



Public Works
Planning & Development Services Division
<http://www.utah.gov/pmn/index.html>

Millcreek Township Planning Commission
Public Meeting Agenda
September 14, 2011
3:00 P.M.

THE MEETING WILL BE HELD IN THE COUNTY COUNCIL CHAMBERS, COUNTY GOVERNMENT CENTER, MAIN FLOOR, ROOM #N1100, 2001 SOUTH STATE STREET.

ANY QUESTIONS, CALL 468-2000

REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES WILL BE PROVIDED UPON REQUEST. FOR ASSISTANCE, PLEASE CALL 468-2120 OR 468-2351: TDD 468-3600.

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

Business Items – 3:00 P.M.

- 1) **Previous Meeting Summary Minutes** – Review and Approval
 - a) July 13, 2011
 - b) August 10, 2011
- 2) **Curb, Gutter and Sidewalk Plan** – Discussion – Resources and Public Process
- 3) **Electronic Message Center Signs** – Discussion – Potential Sign Ordinance Amendments
- 4) **Planning Commission Bylaws** - Update

Public Hearings – 4:00 P. M.

Rezones

26142 – Michael Goldberg is requesting approval to Change the zoning on the rear portion of the subject property from R-1-8 (Residential Single Family) to C-2 (Commercial). The front portion is already zoned C-2. The subject property is located at 982 East 3300 South. Community Council: Millcreek – Planner: Spencer G. Sanders

25966 – Jeff Bennion on behalf of the Meadowbrook Apartments is requesting the Zoning Condition pertaining to the maximum allowed density on the subject property be increased from 40 to 45 dwelling units per acre. The subject property is located at 3994 S. Howick Street and is

zoned C-2/zc (Commercial/with zoning conditions). Community Council: Millcreek – Planner: Spencer G. Sanders

Conditional Uses

25967 – Jeffrey Bennion on behalf of Meadow Brook Apartments is requesting approval to amend the original Conditional Use approval for the Meadowbrook Transportation Oriented Development to allow 8 commercial units in the northeast building to be used as residential units. The subject property is zoned C-2/zc Commercial and is located at 3994 S. Howick Street. Community Council: Millcreek – Planner: Spencer G. Sanders

25933 – Greg Loscher on behalf of Metropolitan Water District of Salt Lake and Sandy is requesting Conditional Use approval to amend the site plan for a multi-phased underground culinary water tank reservoir replacement project. The subject property is zoned R-1-8 and is located at 3400 E. 3300 S. – Community Council: Canyon Rim – Planner: Spencer G. Sanders

Ordinance Amendments

26044 – Salt Lake County is requesting approval to amend two sections of Salt Lake County Ordinances in Title 19 *Zoning*, Chapter 72 *Foothills and Canyons Overlay Zone*: Section 060 Administration and Enforcement and Section 070 Definitions. The proposed Amendments to 060 clarify slope waivers related to ski resort development; and the proposed amendments to 070 clarify allowed summer uses at ski resorts. Planner: Spencer G. Sanders

Adjourn

Rules of Conduct for the Planning Commission Meeting

- First: Applications will be introduced by a Staff Member.
- Second: The applicant will be allowed up to 15 minutes to make their presentation.
- Third: The Community Council representative can present their comments.
- Fourth: Persons in favor of, or not opposed to, the application will be invited to speak.
- Fifth: Persons opposed to the application will be invited to speak.
- Sixth: The applicant will be allowed 5 minutes to provide concluding statements.

- Speakers will be called to the podium by the Chairman.
- Because the meeting minutes are recorded it is important for each speaker to state their name and address prior to making any comments.
- All comments should be directed to the Planning Commissioners, not to the Staff or to members of the audience.
- For items where there are several people wishing to speak, the Chairman may impose a time limit, usually 2 minutes per person, or 5 minutes for a group spokesperson.
- After the hearing is closed, the discussion will be limited to the Planning Commission and the Staff.

BUSINESS MEETING

**1) Previous Meeting Summary Minutes –
Review and Approval**

July 13, 2011 and August 10, 2011 minutes are forthcoming.

**2) Curb, Gutter and Sidewalk Plan –
Discussion – Resources and Public Process**

Staff will be prepared to discuss this matter at the meeting.

**3) Electronic Message Center Signs –
Discussion – Potential Sign Ordinance
Amendments**

May 31, 2011

Electronic Message Center Signs in Unincorporated Salt Lake County

Issue: Largely unregulated proliferation of electronic message center signs in the unincorporated county

Reasons for this proliferation: New technology (LED lighting and software) have made electronic signs economical to manufacture and operate. These signs are touted as an effective advertising medium.

