ongoing discussion about road maintenance, noting the significant cost difference between options. A mill and overlay would cost approximately \$4 million every 7–10 years, while the recent micropave treatment cost only \$700,000–\$800,000. Mayor Smolka suggested exploring alternative funding sources to avoid placing the full burden on canyon residents. Possibilities included securing recreation funding from the state legislature, applying for support from the Travel Council, enacting a statewide bike tax dedicated to road maintenance, or raising local taxes. He also reported on other regional boards. At the Landfill Council, the budget presentation was completed and moved

forward for County Council approval. At the Wasatch Front Regional Council (WFRC), the funding for the canyon's road improvement project had been rescheduled for 2028. Current funding is being used to hire a consultant so that the design work is ready by the time construction begins. Smolka noted that the RPLOQ had gone out and that the selection committee would soon interview the four consultant teams who submitted proposals. He also mentioned he was unable to attend the recent Council of Governments meeting in Alta due to a scheduling conflict with WFRC.

The council then returned to the discussion of noise enforcement. Council Member Jennifer Hawkes asked whether drivers might be able to avoid citations by reducing their noise just while passing through the sound camera zone. Cameron Platt clarified that while acceleration makes exhaust louder, exhaust noise is still recorded even at idle, so vehicles cannot eliminate sound entirely. Council Member Catherine Harris added that many motorcycles with modified exhaust systems are excessively loud regardless of whether they are accelerating, so the technology should still be effective.

During public comment, Genee Reseterix asked whether the camera could also capture evidence of illegal exhaust pipes. Platt and resident Tyler Tippits explained that only a physical inspection can confirm legality because compliant pipes are stamped by the manufacturer—a detail the camera cannot capture. Hawkes noted that tickets previously issued for illegal pipes were not upheld in court, highlighting the advantage of pursuing noise as a civil rather than criminal violation. Gary Bowen recalled a past effort to enforce noise ordinances under Sheriff Winder, which failed because deputies were told enforcement wasn't possible in the canyon. Smolka emphasized that this new civil enforcement framework would be different.

Resident David Wardett asked whether citations would apply to the driver or the vehicle owner. Platt clarified that tickets would be issued to the registered owner, similar to parking violations.

The council also discussed future agenda items. Council Member Robert Pinon raised the issue of communication failures between UHP and UPD during Parleys Canyon closures, which caused traffic surges in Emigration. Smolka agreed it was a problem and said better coordination was needed, though Platt cautioned the town cannot compel UHP to share information. Council Member David Brems suggested drafting an ordinance to prohibit semi-trucks from using the canyon except for local deliveries, noting that Emigration should not be used as an alternate freight route when Parleys is closed. Platt agreed to research the feasibility of such an ordinance. Smolka added that September's agenda would also include a detailed explanation of the town's new form of government and how the council's authority would function moving forward.

### **13. Public Comments - None**

### **14. Future Agenda Items**

As discussed throughout the meeting.

**Council Member Hawkes moved to recess the City Council Meeting and move to Closed Session for the reasons indicated below; Vote was 5-0, unanimous in favor.**

**15. Closed Session per Utah Code §52-4-205**

- A.** Discussion of the Character, Professional Competence or Physical or Mental Health of an Individual.
- B. Pending or Reasonably Imminent Litigation.**
- C.** Purchase, Exchange, or Lease of Real Property.
- D.** Deployment of Security Personnel.

**16. Adjourn**


**Council Member Brems moved to adjourn the August 26, 2025 Emigration Canyon Council Meeting. Council Member Harris seconded the motion; vote was 5-0, unanimous in favor.**

The August 26, 2025 Emigration Canyon Council Meeting adjourned at 10:39 PM.

**The August 26, 2025 City Council Meeting Minutes were Approved by the City Council on the 23<sup>rd</sup> day of September 2025:**

**ATTEST:**

  
\_\_\_\_\_  
Diana Baun, City Recorder

  
\_\_\_\_\_  
Joe Smolka, Mayor



Ordinance 2025-O-05



**Consideration of an Ordinance Eliminating the Agricultural Exemption to the Requirement for Building and Land use Permits in Section 1 19.02.090 of the Emigration Canyon Code and Repealing and Replacing Chapter 19.02 General Provisions and Administration of the Emigration Canyon Code**  
**City Council**  
**August 26<sup>th</sup>, 2025**

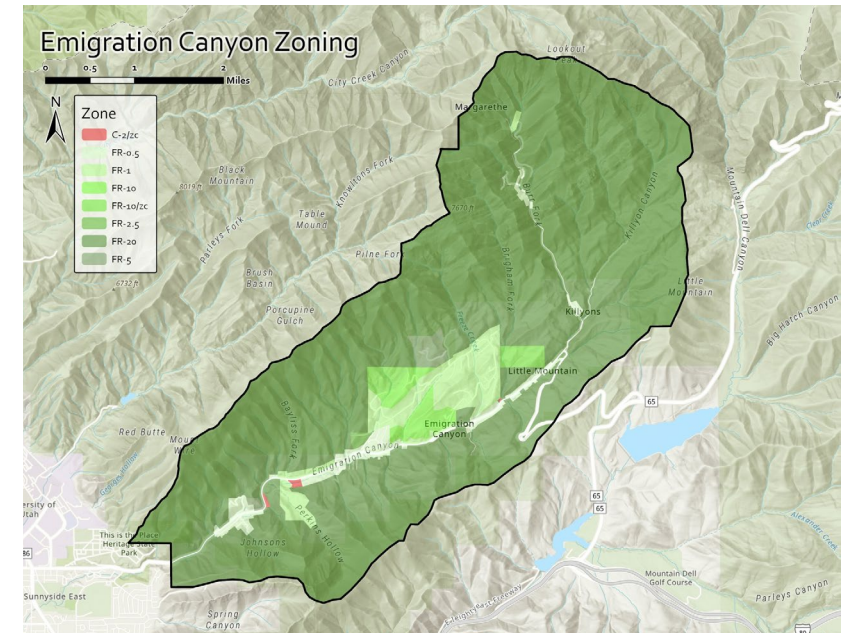


**Municipal Services  
District**



# Background

- Emigration Canyon adopted a version of the County's Zoning Ordinance when they became a Metro Township
- The County's ordinance was not regularly updated and not created with a small city in mind
- At the urging of the MSD board, the Planning Staff created a model zoning ordinance intended to modernize the zoning ordinance and make it more accessible to the public

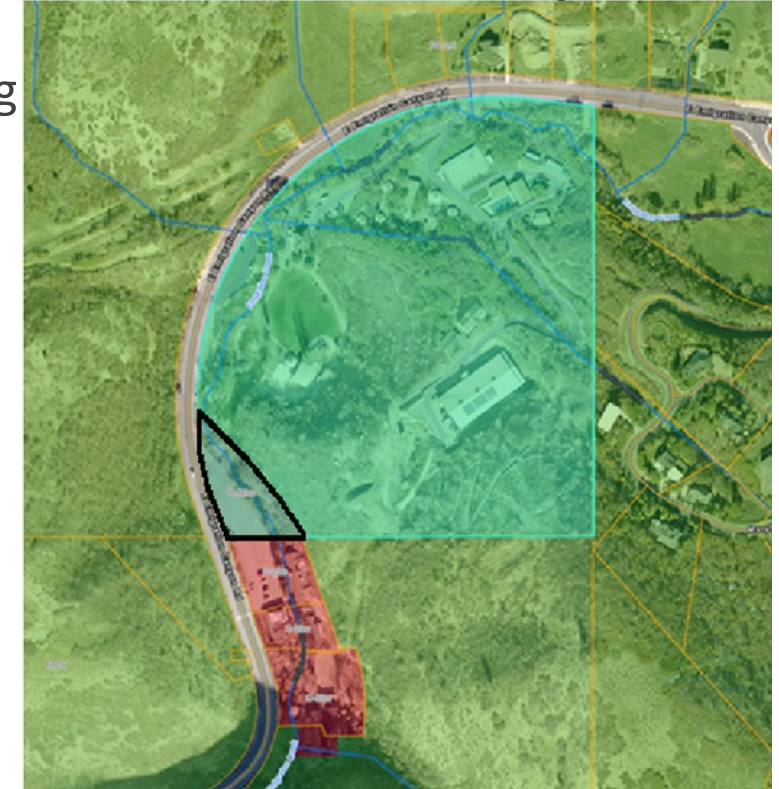


# Issues and Proposed Action

- Polly McLean, an attorney working for both Emigration Canyon and Brighton created a revised Chapter 19.02 based on the model code but geared specifically toward those two canyon communities
- Section 19.02.090 of Emigration Canyon's existing ordinance having to do with Building and Use Permit Requirements, exempts "land used for agricultural purposes" from the requirement for all land uses to obtain a land use permit
- This exemption has been problematic in recent years as a large-scale agricultural use has been proposed within the canyon
- The proposed ordinance eliminates this exemption.
- The proposed action is that the existing Chapter 19.02 General Provisions and Administration be repealed and replaced with the attached ordinance

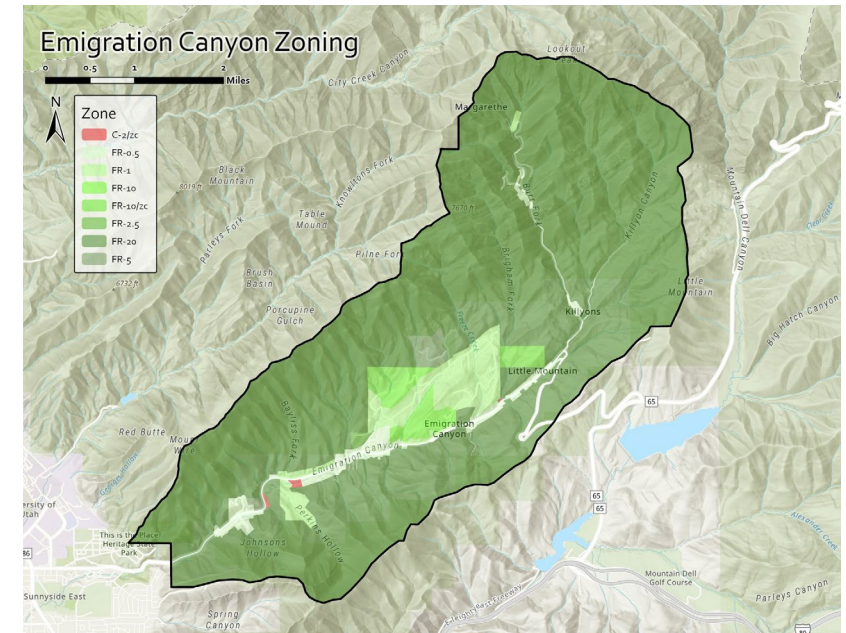


EMIGRATION CITY



# Timing Considerations

- Emigration Canyon's Planning Commission will be sending over portions of the ordinance as they are reviewed
- Because Title 19 will be repealed and replaced chapter by chapter, some Sections or Subsection will need to be retained until the Chapter they end up in is adopted
- These sections and subsections will be repealed as further chapters are adopted
- As an example:
  - Section 19.02.140 Improvements – Performance Bonds in the attached draft ordinance will eventually end up in Chapter 19.16 Land Use Processes and Procedures
  - However, since the Council is not considering Chapter 19.16 at this time, Section 19.02.140 needs to be retained
  - That Section will be repealed when Chapter 19.16 is adopted.