Current Salt Lake County sign ordinance: Other than stating that electronic message center signs are either permitted uses or conditional uses in certain zones, the County places no restrictions as to the location, type of sign (pole versus monument), size of screen relative to sign square footage, brightness, images, screen changes, movement of image, video, colors, etc.

Why electronic message center signs are problem: uncontrolled and unregulated electronic message center signs cheapen commercial and nearby residential areas, reduce property values and create a safety hazard due to the intrinsic nature of these signs . flashing, changing screens, brightness, colors, size, hours of operation, etc. . resulting in an unintended Las Vegas aesthetic standard for our community.

Relying solely on the conditional use requirement and conditional use approval process does not work for Electronic Message Center signs: relying upon a township planning commission or the Salt Lake County Planning Commission to set appropriate conditions to the conditional use permit approval results in wildly inconsistent outcomes, albeit mostly permissive. In addition, state law for the most part prevents a planning commission from denying a conditional use application.

Examples of recently installed electronic message center signs in the Millcreek Township:

1. Mountain America Credit Union
2. Video store on 33rd South at @ 2500 East
3. Sinclair service station at 3900 South & Wasatch Blvd.

Remedy: update the County Sign Ordinance, Chapter 19.82, as respects electronic message center signs. The sign ordinance needs to be amended to set reasonable limits to the following:

- Zones in which they are either a permitted or conditional use
- Sign type (pole, monument, etc) on which EMC displays can be installed
- Size
- Area
- Brightness, illumination intensity
- Image
- Flashing, scintillating
- Timing of image change
- Video images

Needed action: your community council needs to encourage all County Council members to elevate the updating of the sign ordinance to a priority task that requires their attention and resources.

Survey of electronic sign ordinances in the incorporated cities within Salt Lake County: see following pages.

Electronic Message Center Sign Ordinances

City	Contact Information	Electronic Sign Ordinance	Notes
Salt Lake City			City beginning the process of developing an EMC sign ordinance
Holladay		13.82.140	EMC signs are completely prohibited in the city. No exceptions.
Cottonwood Heights	Morgan Brim 801-944-7065	19.82.110 Prohibited Signs	EMC signs are completely prohibited with the exception of public information signs and time and temperature signs, which are conditional uses.
Draper	801-576-6532 Mindy Dansi	9-26 Signs	EMC signs highly restricted. Allowed only in freeway district on property of 15 acres or more; eight second period before transitioning to another image. No flashing, no movement, no animation.
Sandy	Ray Lindenburg 801-568-7269	15A-26 page 6 Lighting+ 15.26.07 G.3	EMC signs allowed only on monument signs and cannot exceed 50% of the face. No standards for intensity, changing screens, etc. Poorly written code, confusing, not specific.
South Jordan		Title 16.36.H	Allowed in certain zones, but mostly limited to monument signs and sign will remain static for three seconds and shall not contain flashing or scrolling displays. Only low wattage can be used.
Murray	801-270-2420 Ray Christensen	Chapter 17.48.200	EMC signs allowed in commercial & manufacturing zones; not allowed in office zone, light intensity restrictions, cannot flash or scintillate. 2 second delay between displays. Fairly weak ordinance.
Riverton	Jason Lethbridge 801-208-3141	Title 16.36.H	EMC signs allowed in most or all commercial zones with no restrictions on size, illumination, changing messages, etc. City council has expressed concerns and the sign ordinance is destined to be changed, probably in 2011, subject to upcoming workshops and draft ordinance language that will come from those workshops.
West Jordan		Chapter 3 & Chapter 13	EMC signs not restricted in any manner (other than not being more than 50% of the total sign area), assuming the sign type (pole, pylon, monument) is allowed in the zoning district.
West Valley City	801-963-3312	11-1-101 Definitions 11-1-104-18-a 11-5-107	Electronic sign ordinance is very permissive, but still has illumination restrictions.

Midvale	Leslie Burns 801-567-7229	Title 17 Zoning	EMC signs (described as %changeable copy) are permitted in certain commercial zones on monument and wall signs <u>only</u> , subject to 25% max of sign total square footage. Prohibited in %200 South Overlay Zone+area. No specific restrictions on brightness, changing images, etc, but are subject to Administrative Enforcement in the event an EMC sign receives complaints from the public.
Salt Lake County Unincorporated Areas		19.82	<p>Height & gross square footage of sign face is determined by type of sign and zone. <u>This is not to be confused with the EMC %display+or EMC %mechanism+ which is installed on the sign face.</u></p> <p>%EMC sign+defined</p> <p>Not allowed in residential, C-1, C-V zones</p> <p>Conditional use in C-2 zone</p> <p>Permitted use in C-3, M-1, M-2 zones</p> <p>No ordinance limitations on any of the following:</p> <ul style="list-style-type: none"> • Size of EMC display • illumination intensity • timing of changing screens • colors • Moving images • flashing • scintillating images • Hours of operation
<p><u>Stated Purpose of Salt Lake County sign ordinance:</u> The purpose of this chapter is to eliminate excessive and confusing sign displays that create potential hazards to motorists, pedestrians, property, and also to maintain a responsible communication system by setting requirements for the location, size, height and lighting of signs that will be compatible with adjoining land uses, architecture and landscape, <u>and that will preserve and improve the aesthetic values and visual qualities of Salt Lake County [my emphasis].</u></p>			

Note: I do not guarantee that the summary of the above electronic message center sign ordinances is absolutely correct, but do represent that this summary is substantially correct. Planning staff who are expert in the details of their ordinances in some cases might be able to point out restrictions on electronic message center signs that are not listed in this document.

Tom Stephens

May 31, 2011

Sections:

- [19.82.010 - Purpose.](#)
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- [19.82.110 - Visibility at intersections.](#)
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- [19.82.130 - Lighted signs.](#)
- [19.82.135 – Electronic message centers.](#)
- [19.82.140 - Mobile sign.](#)
- [19.82.150 - Traffic hazard prohibited.](#)
- [19.82.160 - Maintenance—Removal of sign.](#)
- [19.82.170 - Prohibited signs.](#)
- [19.82.180 - Action to remove or abate violation.](#)
- [19.82.185 - Off-premises signs—Billboards.](#)
- [19.82.190 - On-premises signs allowed in zoning districts.](#)

19.82.010 - Purpose.

The purpose of this chapter is to eliminate excessive and confusing sign displays that create potential hazards to motorists, pedestrians, property, and also to maintain a responsible communication system by setting requirements for the location, size, height and lighting of signs that will be compatible with adjoining land uses, architecture and landscape, and that will preserve and improve the aesthetic values and visual qualities of Salt Lake County.

(Ord. 1034 § 1 (part), 1988)

19.82.020 - Definitions.

As used in this chapter:

"A-frame sign" means temporary and/or movable sign constructed with two sides attached at the top so as to allow the sign to stand in an upright position.

"Advertising sign." See "off-premises sign."

"Alterations" means a change or rearrangement in the structural parts or design whether by extending on a side, by increasing in area or height, or by relocating or change in position.

"Animated sign" means a sign which induces motion or rotation of any part by mechanical, or artificial means, or subdued color changes.

"Animation ~~or video~~" means simulated movement created by the display of a series of pictures or frames, creating the illusion of movement.

Comment [NM1]: The exact definition is listed under "video" as well. Good to have both, but can take out video here.

"Awning sign" means a sign designed in awning form that is an illuminated or nonilluminated space frame structure attached to a building or other permanent structure.

"Balloon sign" means advertisement supported by a balloon anchored to the premises where the advertised use is conducted, product or commodity sold, service performed, or business name is located.

"Beacon light" means:

a.

Any light with one or more beams, capable of being directed in any direction or directions, or capable of being revolved automatically; or

b.

A fixed or flashing high-intensity light, such as a spotlight, a floodlight, or a strobe light.

c.

"Beacon light" shall not include searchlights.

"Billboard bank" means an accounting system established by the county to keep track of the number of billboard signs and the square footage of each billboard sign removed pursuant to Section 19.82.185 of this chapter.

"Billboard credit" means an entry into a billboard owner's billboard bank account that indicates the number of billboard sign locations and the square footage of each billboard sign.

"Billboard owner" means the owner of a billboard in unincorporated Salt Lake County.

"Billboard sign" means an off-premises advertising sign.

"Business sign" means an on-premises sign.

"Construction sign" means a sign identifying an existing or proposed development project which may contain the name of the project, name and address of construction firms, architects, engineers, developers, etc.

"Electronic message center" means a mechanism or device which uses a combination of lights, or lighted or unlighted panels which are controlled electrically and electronically to produce words, symbols, pictures, or messages which may ~~change, flash, or travel or scintillate within~~ a given panel area.

Comment [NM2]: Flashing or scrolling images or text wouldn't be desirable either, so the wording was taken out and "change" was added.

"Embellishment, cut-out or extension" means an extension of the billboard resulting in increased square footage as part of an artistic design to convey a specific message or advertisement.

"Existing billboard" means a billboard that is either constructed, or for which an application for a land use permit was received and approved by the planning and development services division and state authorities where necessary, prior to May 18, 2004. Billboards that have received prior approval from the county at a particular location must be approved by the state by June 2, 2005. If no state approval is given, the county approval shall expire on said date and the permit shall become null and void.