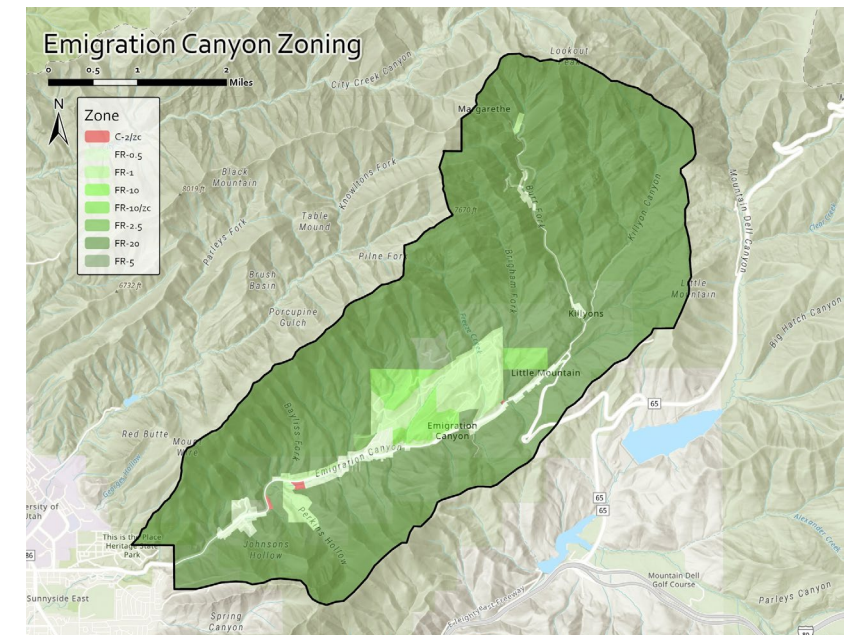


# Findings and Recommendation

- Based on the above review and analysis, staff finds that:
  - The existing Chapter 19.02 General Provisions and Administration was created for Salt Lake County and not for Emigration Canyon.
  - The existing Chapter 19.02 General Provisions and Administration has become outdated since portions of it were first adopted by Salt Lake County in the 1980's.
  - The Agricultural Exemption to the requirement that land uses be permitted has not served the canyon community of Emigration Canyon well.
  - On July 10, 2025, the Emigration Canyon Planning Commission, after having held a public hearing, has recommended that the Council adopt the proposed ordinance.
- Therefore, MSD Planning Staff recommend that Chapter 19.02 General Provisions and Administration be repealed and replaced with the attached ordinance.



**EMIGRATION CITY**





# Ordinance 2025-O-09

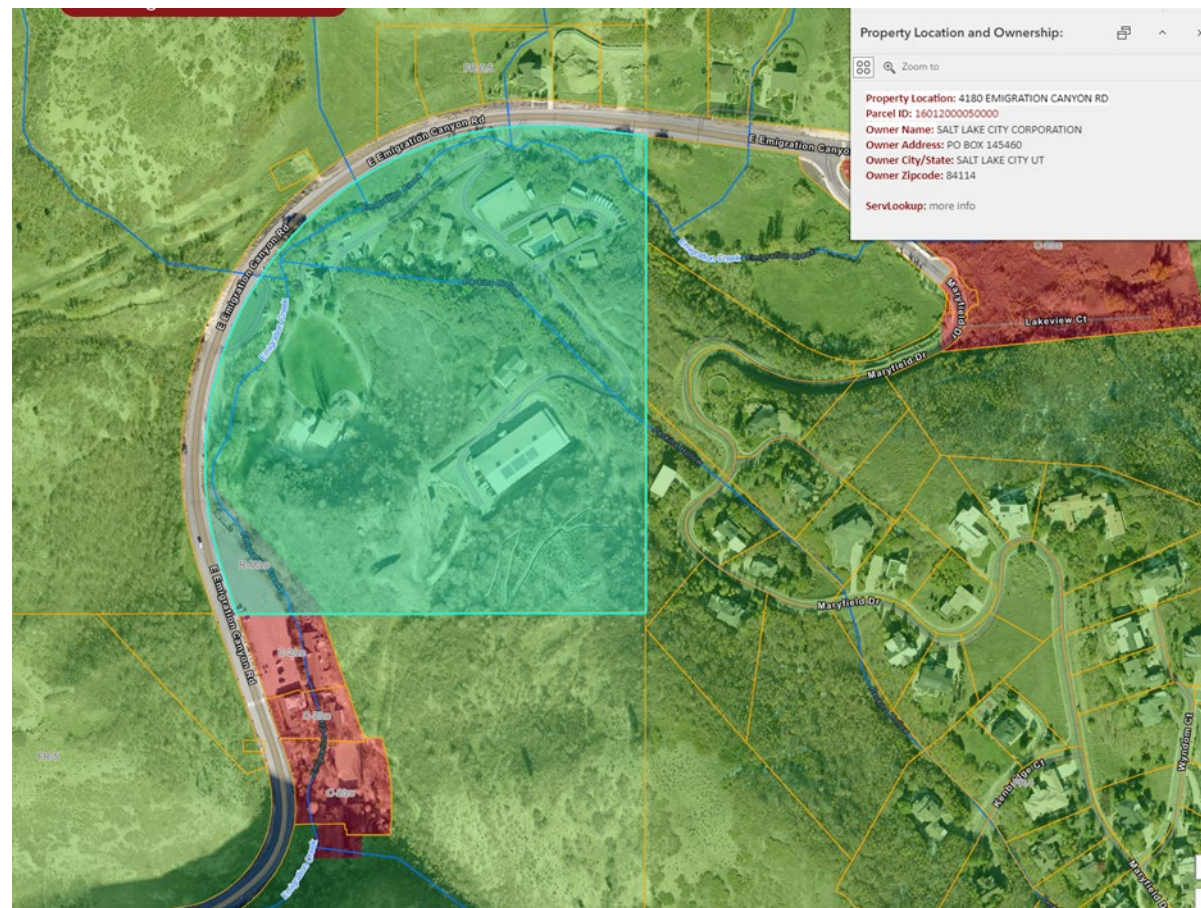


**Rezone of .88 Acres at approximately  
4180 W Emigration Canyon Road  
City Council  
August 26<sup>th</sup>, 2025**





# Site Aerial View



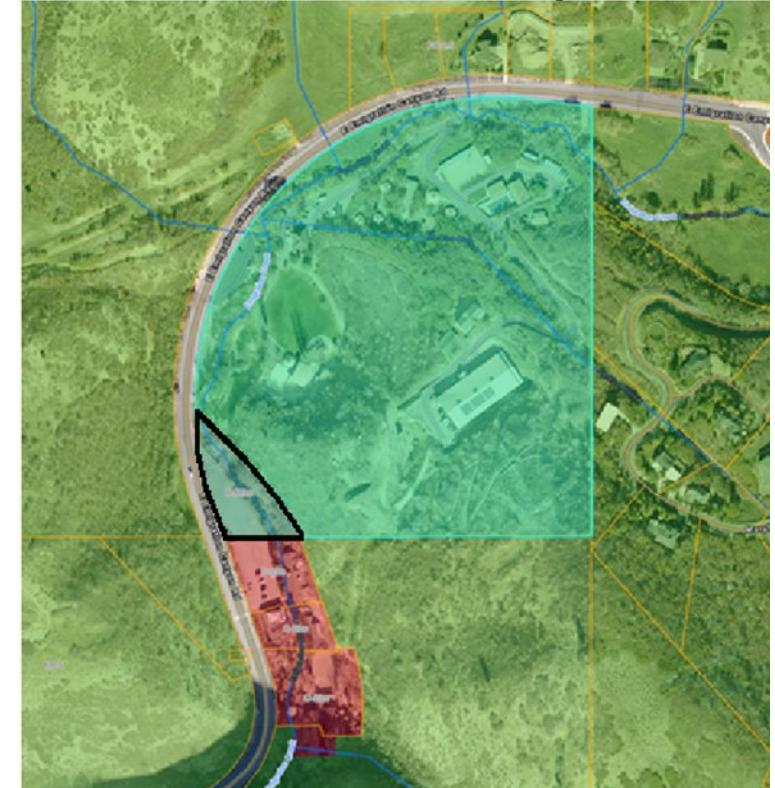
EMIGRATION CITY

# Background

- Property at approximately 4180 W Emigration Canyon Road
- 15.18 Acres, owned by Salt Lake City
- Primarily used for Camp K
- 0.88 Acres on the southwestern portion used for a parking lot by Emigration Brewery
- The property also includes garbage and sewage facilities for the adjacent commercial uses
- This 0.88 acres is the only property in Emigration Canyon zoned R-M (Residential Multi-Family)
- As part of the project to repeal and replace the Zoning Ordinance (Title 19), the Planning Commission has discussed the need for Residential Multi-family in Emigration Canyon



EMIGRATION CITY



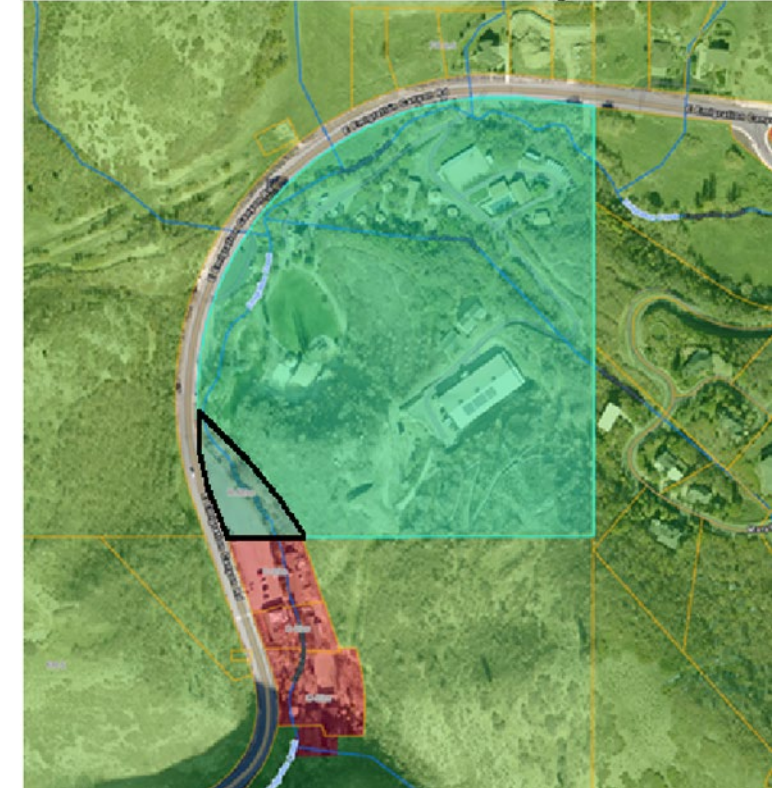


# Multi-Family Development

- As part of the project to repeal and replace the Zoning Ordinance (Title 19), the Planning Commission has discussed the need for Residential Multi-family in Emigration Canyon and concluded the following:
  - Emigration Canyon does not currently have any significant multi-family development
  - Historic Development pattern consists of single-family homes
  - The topographic conditions and the desire to retain mountain views do not easily lend themselves to multi-family development of either the vertical or horizontal nature
- Therefore, the Emigration Planning Commission is recommending that the R-M Zone be eliminated from the Zoning Ordinance
- Because the City does have this one property zoned R-M, it must first be rezoned



EMIGRATION CITY

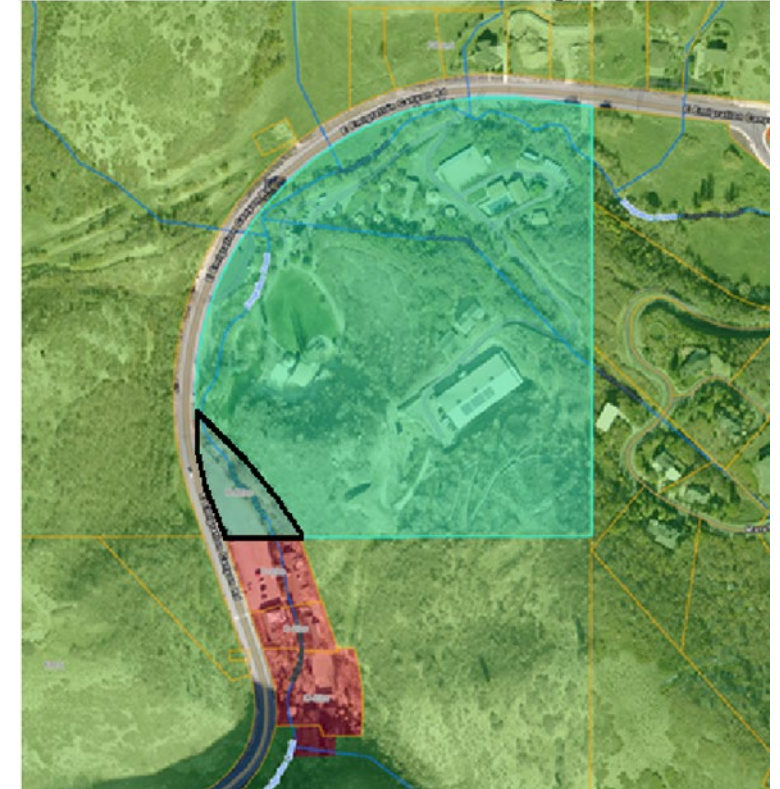


# Analysis

- Camp K is zoned almost exclusively FR-20
- The proposed rezone does not include property used by Camp K and will not interfere with current or future uses of the property
- Staff have discussed the proposed rezone with the operators of Camp K and have toured Camp K to ensure that there will be no impact on Camp K
- Staff have met with Salt Lake Public Utilities about the proposed rezone and have not received any pushback to date
- The portion of the property proposed to be rezoned is used for parking, garbage and sewage associated with the nearby Commercial Uses
- The uses of this property will not change as a result of the rezone



EMIGRATION CITY

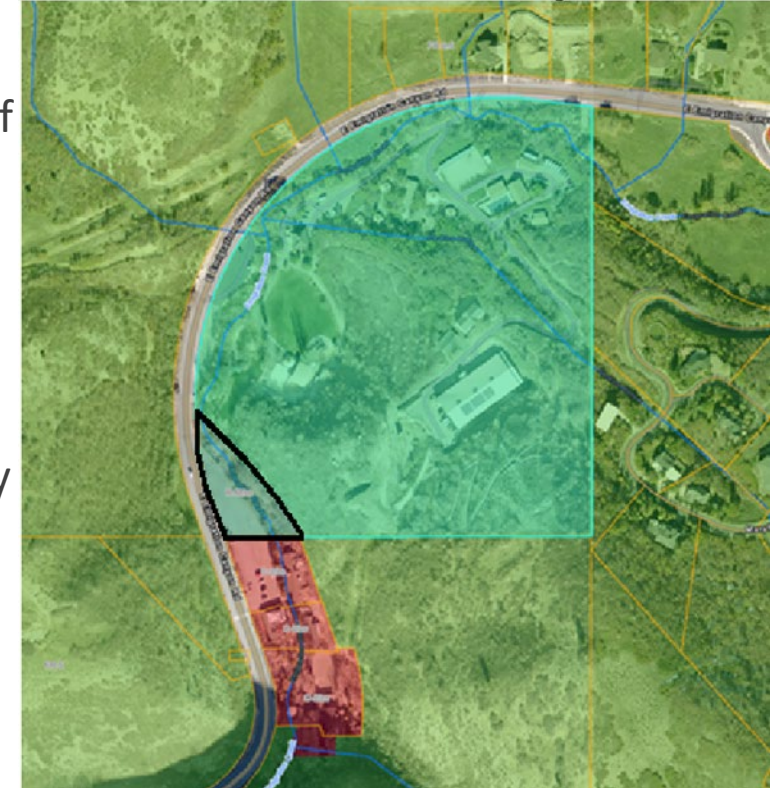


# Findings

- Based on the above review and analysis, staff finds that:
  - MSD Planning Staff and Planning Commission have discussed the need for Multi-Family zoning in Emigration Canyon and have reached a consensus that this type of zoning is not appropriate for the canyon.
  - MSD Planning Staff and Planning Commission propose the elimination of the Residential Multi-Family (R-M) zoning district.
  - In order to eliminate the Residential Multi-Family (R-M) zoning district, that zone must not be applied to any property within the jurisdiction.
  - The one parcel zoned Residential Multi-Family (R-M) is owned by a Salt Lake City.
  - The City has not indicated any interest in using the subject parcel for any use other than those that exist.
  - The Forestry Recreation (FR-20) zone is supported by the General Plan for this area.



EMIGRATION CITY



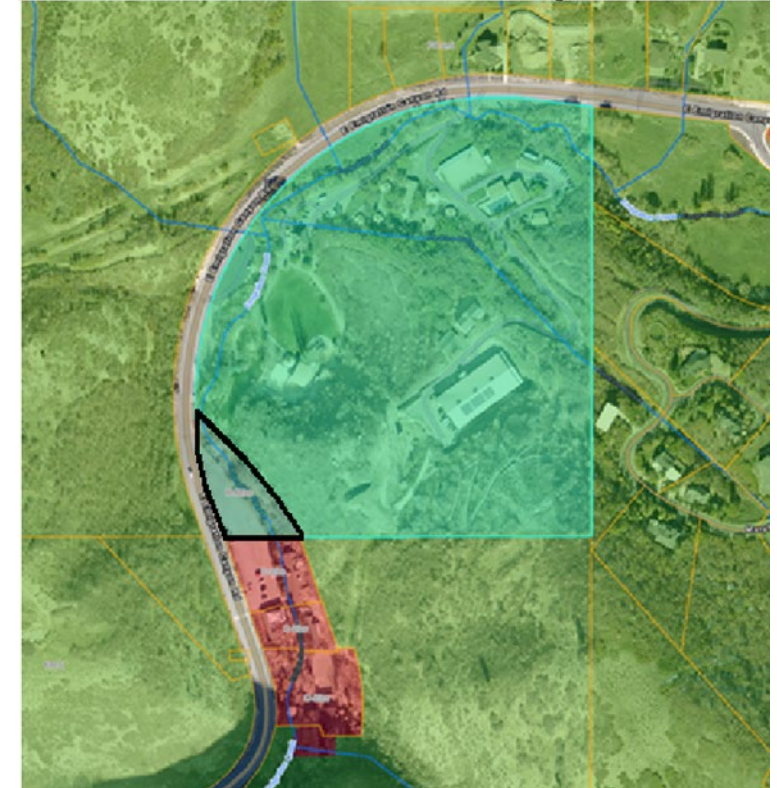


# Recommendation

- Based on those findings, MSD Planning Staff recommend that the subject parcel be rezoned to Forestry Recreation (FR-20).
- On June 17, 2024, the Emigration Canyon Planning Commission, after having held a public hearing, recommended that the Council amend the zoning map for the 0.88 acres of land located at approximately 4180 Emigration Canyon Road from R-M (Residential Multi-Family) to FR-20 (Forestry Recreation)



EMIGRATION CITY





Ordinance 2025-O-07

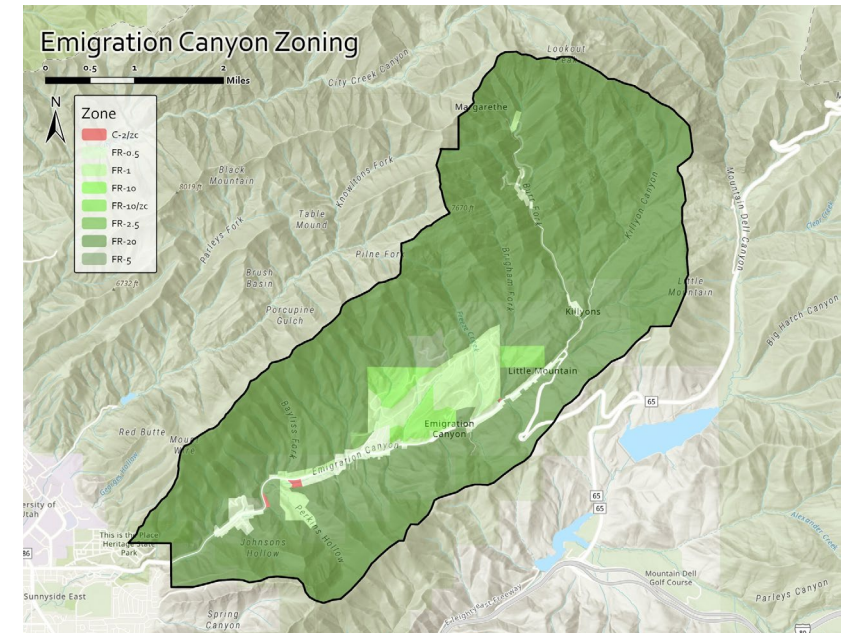


**An Ordinance Repealing and Replacing Chapter 19.88, Nonconforming Uses  
and Noncomplying Structures of the Emigration Canyon Code  
City Council  
August 26<sup>th</sup>, 2025**



# Background/Proposed Action

- Emigration Canyon adopted a version of the County's Zoning Ordinance when they became a Metro Township
- The County's ordinance was not regularly updated and not created with a small city in mind
- At the urging of the MSD board, the Planning Staff created a model zoning ordinance intended to modernize the zoning ordinance and make it more accessible to the public
- Polly McLean, an attorney working for Emigration Canyon, created a revised Chapter 19.88 based on the model code but geared specifically toward canyon communities
- The proposed action is that the existing Chapter 19.88 Nonconforming Uses and noncomplying Structures be repealed and replaced with the attached ordinance



# Issues/Concerns

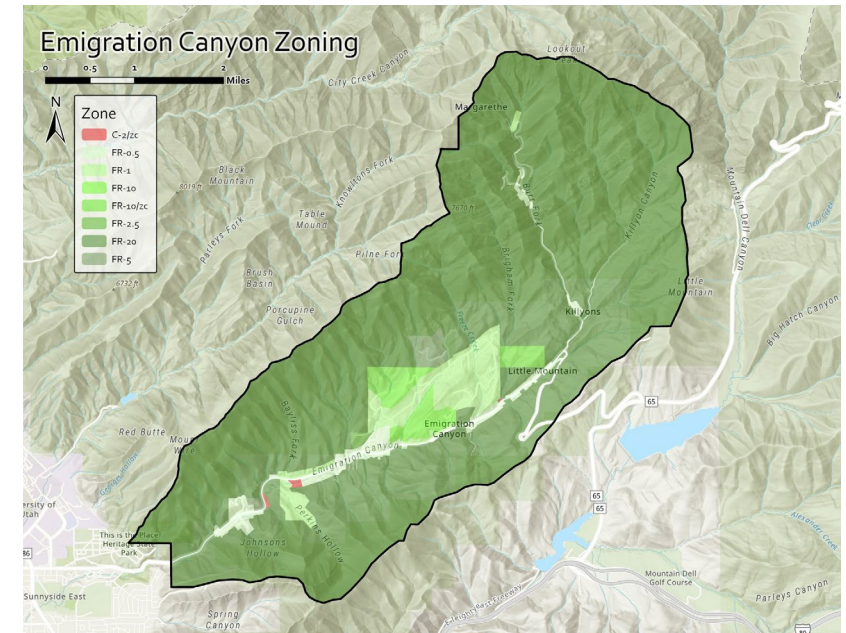


EMIGRATION CITY

- Existing ordinance very permissive relative to the typical nonconforming uses and noncomplying structures standards of other communities
- As an example of these permissive standards:
  - Existing ordinance allows a use or structure that was established or built illegally to be made legal after 10 years if no complaints have been received
    - This allows buildings to be established and eventually made legal even though they may not meet setback standards or other site development standards
    - It could also allow uses established in violation of the City's ordinances to be made legal just because a violator wasn't caught
  - Existing ordinance allows buildings that are nonconforming due to stream setbacks or other environmental conditions to be torn down and rebuilt much larger than the original structure but does not require the new structure to comply with the setbacks or other standards
- Polly McLean created a revised nonconforming uses and noncomplying structures chapter that eliminated some of these permissive rules due to applications in Brighton that took advantage of the relaxed nature of the rules
- The proposed ordinance eliminates the ability to make an illegal use or structure legal after 10 years and requires any "new construction portion" of a noncomplying structure to meet all of the requirements of the zoning ordinance.