"Flashing sign" means a sign which has or appears to have motion or rotation of the lighting elements or displays flashing or intermittent light.

"Flat sign" means a sign erected parallel to and attached to the outside wall of a building and extending not more than twenty-four inches from such wall with messages or copy on the face side only.

"Floodlighted sign" means a sign made legible in the absence of daylight by devices which reflect or project light upon it.

"Ground sign" means a sign supported by a fixed permanent frame support in the ground.

"Illuminated sign" means a sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes.

"Image" means the display of text, numbers or the likeness of an object or living thing of any type.

"Image display period" means the period of time that an "image" remains "static"

"Image display transitioning period" means the period of time that one image fades into a subsequent image.]

"Interior sign" means a sign located within a building so as to be primarily visible only from within the building in which the sign is located.

"Mobile sign" means a sign mounted on trailer or frame, lighted or unlighted, which is not permanently attached to a structure or the ground.

"Light intensity" means ...]

"Monument sign" means a sign which is incorporated into the landscape or architectural design scheme and displaying the name of uses or buildings.

"Nameplate sign" means a sign indicating the name and/or occupation of a person legally occupying the premises or indicating a legal home occupation thereon.

"Nonconforming billboard" means an existing billboard that is located in a zoning district or otherwise situated in a way that is not permitted by the provisions of this chapter.

"Nonconforming sign or sign structure" means a sign or sign structure or portion thereof lawfully existing at the effective date of this chapter or any amendment hereto which does not conform to all height, area, yard, spacing, animation, lighting, use or other regulations prescribed in the zone in which it is located after the effective date of this chapter or any amendment hereto.

"Off-premises sign" means a sign directing attention to a use, product, commodity or service not related to the premises upon which the sign is located.

"On-premises sign" means a sign directing attention to a use conducted, product or commodity sold, service performed or business name upon the premises on which it is located.

"Overhanging sign" means a sign which projects twelve inches or more over the roof of a building.

"Pedestal sign" means a temporary and/or movable sign supported by a column(s) and a base so as to allow the sign to stand in an upright position.

"Political sign" means a sign advertising a candidate or candidates for public elective office, or a political party, or a sign urging a particular vote on a public issue decided by ballot.

"Projecting sign" means a sign attached to a building or canopy and extending in whole or part more than twenty-four inches beyond any wall of the building or canopy.

"Promotional sign board" means a permanently attached changeable copy sign not exceeding twenty square feet per face with one or two faces back to back for the display of promotional items offered for sale on the premises.

"Property sign" means a sign related to the property upon which it is located and offering such information as address, name of occupant for residential uses, sale or lease of the property, warning against trespassing, any hazard, or other danger on the property.

"Roof sign" means a sign which is erected partly or wholly on the roof of the building. Notwithstanding the foregoing, a sign structure having main supports embedded in the ground shall not be considered to be a roof sign even if the sign's supports pass through a roof, canopy or parapet of a building.

"Scintillate" or "Scintillating" means light flashes, light sparkling, light starbursts, light twinkling, light pulsating or any other similar light effects.

"Service sign" means a sign that is incidental to a use lawfully occupying the property upon which the sign is located and which sign is necessary to provide information to the public, such as direction to parking lots, location of restrooms, entrance and exits, etc. A service sign shall also include signs providing information about sale of agricultural products produced upon the premises. A business trade mark or logo may appear on the sign provided it is secondary to the information portion of the sign.

"Sign" means and includes every advertising message, announcement, declaration, demonstration, display, illustration, insignia surface or space erected or maintained in view of the observer thereof for identification, advertisement or promotion of the interests of any person, entity, product or service. "Sign" also includes the sign structure supports, lighting system and any attachments, ornaments or other features used to draw the attention of observers.

"Sign area" means the area of a sign that is used for display purposes, excluding the minimum frame and supports. In computing sign area, only one side of a back-to-back or double-faced sign shall be computed when signs are parallel or diverge from a common edge by an angle of not more than forty-five degrees.

In relation to signs that do not have a frame or a separate background, sign area shall be computed on the basis of the least rectilinear line with a maximum of eight sides, triangle or circle large enough to frame the display.

Sign areas in the shape of a sphere, prism, cylinder, cone, pyramid, square or other such shapes shall be computed as one-half of the total surface area.

"Sign maintenance" means that signs shall be maintained in a safe, presentable and good condition, including the replacement of defective parts, repainting, cleaning and other acts required for the maintenance of the sign.