# Findings and Recommendation

- Based on the above review and analysis, staff finds that:
  - The existing rules for nonconforming uses and noncomplying structures did not adequately meet Emigration Canyon's needs
  - On July 10, 2025, the Emigration Canyon Planning Commission, after having held a public hearing, has recommended that the Council adopt the proposed ordinance
- Therefore, MSD Planning Staff recommend that the Council repeal and replace Chapter 19.88 Nonconforming Uses and Noncomplying Structures with the attached ordinance





Ordinance 2025-O-06

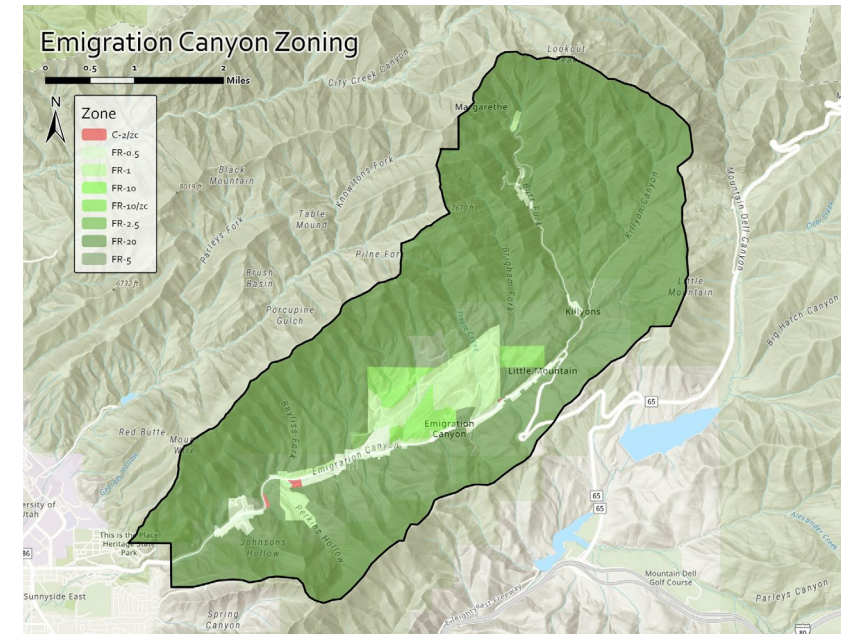


**An Ordinance Repealing Chapters 19.08, 19.44, and 19.56 of Title 19 of the  
Emigration Canyon Zoning Ordinance  
City Council  
August 26<sup>th</sup>, 2025**



# Proposed Action

- As part of the project to repeal and replace the Zoning Ordinance (Title 19) that Emigration Canyon adopted when they became a Metro Township, Staff have identified two unnecessary chapters in the existing Title 19 that can be eliminated.
  - Emigration Canyon does not have any property Zoned F-1 Forestry Zone or C-1 Commercial Zone.
  - Therefore Chapters 19.08 F-1 Forestry Zone and 19.56 C-1 Commercial Zone can be eliminated.
- Staff initially proposed that Chapter 19.86 Historic Preservation be repealed
- The Planning Commission did not recommend that Chapter 19.86 be repealed and instead directed staff to do research on potential historic sites with the City

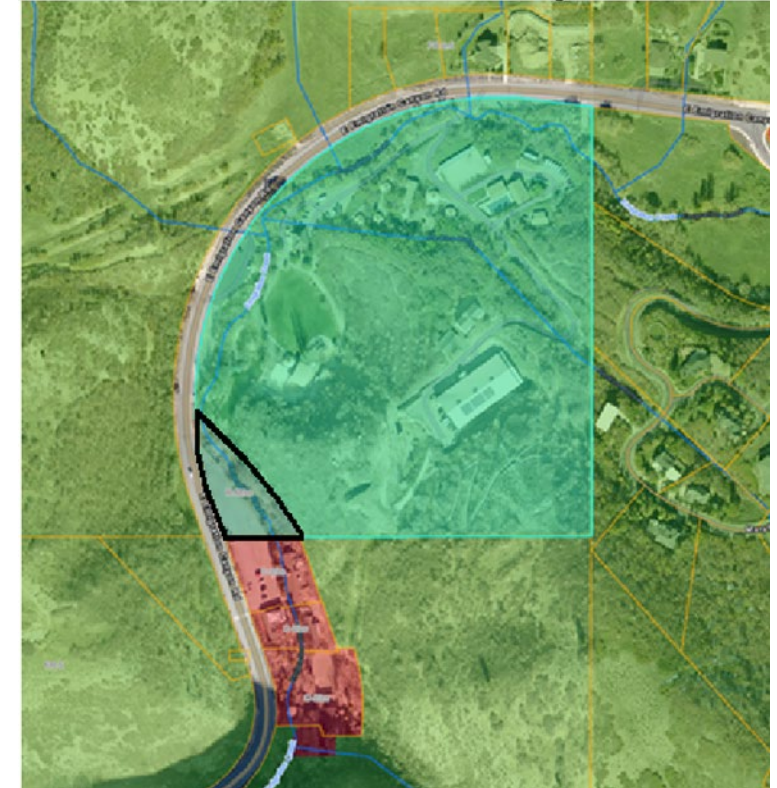


# R-M and Multi-Family Development

- As part of the project to repeal and replace the Zoning Ordinance (Title 19), the Planning Commission has discussed the need for Residential Multi-family in Emigration Canyon and concluded the following:
  - Emigration Canyon does not currently have any significant multi-family development
  - Historic Development pattern consists of single-family homes
  - The topographic conditions and the desire to retain mountain views do not easily lend themselves to multi-family development of either the vertical or horizontal nature
- Therefore, the Emigration Planning Commission is recommending that the R-M Zone be eliminated from the Zoning Ordinance
- If the property has been rezoned, the Chapter 19.44 R-M Zone can be eliminated



EMIGRATION CITY



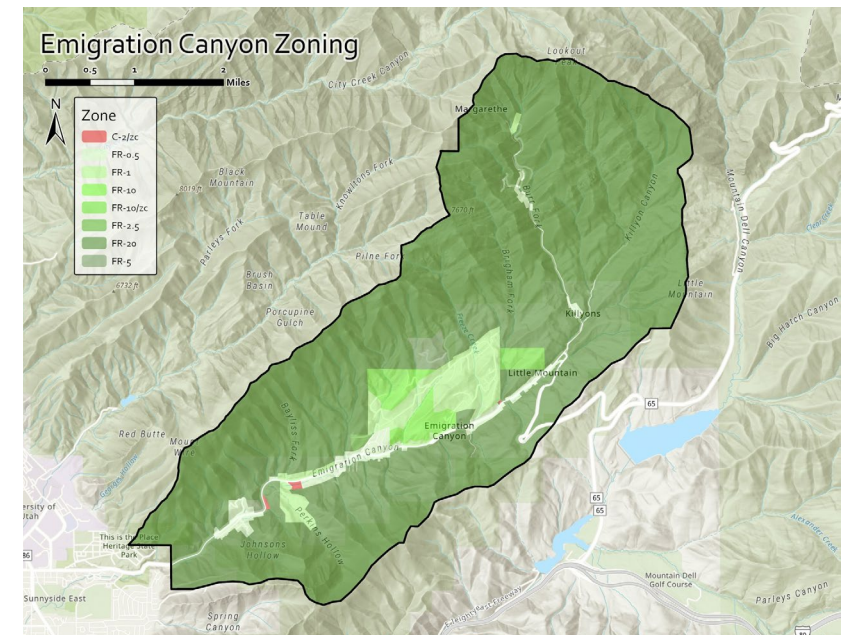


# Findings and Recommendation

- Based on the above review and analysis, staff finds that:
  - The MSD Staff have identified the F-1 Forestry Zone and the C-1 Commercial Zone as zones that are not used within the canyon and can therefore be eliminated
  - MSD Planning Staff and Planning Commission have discussed the need for Multi-Family zoning in Emigration Canyon and have reached a consensus that this type of zoning is not appropriate for the canyon
  - MSD Planning Staff and Planning Commission propose the elimination of the Residential Multi-Family (R-M) zoning district
  - If the .88 acres of property owned by Salt Lake City have been rezoned to FR-20 as recommended by the Planning Commission, there is no property within the canyon zoned R-M and therefore that zone can be eliminated
- Therefore, MSD Planning Staff recommend that Chapter 19.08 F-1 Forestry Zone, Chapter 19.44 R-M Residential Zone, and Chapter 19.56 C-1 Commercial Zone be repealed



**EMIGRATION CITY**









**EMIGRATION CANYON**

ORDINANCE NO. 2025-O-XX

DATE: August 26, 2025

**A RESOLUTION REPEALING AND REPLACING THE FEE SCHEDULE  
TO CLARIFY BUILDING PERMIT AND PLAN REVIEW FEES  
AND CORRECT TYPOGRAPHICAL ERRORS**

**WHEREAS**, the Emigration Canyon Council (“Council”) has the authority to set fees and fines for activities and operations within the municipality; and

**WHEREAS**, the Council ("Council) met in a regular session on May 27, 2025, and adopted Ordinance 2025-O-03, as an amended consolidated fee schedule.

**WHEREAS**, the Council wishes to amend the fee schedule to clarify building permit and plan review fees and correct typographical errors. for

NOW, THEREFORE, BE IT ORDAINED BY THE EMIGRATION CANYON COUNCIL AS FOLLOWS:

SECTION 1. FEE SCHEDULE AMENDMENTS. The Emigration Canyon Consolidated Fee Schedule as adopted by any previous Resolutions or Ordinances and that are updated or contained in this Ordinance are hereby repealed and in its place this Ordinance is enacted to establish the fees for various services, permits and processes as attached in Exhibit A. All other parts, sections, regulations or fees of any Resolutions or Ordinances other than those modified or included in this Ordinance shall remain in full force and effect.

[Execution on following page]



ADOPTED AND APPROVED at a duly called meeting of the Emigration Canyon Council on this 26th day of August 2025.

EMIGRATION CANYON COUNCIL

\_\_\_\_\_  
By: Joe Smolka, Mayor

ATTEST:

\_\_\_\_\_  
Diana Baun, City Recorder

Voting:

Mayor Smolka voting

\_\_\_\_\_

Council Member Hawkes voting

\_\_\_\_\_

Council Member Brems voting

\_\_\_\_\_

Council Member Pinon voting

\_\_\_\_\_

Council Member Harris voting

\_\_\_\_\_

*(Complete as Applicable)*

Date ordinance summary was published on the Utah Public Notice Website per Utah Code §10-3-711: \_\_\_\_\_

Effective date of ordinance: \_\_\_\_\_



## Ordinance Amendment

**Meeting Body:** Emigration Canyon Council

**Meeting Date:** August 26, 2025

**File Number & Project Type:**  
OAM2025-001434 – Repeal and Replace Chapter 19.02 General Provisions and Administration

**Planner:** Brian Tucker, Planning Manager

**Applicant:** Emigration Canyon Staff

**Key Findings:**

1. The existing Chapter 19.02 General Provisions and Administration was created for Salt Lake County and not for Emigration Canyon.
2. The existing Chapter 19.02 General Provisions and Administration has become outdated since portions of it were first adopted by Salt Lake County in the 1980's.
3. The Agricultural Exemption to the requirement that land uses be permitted has not served the canyon community of Emigration Canyon well.

**Staff Recommendation:** Adopt the attached ordinance

**Exhibits:**

- A. Ordinance Repealing and replacing Chapter 19.02 General Provisions and Administration**

### PROJECT DESCRIPTION

When Emigration Canyon became a Metro Township in 2017, the Council adopted a version of the County's Zoning Ordinance. That ordinance had not been regularly updated over the years and had become out of date. At the urging of the MSD board, the Planning Staff created a model zoning ordinance intended to modernize the zoning ordinance and make it more accessible to the public. Polly McLean, an attorney working for both Emigration Canyon and Brighton created a revised Chapter 19.02 based on the model code but geared specifically toward those two canyon communities. The proposed action is that the existing Chapter 19.02 General Provisions and Administration be repealed and replaced with the attached ordinance.

### ISSUES AND ANALYSIS

**Agricultural Exemption** Section 19.02.090 of Emigration Canyon's existing ordinance having to do with Building and Use Permit Requirements, exempts "land used for agricultural purposes" from the requirement for all land uses to obtain a land use permit. This exemption has been problematic in recent years as a large-scale agricultural use has been proposed within the canyon. The proposed ordinance eliminates this exemption.

**Timing** Brighton repealed and replaced its Title 19 at a different pace and in a different order than Emigration Canyon is likely too. The version of Chapter 19.02 that has been recommended for approval includes some sections and subsections that were not included in the Brighton version but need to be retained for Emigration as the repeal and replace effort goes forward. These sections and subsections will be repealed as further chapters are adopted.

As an example Section 19.02.140 Improvements – Performance Bonds in the attached draft ordinance will eventually end up in Chapter 19.16 Land Use Processes and Procedures. However, since the Council is not considering

Chapter 19.16 at this time, Section 19.02.140 needs to be retained. That Section will be repealed when Chapter 19.16 is adopted.

### **STAFF RECOMMENDATION**

Based on the above review and analysis, staff finds that:

1. The existing Chapter 19.02 General Provisions and Administration was created for Salt Lake County and not for Emigration Canyon.
2. The existing Chapter 19.02 General Provisions and Administration has become outdated since portions of it were first adopted by Salt Lake County in the 1980's.
3. The Agricultural Exemption to the requirement that land uses be permitted has not served the canyon community of Emigration Canyon well.
4. On July 10, 2025, the Emigration Canyon Planning Commission, after having held a public hearing, has recommended that the Council adopt the proposed ordinance.

Therefore, MSD Planning Staff recommend that Chapter 19.02 General Provisions and Administration be repealed and replaced with the attached ordinance.

### **POTENTIAL COUNCIL ACTIONS**

The Emigration Canyon Council could take any of the following actions, among others:

- Option 1. Approve the ordinance repeal and replacing Chapter 19.02 General Provisions and Administration.
- Option 2. Approve the ordinance repeal and replacing Chapter 19.02 General Provisions and Administration with additional changes.
- Option 3. Deny the repeal request, leaving the Zoning Ordinance as is.
- Option 4. Table the matter, requesting more information from the Planning Staff.



## **ORDINANCE 2025-O-\_\_**

Ordinance No. 2025-O-\_\_

Date: August 26<sup>th</sup>, 2025

### **AN ORDINANCE OF THE EMIGRATION CANYON COUNCIL ELIMINATING THE AGRICULTURAL EXEMPTION TO THE REQUIREMENTS FOR BUILDING AND LAND USE PERMITS IN SUBSECTION 19.02.090 AND REPEALING AND REPLACING CHAPTER 19.02 GENERAL PROVISIONS AND ADMINISTRATION.**

#### **RECITALS**

**WHEREAS**, Emigration Canyon is a municipality and has authority to adopt land use regulations, pursuant to Utah Code § 10-9a-501 in accordance with the Municipal Land Use, Development, and Management Act, Title 10, Section 9a, Utah Code; and

**WHEREAS**, the Council deems it necessary to amend its land use ordinances to consolidate and update its General Provisions and Administration into Chapter 19.02 of the Zoning Ordinance; and

**WHEREAS**, the Emigration Canyon Planning Commission held a public hearing on July 10<sup>th</sup>, 2025, to consider a land use ordinance eliminating the Agricultural Exemption to the Building and Use Permit requirement in Subsection 19.02.090; and

**WHEREAS**, the Emigration Canyon Planning Commission held a public hearing on July 10<sup>th</sup>, 2025, to consider a land use ordinance to consolidate and update its General Provisions and Administration into Chapter 19.02 of the Zoning Ordinance; and

**WHEREAS**, the agricultural exemption to be eliminated is part of Chapter 19.02 and can be adopted as part of the action to repeal and replace the General Provisions and Administration; and

**WHEREAS**, the Planning Commission has recommended that the Council repeal the existing Chapter 19.02 General Provisions and Administration and replace it with the Chapter 19.02 General Provisions and Administration that includes the elimination of the agricultural exemption to building and use permits attached to this ordinance as Attachment A for the protection and preservation of the public health, safety and general welfare.

**BE IT ORDAINED BY THE EMIGRATION CANYON CITY COUNCIL** as follows:

1. Chapter 19.02 General Provisions and Administration is repealed and replaced with the language in **Attachment A** to this Ordinance.
2. Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or

specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.

3. Direction to Staff. Staff are authorized and directed to take such steps as may be needed: (a) for this ordinance to become effective under Utah law, including but not limited to compliance with the requirements of Utah Code § 10-3-711; and (b) to finalize and post the ordinance to Municode, including but not limited to making non-substantive edits to correct any scrivener's, formatting, and numbering errors.
4. Effective Date. This Ordinance will take effect immediately upon posting pursuant to Utah Code § 10-3-712.

**PASSED AND ADOPTED** this 26<sup>th</sup> day of August 2025.

EMIGRATION CANYON CITY COUNCIL

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By: Joe Smolka, Mayor

ATTEST

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Diana Baun, Recorder

Voting:

Mayor Smolka	voting ____
Deputy Mayor Hawkes	voting ____
Council Member Brems	voting ____
Council Member Harris	voting ____
Council Member Pinon	voting ____

*(Complete as Applicable)*

Date ordinance summary was published on the Utah Public Notice Website per Utah Code §10-3-711: \_\_\_\_\_

Effective date of ordinance: \_\_\_\_\_

**SUMMARY OF**  
**EMIGRATION CANYON CITY**  
**ORDINANCE NO. 2025-O-**

On August 26<sup>th</sup>, 2025, the Emigration Canyon Council enacted Ordinance No. 2025-O-\_\_,  
repealing and replacing Chapter 19.02 General Provisions and Administration.

By: Joe Smolka, Mayor

ATTEST

APPROVED AS TO FORM

\_\_\_\_\_  
Diana Baun, Recorder

\_\_\_\_\_  
Polly McLean, City Attorney

Voting:

Mayor Smolka	voting ____
Deputy Mayor Hawkes	voting ____
Council Member Brems	voting ____
Council Member Harris	voting ____
Council Member Pinon	voting ____

A complete copy of Ordinance No. \_\_\_\_\_ is available in the office of the Emi-  
gration Canyon Recorder, 860 Levoy Drive, Suite 300 Taylorsville, UT 84123.



## **Chapter 19.02: General Provisions and Administration**

### **19.02.010 - Title For Citation**

This Title is known as "The Zoning Ordinance of the Emigration Canyon City" and is referred to herein as "the Ordinance" or "this Ordinance."

### **19.02.020 - Reserved**

### **19.02.030 - Purpose**

- A. The Ordinance is intended to promote and support the goals and policies of the Emigration Canyon City's General Plan, and for the following purposes:
1. To promote the general health, safety and welfare of the present and future inhabitants, businesses, and visitors of Emigration Canyon,
  2. To support small-scale economic opportunities and business that promote outdoor recreation, community services for residents, environmental preservation, or sustainable transportation,
  3. To support sustainable and responsible recreation and tourism,
  4. To regulate responsible alteration and development of land that promotes safety for people, wildlife, water, and the natural landscape.
  5. To provide for well-planned commercial and residential centers, safe and efficient traffic and pedestrian circulation, preservation of night skies and efficient delivery of municipal services,
  6. To secure safety from fire and other dangers, and
  7. To regulate housing and development to reduce impacts on the environment.

### **19.02.040 - Applicability**

- A. Territorial Application. All land and parcels of real property within the jurisdictional limits of the Emigration Canyon City are covered by the provisions of this Ordinance.
- B. General Applicability.
1. The regulations contained in this Ordinance apply to all uses, structures, and parcels of real property, including those recorded prior to the enactment of this Ordinance.
  2. Every dwelling shall be located and maintained on a lot, as defined in this Ordinance. Except for dwelling groups, not more than one (1) dwelling structure may occupy one (1) lot.
- C. General Prohibition. No portion or whole of any structure or land may be used, occupied, constructed, moved, enlarged, or structurally altered except as provided by this Ordinance. Land needed to meet the width, yard, area, coverage, parking or other requirements of this Title for a lot or building shall not be sold or conveyed away from such lot or building.

- D. Private Agreements. This Ordinance is not intended to enforce any private agreement or covenant. If this Ordinance is more restrictive than a private agreement or covenant, this Ordinance prevails.
- E. Other Laws and Regulations. This Ordinance supersedes less restrictive State or municipal statutes, ordinances, or regulations.

#### **19.02.050 - Transition Rules**

- A. In those instances where this Ordinance conflicts with previously applicable zoning regulations, the following rules apply:
  - 1. Division of Consolidated Lots. Previously platted lots consolidated into one taxable parcel may not be re-divided into lots smaller than the minimum area required in the underlying zone.
  - 2. Previously Issued Building Permits. If a building permit for a structure was lawfully issued prior to the effective date of this Ordinance or any amendments to this Ordinance, and if construction has begun within one hundred and eighty (180) days of the issuance of that permit, the structure may be completed in accordance with the plans on the basis of which the building permit was issued and upon completion may be occupied under an occupancy permit for the use originally intended.
  - 3. Previously Granted Approvals.
    - a. All approvals granted prior to the effective date of this Ordinance remain in full force and effect. The recipient of the approval may proceed to develop the property in accordance with the approved plans and any applicable conditions.
    - b. If the recipient has failed to act on an approval before the approval expires, including any periods of extension granted, the provisions of this Ordinance control.

#### **19.02.060 - Inactive Applications**

Applications for property development and/or use permits shall be actively pursued to a final decision by the town. If no activity such as plan submittals, reviews, meetings, or communication by the applicant has occurred on an application for one hundred eighty (180) days, the application will be deemed as inactive, and the file closed. The applicant may submit a written request to maintain the application as active, wherein upon finding that there is good cause and reasonable belief that the application will be pursued to completion, the Director, or their designee may grant a one-time ninety (90) day extension. Once a file is closed, an applicant will be required to reapply for permits or development.

#### **19.02.070 - Severability**

If any provision of this Ordinance is adjudged by any court of competent jurisdiction to be invalid, that judgment does not affect, impair, invalidate or nullify the remaining provisions of this Ordinance. The effect of the judgment is confined to the provision immediately involved in the controversy in which the judgment or decree was rendered.

#### **19.02.080 - Vesting**

- A. An Applicant is entitled to a substantive review and approval of a land Use Application if the Application conforms to the requirements of the Town's Land Use and Zoning Maps, the municipal specification for public improvements application to a Subdivision or Development, and the applicable land Use ordinance in effect when a Complete Application is submitted and all fees have been paid, unless:
  - 1. the land Use authority, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the Application; or
  - 2. before the Application is submitted, the municipality has formally initiated proceedings by publicly noticing an amendment to its ordinances in a manner that would prohibit approval of the Application as submitted.
- B. The municipality shall process an Application without regard to proceedings initiated to amend the municipality's ordinances if:
  - 1. 180 days have passed since the proceedings were initiated; and
  - 2. The proceedings have not resulted in an enactment that prohibits approval of the Application as submitted.
- A. An Application for a Land Use approval is considered, submitted and complete when the Application is provided in a form that complies with the requirements of applicable ordinances and all applicable fees have been paid.
- B. The continuing validity of an approval of a land Use Application is conditioned upon the Applicant proceeding after approval to implement the approval with reasonable diligence.
- C. A municipality is bound by the terms and standards of applicable land Use ordinances and shall comply with mandatory provisions of those ordinances.

#### **19.02.090 - Building and Use Permits Required**

Construction, alteration, repair or removal of any building or structure, or any part thereof, as provided or as restricted in this title, shall not be commenced or proceeded with except after the issuance of a written permit for the same by the Building Official. The use of the land shall not be commenced or proceeded with except upon the issuance of a written permit for the same by the Director or designee.