"Sign setback" means the minimum distance that any portion of a sign or sign structure shall be from any street right-of-way line and yard line coterminous with a street.

"Sign structure" means anything constructed or erected supporting a sign which requires location on or below the ground or attached to something having location on or below the ground.

"Snipe sign" means a sign which is attached to a public utility pole, fixture poles, canopy supports, or the supports for another sign.

"Static image " means an image that has no motion of any type or form.

"Temporary sign," as regulated by this title, shall include any sign, banner, pennant, valance or advertising display constructed of paper, cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed out of doors for a short period of time.

"Time and temperature device" means any mechanism that displays the time and/or temperature but does not display any commercial advertising or identification.

"Video" means simulated movement created by the display of a series of pictures or frames, creating the illusion of continuous movement.

"Wall sign" means a sign that is either painted on a wall or its facing by not having a sign frame or separation from the wall or facing.

"Window sign" means a sign permanently attached and located within a building so as to be visible through a window or door outside of the building.

(Ord. 1532 § 3, 2004; Ord. 1076 § 3, 1989; Ord. 1034 § 1 (part), 1988)

19.82.025 - Noncommercial signs.

Any sign authorized under this chapter is allowed to contain noncommercial copy in lieu of any permissible copy.

(Ord. 1106 § 3, 1990)

19.82.030 - Interpretation.

- A.** Properties divided by public streets are not adjacent.
- B.** The sign requirements contained in this chapter are declared to be the maximum allowable.
- C.** Sign types not specifically allowed as set forth within this chapter shall be prohibited.
- D.** Where other ordinances are in conflict with the provisions of this chapter, the most restrictive ordinance shall apply.

(Ord. 1034 § 1 (part), 1988)

19.82.040 - Conformity required.

- A.**

Except as provided in this title, a sign shall not be erected, raised, moved, placed, reconstructed, extended, enlarged or altered, unless in conformity with the regulations specified in this chapter.

B.

A nonconforming sign shall not be reconstructed, raised, moved, placed, extended or enlarged unless the sign is changed so as to conform to all provisions of this title. Alterations shall also mean the changing of the text or message that the sign is conveying from one use of the premises to another use of the premises and the changing of the ownership of the sign when that ownership necessitates a change in the text or message of the sign. Alterations shall not be interpreted to include changing the text or copy of off-premises advertising signs, theater signs, outdoor bulletin or other similar signs which are designed to accommodate changeable copy.

(Ord. 1119 § 1, 1990; Ord. 1106 § 4, 1990; Ord. 1076 § 2, 1989; Ord. 1054 § 2, 1988; Ord. 1034 § 1 (part), 1988)

19.82.050 - Exceptions.

A.

When a parcel of land is five acres or larger, the planning commission may consider an on-premises sign proposal for a development on such parcel that is less restrictive than the regulations set forth in this chapter, as a conditional use providing there is a determination that the proposed sign exceptions are:

1.

Not in conflict with the purpose of this chapter;

2.

In architectural harmony with the development and other buildings and uses adjacent to the development.

B.

Signs not regulated by this chapter:

1.

On-premises advertising signs that are attached to windows or walls and are clearly of a temporary nature, which promote specific sales;

2.

Signs which are associated with school or church events and functions, which are clearly of a temporary nature;

3.

Interior signs;

4.

Time and temperature devices;

5.

Searchlights.

(Ord. 1034 § 1 (part), 1988)

19.82.060 - Comprehensive sign plan.

When an application for the first permit (building permit or conditional use permit) on a parcel of ground is submitted to the county, it shall be accompanied by a complete comprehensive sign plan for all existing, proposed or future signs on the parcel of ground.

(Ord. 1034 § 1 (part), 1988)

19.82.070 - Building permit exceptions.

Building permits are required for signs except for property signs, political signs and nameplates conforming to the provisions of this chapter. (See Section 19.82.050(B).)

(Ord. 1034 § 1 (part), 1988)

19.82.080 - Size computation.

A.

The following shall be used when calculating sign sizes: When more than one use occupies a lot, the frontage may be used to calculate the sign size for one total ground or projecting sign, not for each use. The total may then be divided between the uses. There may be any number of flat or wall signs, provided their total does not exceed the percentage of wall area coverage allowed.

B.

A property line which abuts a nonaccess freeway, road, street or right-of-way may not be used in computing sign area.

(Ord. 1034 § 1 (part), 1988)

19.82.085 - Height of ground signs.

The height of ground signs, except as otherwise specified in this chapter, shall be measured from the grade at the property line of the yard in which the sign is located, but shall not exceed the height allowed in the zone.

(Ord. 1034 § 1 (part), 1988)

19.82.090 - Imprint of ownership required.