#### **19.02.100 - Time Computation**

- A. In computing any period of time prescribed or allowed by this title, the day of the act, event or decision after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day, which is neither a Saturday, Sunday or a holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation. A half-holiday shall be considered as other days and not as a holiday.



- B. The date of a decision or recommendation of the planning commission shall be the date of the public meeting or hearing such decision or recommendation is made. If the decision is made by the development services director, the date of the decision shall be the date specified on the property owner's notification letter in the application file.

#### **19.02.110 - Interpretation as Minimum Requirements**

In interpreting and applying the provisions of this title, the requirements contained herein are declared to be the minimum requirements for the purposes set forth.

#### **19.02.120 – Permit and Licensing Requirements**

All departments, officials and public employees of the City which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this title and shall issue no permits or licenses for use, building or purpose where the same would be in conflict with the provisions of this title, and any such permit or license, if issued in conflict with the provisions of this title, shall be null and void.

#### **19.02.130 - Land Use Applications**

The Director of Planning and Development Services ("the Director") or the director's designee shall be the administrator of the Emigration Canyon City zoning ordinance. In order to assure that each proposed land use or proposed amendment to an existing land use is handled consistently and fully complies with the provisions of this title, the director or director's designee shall administer application and review procedures as outlined herein unless specific procedures are otherwise provided in the zoning ordinance. Applications shall be diligently prosecuted to completion by the applicant to ensure that any action taken to approve or deny an application is based on current information. An application shall not be considered complete until all application fees have been paid and all required materials have been submitted. The payment of a partial fee and preliminary plans for a pre-submittal review does not constitute a complete application. The land use application process shall consist of the following:

- A. An application procedure, which shall include:
1. Submission of an application form, as designed by the Director or designee, which clearly indicates the type and purpose of the application, property address, and applicant information;
  2. Submission of a legal description of the property plat, a designated number of site plans, building elevations, and mailing labels (if required) for notifications;
  3. Payment of fees, as required under Title 3, Revenue and Finance.
- B. A review procedure, which may include:
1. The creation of a planning file by which the applicant, staff, and the public can refer to the proposed land use;
  2. An on-site review by the Director or designee as allowed in Utah Code 10-9a-303;
  3. Review of the submitted site plan and elevations for compliance with the zoning ordinance;

4. Referral of the application and site plans to those government agencies and/or affected entities necessary to protect the health, safety, and welfare of the public and to ensure the project's compliance with all applicable ordinances and codes;
- C. An approval procedure, which shall include:
1. The integration of the recommendations from the other government agencies and affected entities involved in subsection (B)(4) of this section into the final site plan and/or elevations;
  2. An approval letter or other written document indicating the approval or denial of the application with appropriate conditions as needed to ensure compliance with all applicable codes, ordinances, and regulations;
  3. Provision of the approved site plan and approval letter or denial letter to the applicant in a timely manner.

#### **19.02.140 - Improvements--Performance Bonds**

- A. Any improvements required under this title or by the planning commission, including but not limited to walkways, fences, landscaping, streets, fire hydrants and parking, shall be satisfactorily installed prior to the City authorizing electrical service being provided; or, if no electrical service is required, prior to issuance of any occupancy permit for the land being developed. In lieu of actual completion of such improvements, or in the case of landscaping, in addition to, except where seasonal considerations reasonably preclude installation of live plant materials, and prior to electrical service being provided or occupancy permit, a developer may file with the Director or designee a cash or surety bond or escrow agreement or letter of credit, in an amount specified by the Director or designee, to ensure completion of improvements within one year. Ten percent (10%) of the bond amount for public improvements, such as walkways, road surfacing and fire hydrants, shall extend for a one-year period beyond the date the improvements are completed, to guarantee replacement of such defective public improvements. Ten percent (10%) of the bond amount for live plant materials shall extend for a one-year period beyond the date of planting to guarantee replacement of diseased or dead plants. Upon completion of the improvements for which a bond or escrow agreement has been filed, the developer shall call for inspections of the improvements by the Director or designee.
- B. If the Director or designee determines that the required improvements should be completed in a specified sequence and/or in less than a one-year period in order to protect the health, safety and welfare of the City or its residents from traffic, flood, drainage or other hazards, the Director or designee may require in approving the bond that the improvements be installed in a specified sequence and period which may be less than one year and shall incorporate such requirements in the bond.
- C. Such bonds shall be processed and released in accordance with the procedures set forth in Chapter 3.56 of this code.
- D. When the developer is a school district, municipality, service area, special-purpose district or other political subdivision of the state, the Mayor may waive the bond and accept a letter from the governing

body guaranteeing installation of the improvements. Before approving any such waiver, the Mayor shall receive a recommendation from the Municipal Engineer.

**19.02.150 Site Plans Required--Contents**

A detailed site plan, drawn to scale (scale and sheet size to be determined by the director) shall be filed as part of any application prior to consideration or for any building permit. The site plan shall show, where pertinent:

1. Note of scale used;
2. Direction of North point;
3. Lot lines, together with adjacent streets, roads and rights-of-way;
4. Location of all existing structures on subject property and adjoining properties (completely dimensioned, including utility lines, poles, etc);
5. Location of the proposed construction and improvements, including the location of all signs;
6. Motor vehicle access, including individual parking stalls, circulation patterns, curb, gutter, and sidewalk location;
7. Necessary explanatory notes;
8. Name, address and telephone number of builder and owner;
9. All other information that may be required, as determined by the director.

**19.02.160 Compliance Prerequisite to Permit Issuance** No building permit may be issued without first having been approved by the building official. The building official shall not approve a building permit if any building, structure or use of land would be in violation of any of the provisions of this title, nor shall any other City officer grant any permit or license nor the use of any building or land if use would be in violation of this title.

1. Neither the building official nor any other City officer shall grant any permit, license, or land use approval of any building or land in violation of chapter 9.25, entitled "Water Source Protection."





## Ordinance Amendment

**Meeting Body:** Emigration Canyon Council

**Meeting Date:** August 26, 2025

**File Number & Project Type:**

OAM2025-001435 – Repeal and Replace Chapter 19.88 Nonconforming Uses and Noncomplying Structures

**Planner:** Brian Tucker, Planning Manager

**Applicant:** Emigration Canyon Staff

**Key Findings:**

1. The existing rules for nonconforming uses and noncomplying structures did not adequately meet Emigration Canyon's needs.
2. On July 10, 2025, the Emigration Canyon Planning Commission, after having held a public hearing, has recommended that the Council adopt the proposed ordinance.

**Staff Recommendation:** Adopt the Attached Ordinance

**Exhibits:**

- A. Ordinance Repealing and Replacing Chapter 19.88 Nonconforming Uses and Noncomplying Structures**

### PROJECT DESCRIPTION

When Emigration Canyon became a Metro Township in 2017, the Council adopted a version of the County's Zoning Ordinance. That ordinance had not been regularly updated over the years and had become out of date. At the urging of the MSD board, the Planning Staff created a model zoning ordinance intended to modernize the zoning ordinance and make it more accessible to the public. Polly McLean, an attorney working for both Emigration Canyon and Brighton created a revised Chapter 19.88 based on the model code but geared specifically toward those two canyon communities. The proposed action is that the existing Chapter 19.88 Nonconforming Uses and noncomplying Structures be repealed and replaced with the attached ordinance.

### ISSUES/CONCERNS

**Issue:**

The existing ordinance was very permissive relative to the typical nonconforming uses and noncomplying structures standards of other communities. As an example of these permissive standards:

-The existing ordinance allows a use or structure that was established or built illegally to be made legal after 10 years if no complaints have been received. This allows buildings to be established and eventually made legal even though they may not meet setback standards or other site development standards. It could also allow uses established in violation of the City's ordinances to be made legal just because a violator wasn't caught.

-The existing ordinance allows buildings that are nonconforming due to stream setbacks or other environmental conditions to be torn down and rebuilt much larger than the original structure but does not require the new structure to comply with the setbacks or other standards.

**Analysis:**

Polly McLean, attorney for both Brighton and Emigration Canyon, created a revised nonconforming uses and

noncomplying structures chapter that eliminated some of these permissive rules due to applications in Brighton that took advantage of the relaxed nature of the rules. The proposed ordinance eliminates the ability to make an illegal use or structure legal after 10 years and requires any “new construction portion” of a noncomplying structure to meet all of the requirements of the zoning ordinance.

### **STAFF RECOMMENDATION**

Based on the above review and analysis, staff finds that:

1. The existing rules for nonconforming uses and noncomplying structures did not adequately meet Emigration Canyon’s needs.
2. On July 10, 2025, the Emigration Canyon Planning Commission, after having held a public hearing, has recommended that the Council adopt the proposed ordinance.

Therefore, MSD Planning Staff recommend that the Council repeal and replace Chapter 19.88 Nonconforming Uses and Noncomplying Structures with the attached ordinance.

### **POTENTIAL COUNCIL ACTIONS**

The Emigration Canyon Council could take any of the following actions, among others:

- Option 1. Approve the ordinance repeal and replacing Chapter 19.88 Nonconforming Uses and Noncomplying Structures.
- Option 2. Approve the ordinance repeal and replacing Chapter 19.88 Nonconforming Uses and Noncomplying Structures with additional changes.
- Option 3. Deny the repeal request, leaving the Zoning Ordinance as is.
- Option 4. Table the matter, requesting more information from the Planning Staff.

## ORDINANCE 2025-O-\_\_

Ordinance No. 2025-O-\_\_

Date: August 26<sup>th</sup>, 2025

### AN ORDINANCE OF THE EMIGRATION CANYON COUNCIL REPEALING AND REPLACING CHAPTER 19.88 NONCONFORMING USES AND NON- COMPLYING STRUCTURES

#### RECITALS

**WHEREAS**, Emigration Canyon is a municipality and has authority to adopt land use regulations, pursuant to Utah Code § 10-9a-501 in accordance with the Municipal Land Use, Development, and Management Act, Title 10, Section 9a, Utah Code; and

**WHEREAS**, when Emigration Canyon became a Metro Township in 2017, the then Township adopted Salt Lake County's Zoning Ordinance, including Chapter 19.88 Nonconforming Uses and Noncomplying Structures that the County had adopted in 2008; and

**WHEREAS**, the Council deems it necessary to amend its land use ordinances to update Chapter 19.88 Nonconforming Uses and Noncomplying Structures; and

**WHEREAS**, the Emigration Canyon Planning Commission held a public hearing on July 10<sup>th</sup>, 2025, to consider a land use updating Chapter 19.88 Nonconforming Uses and Noncomplying Structures; and

**WHEREAS**, the Planning Commission has recommended that the Council repeal the existing Chapter 19.88 Nonconforming Uses and Noncomplying Structures and replace it with the Chapter 19.88 Nonconforming Uses and Noncomplying Structures attached to this ordinance as Attachment A for the protection and preservation of the public health, safety and general welfare.

**BE IT ORDAINED BY THE EMIGRATION CANYON CITY COUNCIL** as follows:

1. Chapter 19.88 Nonconforming Uses and Noncomplying Structures is repealed and replaced with the language in **Attachment A** to this Ordinance.
2. Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.
3. Direction to Staff. Staff are authorized and directed to take such steps as may be needed: (a) for this ordinance to become effective under Utah law, including but not limited to compliance with the requirements of Utah Code § 10-3-711; and (b) to



finalize and post the ordinance to Municode, including but not limited to making non-substantive edits to correct any scrivener's, formatting, and numbering errors.

4. Effective Date. This Ordinance will take effect immediately upon posting pursuant to Utah Code § 10-3-712.

**PASSED AND ADOPTED** this 26<sup>th</sup> day of August 2025.

EMIGRATION CANYON CITY COUNCIL

---

By: Joe Smolka, Mayor

ATTEST

---

Diana Baun, Recorder

Voting:

Mayor Smolka	voting ____
Deputy Mayor Hawkes	voting ____
Council Member Brems	voting ____
Council Member Harris	voting ____
Council Member Pinon	voting ____

(Complete as Applicable)

Date ordinance summary was published on the Utah Public Notice Website per Utah Code §10-3-711: \_\_\_\_\_

Effective date of ordinance: \_\_\_\_\_

**SUMMARY OF**  
**EMIGRATION CANYON CITY**  
**ORDINANCE NO. 2025-O-**

On August 26<sup>th</sup>, 2025, the Emigration Canyon Council enacted Ordinance No. 2025-O-\_\_, repealing and replacing Chapter 19.88 Nonconforming Uses and Noncomplying Structures.

By: Joe Smolka, Mayor

ATTEST

APPROVED AS TO FORM

\_\_\_\_\_  
Diana Baun, Recorder

\_\_\_\_\_  
Polly McLean, City Attorney

Voting:

Mayor Smolka	voting ____
Deputy Mayor Hawkes	voting ____
Council Member Brems	voting ____
Council Member Harris	voting ____
Council Member Pinon	voting ____

A complete copy of Ordinance No. \_\_\_\_\_ is available in the office of the Emigration Canyon Recorder, 860 Levoy Drive, Suite 300 Taylorsville, UT 84123.

## **Attachment A**

### **Chapter 19.88**

#### **Nonconforming Uses and Noncomplying Structures**

##### **19.88.010 - Purpose**

This Chapter regulates the continued existence of nonconforming uses or noncomplying structures as defined in Section 19.04. While nonconforming uses and noncomplying structures may continue, this Chapter is intended to limit enlargement, alteration, restoration, or replacement which would increase the discrepancy between existing conditions and the developments prescribed by this Title. In addition, applications are reviewed to ensure that they are reducing the degree of nonconformity and improving the physical appearance of the structure and site through such measures as site and building design, or the improved functions of the Use in relation to other uses.

##### **19.88.020 - Determination of a Noncomplying Structure of a Nonconforming Use**

The Director or designee shall determine the nonconforming or noncomplying status of properties. As described in Utah Code 10-9a-511, the property owner shall have the burden of establishing the legal existence of a noncomplying structure or nonconforming use through substantial evidence.

- A. The Director or designee shall determine a legal nonconforming use upon finding that:
  - 1. The use legally existed before its current land use designation;
  - 2. The use has been maintained and not discontinued for one year or more since the time the land use ordinance governing the land changed; and
  - 3. Because of one or more subsequent land use ordinance changes, the use does not conform to the regulations that govern the use of the land.
- B. The Director or designee shall determine a legal noncomplying structure upon finding that:
  - 1. The structure legally existed before the structure's current land use designation; and
  - 2. Because of one or more subsequent land use ordinance changes, the structure does not conform to the regulations that now govern the use of the land.
- C. Determinations. Upon review of an application, a written determination shall be issued by the Director or designee of the non-conforming or non-complying status on a property.
- D. Appeals. Pursuant to Section 19.12.040 of this title, any person adversely affected by a final decision of the Director or designee may appeal that decision to the land use hearing officer.

##### **19.88.030 - Continuation of Use**

- A. Continuation of a Nonconforming Use. Subject to the limitations in this section, the nonconforming use of land may continue, provided that no such nonconforming use of land can in any way expand or extend either on the same or adjoining property.
- B. Continuation of a Noncomplying Structure. A Non-Complying Structure that was lawfully constructed may be used and maintained, subject to the standards and limitations of this Chapter.

#### **19.88.040 - Abandonment or Loss of a Nonconforming Use**

- A. Abandonment of a Nonconforming Use. A nonconforming use that is discontinued for a minimum period of one (1) year is presumed abandoned and shall not thereafter be reestablished or resumed. Abandonment may also be presumed to have occurred if a majority of the primary structure associated with the nonconforming use has been voluntarily demolished without prior written approval of the Emigration Canyon City regarding the extension of the nonconforming use; or the primary structure associated with the nonconforming use remains vacant for a period of one (1) year.
  - 1. Any party claiming that a nonconforming use has been abandoned shall have the burden of establishing the abandonment.
  - 2. After a nonconforming use has been abandoned, any subsequent use of the building, structure, or land must conform to the regulations for the zone in which it is located.
  - 3. "Majority" is defined as more than fifty percent (50%) of the square footage of the primary structure.
- B. Rebuttable Presumption of Abandonment. After abandonment has been presumed by the Director or designee, the property owner may rebut the presumption of abandonment by submitting sufficient evidence that abandonment has not in fact occurred.

#### **19.88.050 - Nonconforming Use**

- A. Expansion of Use Permitted. A nonconforming use may be extended through the same building, provided no structural alteration of the building is proposed or made for the purpose of the extension.
- ~~B. Change of Use.~~
  - ~~1. A nonconforming use may be changed to any use allowed in the most restrictive zone where such nonconforming use is allowed, provided the Planning Commission finds that such use would not be more intensive than the most recent existing legal nonconforming use.~~
  - ~~2. Any change of a nonconforming use to another nonconforming use is a conditional use and subject to the conditional use approval standards, except that the proposed nonconforming use need not conform to the adopted General Plan.~~



- ~~3. As part of the change of use, structures cannot be enlarged, removed, reconstructed or otherwise altered except for interior remodeling and exterior restoration or renewal that will make the appearance of the structure more nearly conform to the character of the area in which it is located.~~
- ~~4. As part of the change of use, the existing lot cannot be enlarged or modified except to create landscape, fencing, curb, gutter and sidewalk, road widening or minimum off street parking to provide a safer and more compatible facility.~~

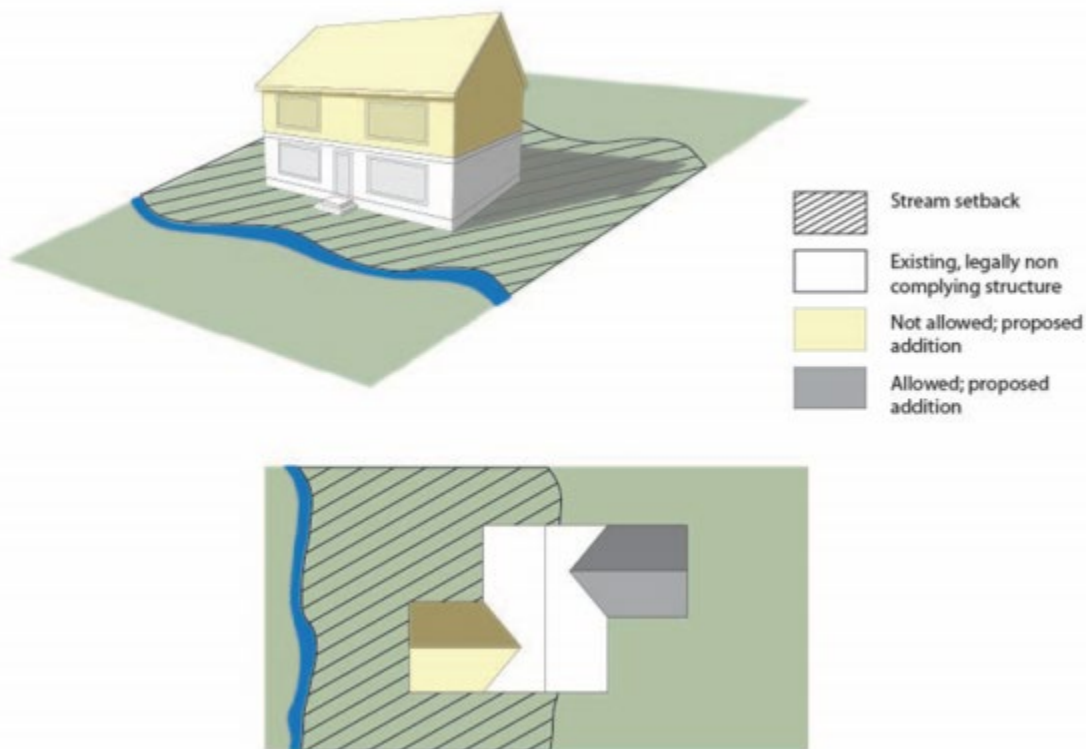
#### **19.88.060 - Noncomplying Structure or Structure Occupied by a Nonconforming Use**

- A. Maintenance, Exterior or Interior Remodeling, or Repairs Permitted. The Owner may complete normal maintenance and incidental repair on a complying Structure that contains a Non-Conforming Use or on a Non-Complying Structure. This Section shall not be construed to authorize any violations of law nor to prevent the strengthening or restoration to a safe condition of a Structure in accordance with an order of the Building Official who declares a Structure to be unsafe and orders its restoration to a safe condition.
- B. Addition, Enlargement, Expansion. A non-complying structure shall not be added to, enlarged, or expanded in whole or in part unless the proposed change complies with all current land use regulations. In other words, all new building square footage of building must fully comply with the setback, size, and height regulations set forth in this title (see Figure 1).
- C. Moving or Reconstruction at a New Location. A non-complying structure shall not be moved in whole or in part, for any distance whatsoever, to any other location on the same, or any other lot unless:
  1. The proposed change will lessen the degree of the existing noncompliance and not create any new noncompliance of all or any part of the structure; or
  2. The proposed change complies with all governing land use regulations at the time of the change.
  3. For the purposes of this Chapter, "lessen the degree of existing noncompliance" means:
    - a. To decrease the gross total square footage of structure not in compliance (see Figure 1); and,
    - b. To increase the distance from the ordinary high-water mark, wetlands, and/or property line when the nonconformity pertains to a setback distance.
- D. Remodels Requiring Reconstruction. A noncomplying structure that has deteriorated to a state where a full demolition or construction or reconstruction of a foundation is necessary for interior or exterior remodels may be reconstructed in the same location

subject to current land use regulations. The existing noncompliance may continue if the degree of noncompliance is not increased or a new violation in land use regulations is not created.

1. A noncomplying structure that has deteriorated to a condition that the structure is rendered uninhabitable may not be reconstructed, restored, or substituted, once written notice from the Emigration Canyon City is served to the property owner that the structure is uninhabitable and that the nonconforming use or noncomplying structure will be lost if the property owner does not apply with a complete land use application within one (1) year from the day in which the written notice is served.
- E. Damage or Destruction. A noncomplying structure or structure occupied by a nonconforming use that is damaged or destroyed by fire, flood, wind, earthquake or other calamity or act of God or the public enemy, and the damage is not the result of the intentional or reckless disregard of the owners or occupants, may be restored, and the occupancy or use of such structure or part thereof that existed at the time of such damage or destruction may be continued or resumed, provided that such restoration is started within a period of one (1) year following damage or destruction, and the restoration is diligently prosecuted to completion.

19.88.060 Figure 1 Adding to a non-complying structure





## Ordinance Amendment

**Meeting Body:** Emigration Canyon Council

**Meeting Date:** August 26, 2025

**File Number & Project Type:**  
OAM2025-001433 – Repeal  
Chapter 19.08, 19.44, and 19.56

**Planner:** Brian Tucker, Planning Manager

**Applicant:** Emigration Canyon Staff

**Key Findings:**

1. The MSD Staff have identified the F-1 Forestry Zone and the C-1 Commercial Zone as zones that are not used within the canyon and can therefore be eliminated.
2. MSD Planning Staff and Planning Commission have discussed the need for Multi-Family zoning in Emigration Canyon and have reached a consensus that this type of zoning is not appropriate for the canyon.

**Staff Recommendation:** Repeal Chapters 19.08, 19.44, and 19.56

**Exhibits:**

- A. Ordinance Repealing Chapters 19.08, 19.44, and 19.56**

**PROJECT DESCRIPTION**

As part of the project to repeal and replace the Zoning Ordinance (Title 19) that Emigration Canyon adopted in 2018 when they became a Metro Township, Staff have identified two unnecessary chapters in the existing Title 19 that can be eliminated. Emigration Canyon City does not have any property Zoned F-1 Forestry Zone or C-1 Commercial Zone. Therefore Chapters 19.08 F-1 Forestry Zone and 19.56 C-1 Commercial Zone can be eliminated.