The imprint of the sign owner and sign erector of all signs shall be in plain and public view.

(Ord. 1034 § 1 (part), 1988)

19.82.100 - Off-premises sign requirements.

Off-premises signs erected along the interstate or the primary highway system as defined by the state shall conform with the provisions of the Utah Outdoor Advertising Act.

(Ord. 1106 § 5, 1990; Ord. 1034 § 1 (part), 1988)

19.82.110 - Visibility at intersections.

A.

There shall be a minimum clearance of ten feet between the ground and any part of a projecting sign or ground sign, as measured from the grade of the intersecting streets and located within the clear view of an intersection, which is a triangular area formed by the street property lines and a line connecting them at points forty feet from the intersection of the street lines. Any portion of a sign structure within the clear view of an intersection and nearer the ground than ten feet may not exceed ten inches in width, thickness or diameter.

B.

A service sign located within the clear view of an intersection shall not exceed two feet in height.

(Ord. 1034 § 1 (part), 1988)

19.82.120 - Signs on public property.

No sign shall be located on publicly owned land or inside street rights-of-way except signs required and erected by permission of an authorized public agency. Signs shall include, but not be

limited to, handbills, posters, advertisements or notices that are fastened, placed, posted, painted or attached in any way upon any curbstone, lamppost, telephone pole, telegraph pole, electric light or power pole, hydrant, bridge, tree, rock, sidewalk or street.

(Ord. 1034 § 1 (part), 1988)

19.82.130 - Lighted signs.

A.

A lighted sign shall not be installed which permits the light to penetrate beyond the property in such a manner as to annoy or interfere with the use of adjacent properties.

B.

Such lights alleged to violate subsection A of this section by the adjacent property owners or development services division director shall be subject to a public hearing before the planning commission as to the validity of the alleged violation. If such light is determined to be in violation, the owner of the light shall take appropriate, corrective action as directed.

(Ord. 1034 § 1 (part), 1988)

19.82.135 – Electronic message centers.

A.

An electronic message center may only be installed and operated on monument or ground signs.

Comment [NM3]: Also allowed on ground signs (see chart).

B.

An electronic message center may not exceed fifty percent of the total square footage on each side of a monument sign.

C.

An electronic message center shall only display static images. An electronic message center shall not display video images or scintillating images. Static image displays shall be not less than twenty ten seconds. Static image display transitioning periods shall be not less than five seconds.

Comment [NM4]: Made it more consistent with other jurisdictions, less stringent.

D.

Electronic message centers may not operate between the hours of ten o'clock (10:00) p.m. and six o'clock (6:00) a.m.

19.82.140 - Mobile sign.

One mobile sign may be used for each use for a period of sixty days following the issuance of a permit to construct a permanent sign for that use. Upon inspection and approval of the permanent sign, or upon expiration of the sixty-day period, whichever first occurs, the mobile sign must be removed. Mobile signs may not employ animation, flashing lights or intermittent lights.

(Ord. 1034 § 1 (part), 1988)

19.82.150 - Traffic hazard prohibited.

Signs or other advertising structures shall not be erected at the intersection of any streets or driveways in such manner as to obstruct free and clear vision, or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal device, or make use of the words "Stop," "Drive-in," "Danger," or any

other words, phrases, symbols or characters in such manner as to interfere with, mislead or confuse vehicle operators.

(Ord. 1034 § 1 (part), 1988)

19.82.160 - Maintenance—Removal of sign.

A.

All signs and advertising structures shall be maintained in good condition.

B.

Signs relating to a product no longer available for purchase, or to a business which has closed or moved, shall be removed or the advertising copy removed within thirty days of such unavailability, closure or relocation.

C.

Owners of signs or advertising copy not removed within the required thirty days shall be given written notice sent by certified mail. If not removed by the owner within the thirty-day period, the sign or copy will be removed by the county at the expense of the owner.

(Ord. 1034 § 1 (part), 1988)

19.82.170 - Prohibited signs.

Signs not specifically allowed by this chapter are prohibited. Without restricting or limiting the provisions of this section, the following signs are specifically prohibited: A-frame, snipe and pedestal signs.

(Ord. 1034 § 1 (part), 1988)

19.82.180 - Action to remove or abate violation.

A.

The mayor or attorney shall be empowered to institute any appropriate action or proceeding in any case where any sign is erected, constructed, reconstructed, altered, repaired, converted or maintained, or in any case where any sign is used in violation of any county ordinance, to accomplish the following purposes:

1.

To prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use;

2.

To restrain, to correct or abate such violation;

3.

To abate and remove unsafe or dangerous signs. If an unsafe or dangerous sign is not repaired or made safe within ten working days after giving notice as provided in subsection B of this section, the building inspector or development services division director may at once abate and remove the sign, and the person having charge, control or benefit of any such sign shall pay to the county costs incurred in such removal within thirty calendar days after written notice of the costs is mailed to such person.

B.

Notice by the county shall mean written notice sent by certified mail to persons having charge or control or benefit of any sign found by the development services division director to be unsafe.

(Ord. 1473 (part), 2001; Ord. 1034 § 1 (part), 1988)

19.82.185 - Off-premises signs—Billboards.

A.

Purpose. This section provides for the reasonable regulation of off-premises signs with the intent of enhancing the aesthetics of existing and future billboards, mitigating negative impacts, promoting safety and protecting property values that further the goals and planning policies of Salt Lake County.

B.

Cap on Number of Off-Premises Signs. The number of off-premises signs allowed in unincorporated Salt Lake County and established or future townships shall be limited to the number of off-premises signs that are existing as defined herein as of May 18, 2004. This cap shall automatically decrease as off-premises signs are annexed into a municipal jurisdiction or removed and not relocated.

C.

Location. Off-premises signs shall be allowed in the C-1 zone as a conditional use. Off-premises signs shall be allowed in the C-2, C-3, M-1 and M-2 zones as a permitted use.

D.

Size. Off-premises signs shall not exceed six hundred seventy-two square feet in the C-2, C-3, M-1 and M-2 zones. Off-premises signs located in a C-1 zone shall not exceed three hundred square feet in size.

E.

Height. The maximum height of an off-premises sign shall be thirty-five feet in a C-1 zone. The maximum height of an off-premises sign shall be forty-five feet above the grade level of the road in the C-2, C-3, M-1 and M-2 zones or, when oriented for freeway viewing only and located within three hundred feet of the nearest freeway lane, twenty-five feet above freeway grade level or fifty feet overall, whichever is greater.

F.

Separation. The minimum distance between off-premises signs larger than three hundred square feet shall be five hundred lineal feet as measured along the same side of the street including intersections. The minimum distance between off-premises signs three hundred square feet or less in size shall be three hundred lineal feet as measured along the same side of the street including intersections. All off-premises signs must be at least one hundred fifty radial feet from any other off-premises sign.

G.

Setbacks. The minimum setback shall be eighteen inches for off-premises signs. The sign's front-yard setback shall be measured from the future right-of-way line (see Transportation Improvement Plan). The closest edge of an off-premises sign shall not project into any required setback area. The minimum setback between an off-premises sign and any residential zone boundary shall be one hundred fifty feet.

H.

Lighting. Lighting shall be confined to the sign face, and the lighting source shall not be directly visible.

I.

Design. Off-premises signs shall utilize either the "mono-pole" or the "bi-pole" design and shall be continually maintained structurally and on the copy face. The back of the sign and the structure behind the sign shall be painted a dark color. Tri-vision sign faces shall be permitted and, if illuminated, must be externally illuminated. Internally illuminated off-premises signs, electronic display (outdoor video advertising) and electronic message centers are only allowed adjacent to the interstate freeway system and limited to no more than one change to the copy face in a twenty-four hour period. Two-decked off-premises signs are prohibited in all zones.

J.

Credits for Removal. Prior to the removal of any off-premises sign, the owner shall obtain a permit for the demolition of the off-premises sign. Permits may be provided following application to the Salt Lake County Planning and Development Services Division. The Salt Lake County Planning and Development Services Division shall by letter inform the affected community council chairman and affected planning commission chairman that a permit for demolition of an off-premises sign has been issued. After any off-premises sign is demolished, the Salt Lake County Planning and Development Services Division shall create a "billboard bank account" for the sign owner. The account shall reflect credits for the off-premises sign square footage as well as the date of removal. Any off-premises sign credits not used within thirty-six months of their creation shall expire and be of no further value or use. An off-premises sign owner may sell or otherwise transfer off-premises signs and/or billboard bank account credits. The transfer of any billboard bank account credits does not extend their thirty-six-month life as provided in this section. Demolition of an off-premises sign that has two advertising faces shall receive billboard bank account credits for the square footage of each sign face.

K.