Chapter 19.44 R-M Residential Zone (a “high density residential zone”) is applied to only one property in Emigration Canyon. That property is part of the parking lot for the Emigration Brewery and is part of a larger property owned by Salt Lake City. The R-M portion of the property consists of .88 acres with the remainder of the property used as Camp Kostopulos. The Planning Commission recommended that the Council rezone the .88 acres to match the rest of the Camp K parcel in the FR-20 zone. This item is on the August 26<sup>th</sup>, 2025 agenda and if approved, Emigration Canyon will not have any property zoned R-M and can eliminate Chapter 19.44.

**ISSUES/CONCERNS**

**Issue:**

The only potential issues for this action are if the Camp K property has not been rezoned or the Council decides that R-M, a zone with the stated purpose of providing “areas in the Metro Township for high-density residential development”, is needed for the future development of Emigration Canyon now that it has become a City.

**Analysis:**

Emigration Canyon has not been home to high density, medium density, or even moderate density townhome projects in the past. The Planning Commission discussed the need for these types of development and, given the topography of and existing development patterns in the canyon, have recommended that the R-M zone be eliminated.

## **STAFF RECOMMENDATION**

Based on the above review and analysis, staff finds that:

1. The MSD Staff have identified the F-1 Forestry Zone and the C-1 Commercial Zone as zones that are not used within the canyon and can therefore be eliminated.
2. MSD Planning Staff and Planning Commission have discussed the need for Multi-Family zoning in Emigration Canyon and have reached a consensus that this type of zoning is not appropriate for the canyon.
3. MSD Planning Staff and Planning Commission propose the elimination of the Residential Multi-Family (R-M) zoning district.
4. If the .88 acres of property owned by Salt Lake City have been rezoned to FR-20 as recommended by the Planning Commission, there is no property within the canyon zoned R-M and therefore that zone can be eliminated.

Therefore, MSD Planning Staff recommend that Chapter 19.08 F-1 Forestry Zone, Chapter 19.44 R-M Residential Zone, and Chapter 19.56 C-1 Commercial Zone be repealed.

## **POTENTIAL COUNCIL ACTIONS**

The Emigration Canyon Council could take any of the following actions, among others:

- Option 1. Approve the repeal of Chapter 19.08 F-1 Forestry Zone, Chapter 19.44 R-M Residential Zone, and Chapter 19.56 C-1 Commercial Zone.
- Option 2. Approve the repeal of some combination of Chapter 19.08 F-1 Forestry Zone, Chapter 19.44 R-M Residential Zone, and Chapter 19.56 C-1 Commercial Zone but not all of the chapters.
- Option 3. Deny the repeal request, leaving the Zoning Ordinance as is.
- Option 4. Table the matter, requesting more information from the Planning Staff.



## **ORDINANCE 2025-O-\_\_**

Ordinance No. O-\_\_

Date: August 26<sup>th</sup>, 2025

### **AN ORDINANCE OF THE EMIGRATION CANYON COUNCIL REPEALING CHAPTERS 19.08 F-1 FORESTRY ZONE, 19.44 R-M RESIDENTIAL ZONE, AND 19.56 C-1 COMMERCIAL ZONE FROM TITLE 19 ZONING**

#### **RECITALS**

**WHEREAS**, Emigration Canyon is a municipality and has authority to adopt land use regulations, pursuant to Utah Code § 10-9a-501 in accordance with the Municipal Land Use, Development, and Management Act, Title 10, Section 9a, Utah Code; and

**WHEREAS**, the Council deems it necessary to amend its land use ordinances to eliminate zones that are not used on Emigration Canyons adopted zoning map;

**WHEREAS**, the Emigration Canyon Planning Commission held a public hearing on July 10, 2025 to consider repealing Chapters 19.08 F-1 Forestry Zone, 19.44 R-M Residential Zone, and 19.56 C-1 Commercial Zone, from Title 19 Zoning (the “Proposed Action”) in accordance with Utah Code §§ 10-9a-205 and 10-9a-502; and

**WHEREAS**, the Planning Commission has recommended that the Council repeal Chapters 19.08 F-1 Forestry Zone, 19.44 R-M Residential Zone, and 19.56 C-1 Commercial Zone from Title 19 Zoning to eliminate unused zones and chapters and for the protection and preservation of the public health, safety and general welfare.

**BE IT ORDAINED BY THE EMIGRATION CANYON CITY COUNCIL** as follows:

1. Chapter 19.08 F-1 Forestry Zone is hereby repealed.
2. Chapter 19.44 R-M Residential Zone is hereby repealed.
3. Chapter 19.56 C-1 Commercial Zone is hereby repealed.
4. Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.
5. Direction to Staff. Staff are authorized and directed to take such steps as may be needed: (a) for this ordinance to become effective under Utah law, including but not limited to compliance with the requirements of Utah Code § 10-3-711; and (b) to finalize and post the ordinance to Municode, including but not limited to making non-substantive edits to correct any scrivener’s, formatting, and numbering errors.

6. Effective Date. This Ordinance will take effect immediately upon posting pursuant to Utah Code § 10-3-712.

**PASSED AND ADOPTED** this 26<sup>th</sup> day of August 2025.

EMIGRATION CANYON CITY COUNCIL

\_\_\_\_\_  
By: Joe Smolka, Mayor

ATTEST

\_\_\_\_\_  
Diana Baun, Recorder

Voting:

Mayor Smolka	voting ____
Deputy Mayor Hawkes	voting ____
Council Member Brems	voting ____
Council Member Harris	voting ____
Council Member Pinon	voting ____

(Complete as Applicable)

Date ordinance summary was published on the Utah Public Notice Website per Utah Code §10-3-711: \_\_\_\_\_

Effective date of ordinance: \_\_\_\_\_

**SUMMARY OF**  
**EMIGRATION CANYON CITY**  
**ORDINANCE NO. 2025-O-**

On August 26<sup>th</sup>, 2025, the Emigration Canyon Council enacted Ordinance No. 2025-O-\_\_\_\_, repealing Chapters 19.08, 19.44, 19.56, and 19.86 of Title 19 Zoning.

\_\_\_\_\_  
By: Joe Smolka, Mayor

ATTEST

APPROVED AS TO FORM

\_\_\_\_\_  
Diana Baun, Recorder

\_\_\_\_\_  
Polly McLean, City Attorney

Voting:

Mayor Smolka	voting ____
Deputy Mayor Hawkes	voting ____
Council Member Brems	voting ____
Council Member Harris	voting ____
Council Member Pinon	voting ____

A complete copy of Ordinance No. \_\_\_\_\_ is available in the office of the Emigration Canyon Recorder, 860 Levoy Drive, Suite 300 Taylorsville, UT 84123.

## Addendum to Lease Agreement

This Addendum (“Addendum”) is made and entered into as of this \_\_\_\_ day of August, 2025, by and between Emigration Canyon (“Lessor” or “City”) and Jared J. Frandsen (“Lessee” or “Mr. Frandsen”), collectively referred to as the “Parties.”

### Recitals

WHEREAS, the Parties entered into a Lease Agreement dated August 29, 2023, for the lease of certain real property located at approximately 6291 Emigration Canyon Road, Salt Lake, UT 84108 (the “Property”).

WHEREAS, the Parties now desire to amend the Lease Agreement to include additional terms and conditions as set forth in this Addendum.

### Terms

1. **Lease Term:** The term of the Lease shall be one year, commencing on August 30, 2025, with an option for cancellation by either party provided that written notice is given at least six (6) months prior to the desired termination date. The lease will automatically renew for one (1) year periods if not terminated.
2. **Utilities:** The Lessee shall be responsible for the payment of all utilities associated with the Property, including but not limited to water, electricity, gas, and any other utility services required for the use and enjoyment of the Property.

### Miscellaneous

1. **Effect of Addendum:** Except as expressly modified by this Addendum, all terms and conditions of the original Lease Agreement shall remain in full force and effect.
2. **Entire Agreement:** This Addendum, together with the Lease Agreement, constitutes the entire agreement between the Parties with respect to the subject matter hereof and supersedes all prior agreements and understandings, whether written or oral, relating to such subject matter.
3. **Amendments:** This Addendum may only be amended by a writing executed by both Parties.

IN WITNESS WHEREOF, the Parties have executed this Addendum or caused it to be executed by their duly authorized officers as of the date first above written.

**Lessor:** Emigration Canyon Metro Township

By: \_\_\_\_\_  
Joe Smolka, Mayor

**Lessee:** Jared J. Frandsen

\_\_\_\_\_  
Signature



**EMIGRATION CANYON**

ORDINANCE NO. 2025-O-11

DATE: August 26, 2025

**AN ORDINANCE ADOPTING STAGE 2 FIRE RESTRICTIONS  
WITHIN EMIGRATION CANYON**

WHEREAS, the State Forester of Utah, pursuant to Utah Code Section 65A-8-212, has issued a Stage 2 Fire Restriction Order effective August 1, 2025, due to extreme wildfire risk associated with ongoing drought conditions, high temperatures, and critically low fuel moistures; and

WHEREAS, the Stage 2 Fire Restrictions apply to all state lands and all unincorporated private lands within the State of Utah, but do not automatically apply within municipal limits; and

WHEREAS, Emigration Canyon is located in an area with elevated wildfire risk and limited emergency access, making fire prevention efforts especially critical to the safety of residents, visitors, and natural resources; and

WHEREAS, the Unified Fire Authority has recommended that Emigration Canyon formally adopt the State's Stage 2 Fire Restrictions to align with regional public safety efforts and promote consistent messaging and enforcement across jurisdictions; and

NOW THEREFORE, BE IT RESOLVED BY THE EMIGRATION CANYON CITY COUNCIL AS FOLLOWS:

Section 1: Emigration Canyon hereby adopts and enforces the State of Utah's Stage 2 Fire Restrictions, as outlined in the State Forester's order dated August 1, 2025, including the following prohibitions:

- No open fires or campfires, including charcoal grills, pellet grills, or other ash-producing fuel sources. Only properly shielded gas or liquid-fueled stoves with a shut-off valve are permitted, provided there is a three-foot diameter of barren ground free of flammable vegetation.
- No smoking, except in enclosed vehicles, buildings, developed recreation sites, or paved/barren areas free of dry vegetation.
- No fireworks, tracer ammunition, pyrotechnic devices, or exploding targets.
- No cutting, welding, or grinding metal in areas of dry vegetation without taking precautions to prevent ignition, such as wetting down surrounding vegetation.
- No operation of small internal combustion engines (e.g., chainsaws, motorcycles, ATVs) without an approved and functioning spark arrestor.

Section 2: These restrictions shall apply within the incorporated limits of Emigration Canyon and remain in effect until rescinded by the State Forester or by subsequent action of the Council.

Section 3: Emigration Canyon urges all residents, contractors, visitors, and recreational users to comply with these restrictions in the interest of public safety and wildfire prevention.

Section 4: Emigration Canyon shall coordinate with Unified Fire Authority and community partners to ensure communication and enforcement of these restrictions, including clarification of restrictions that may affect construction and recreational activities.

[Execution on following page]

ADOPTED AND APPROVED at a duly called meeting of the Emigration Canyon Council on this 26th day of August 2025.

EMIGRATION CANYON COUNCIL

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By: Joe Smolka, Mayor

ATTEST:

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Diana Baun, City Recorder

Voting:

Mayor Smolka voting \_\_\_\_\_

Council Member Hawkes voting \_\_\_\_\_

Council Member Brems voting \_\_\_\_\_

Council Member Pinon voting \_\_\_\_\_

Council Member Harris voting \_\_\_\_\_

*(Complete as Applicable)*

Date ordinance summary was published on the Utah Public Notice Website per Utah Code §10-3-711: \_\_\_\_\_

Effective date of ordinance: \_\_\_\_\_