Relocation. The owner of an existing off-premises sign may remove an existing off-premises sign from any site to an approved location only after a permit for relocation is obtained upon substantiation of compliance with this chapter. Prior to approval of a permit for relocation, the sign owner (applicant) shall submit to the county a notarized affidavit signed by the property owner, a copy of the lease agreement or other document to be signed by the property owner, indicating at a minimum the duration of the lease and renewal provisions. Additionally, prior to approval of a permit for relocation, Salt Lake County Planning and Development Services Division shall by letter inform the affected community council chairman and affected planning commission chairman that application for an off-premises sign permit has been received. Off-premises signs moved to approved locations shall conform to all off-premises sign requirements of the new location. Off-premises signs moved from one location to another must be installed in the new approved location within the period allotted by the International Building Code (IBC). A new off-premises sign permit shall only be issued if the applicant has billboard bank account credits of a sufficient number of square feet. When the permit for construction of a new off-premises sign is issued, the Salt Lake County Planning and Development Services Division shall deduct from the sign owner's billboard bank account the square footage of the new off-premises sign. If the new off-premises sign uses less than the entire available square footage credits, any remaining square footage credits shall remain in the sign owner's billboard bank account.

L.

County Council Review and Monitoring. The county council shall, on a regular six-month schedule be updated at a regular public meeting to changes in status and effectiveness of the provisions related to off-premises signs in unincorporated Salt Lake County.

M.

Severability and Conflict. This section and its various parts are hereby declared to be severable if a court of competent jurisdiction declares any subsection, clause, provision or portion of this section invalid or unconstitutional. No court decision will affect the validity of either this section as a whole or any parts not declared invalid or unconstitutional by that decision. If any part of this section is found to be in conflict with any other provision of the county, the most restrictive or highest standard will apply, prevail and govern.

(Ord. 1532 § 4, 2004)

19.82.190- On-premises signs allowed in zoning districts.

On-premises signs allowed, by zones, shall be as set out in Table [19.82.190](#).

(Ord. 1532 § 5, 2004; Ord. 1451 § 2, 1999; Ord. 1409 § 2, 1997; Ord. 1314 § 2, 1995; Ord. 1307 § 3, 1995; Ord. 1192 § 2, 1992; Ord. 1113 § 2, 1990; Ord. 1106 §§ 6, 7, 1990; Ord. 1072 § 2, 1989; Ord. 1034 § 1 (part), 1988)

Table 19.82.190 SIGNS ALLOWED, BY ZONES					
ZONE	SIGN	SIZE	HEIGHT	LOCATION	OTHER
(1) All zones	Construction	32 sq. ft. plus 1 sq. ft. for each 10 ft. of frontage over 30 to a maximum of 96 sq. ft. per lot	12 ft. max.	On private property	Sign must be removed 6 months from final building or conditional use inspection that allows occupancy or when 100% of the facilities are occupied, whichever occurs first
		Construction signs located on the development for subdivisions of 5 lots or more, may be 32 sq. ft. plus 2 sq. ft. for each additional lot over 5 to a maximum of 128 sq. ft. total per subdivision	12 ft. max.	On private property	Signs must be removed within 30 days after the last lot is sold
		Signs for subdivisions of 5 lots or more and not located on the development may be 32 sq. ft. plus 1 sq. ft. for each lot over 5 to a maximum of 64 sq. ft. per sign	12 ft. max.	On private property	All signs must be approved by the planning commission for a period not to exceed one year which may be renewed upon application received at least 30 days prior to the previous approval expiration date
		Construction signs for multifamily developments of more than 20 units and not located on the development shall not exceed a maximum of 10 ft. vertical and 20 ft. horizontal	12 ft. max.	On private property	All signs must be approved by the planning commission for a period not to exceed one year. Approval may be renewed by the planning commission
	Nameplate on premises	3 sq. ft. maximum per use		Attached to main structure	
	Political	16 sq. ft. maximum	6 ft. max.	On private property and not closer than 10 ft.	Shall be removed 15 days following the final voting day

				to a driveway	
	Property on-premises	6 sq. ft. maximum	6 ft. max.	On private property	
	Service on premises	6 sq. ft. maximum	3 ft. when free-standing	On private property	
	Monument on premises (see other zones for specific requirements which supersede these requirements)	One per lot, 32 sq. ft. plus 1 sq. ft. for every 10 ft. of frontage over 30 ft. to a maximum of 64 sq. ft.	6 ft. max.	On private property and set back 6 ft. from property lines	One sign per street frontage and landscaped appropriately for the site. Allowed with public or quasi-public buildings or uses, planned unit developments, golf courses, cemeteries, dwelling groups, day care/preschool centers, or other uses permitted in the zone or as approved in conjunction with a conditional permit approval
	Flat on-premises (see other zones for specific requirements which supersede these requirements)	5% of a wall area		Attached to a building	Allowed with public or quasi-public buildings, planned unit developments, golf courses, cemeteries, dwelling groups, or other uses permitted in the zone or as approved in conjunction with a conditional permit approval
Illumination may be built into or attached onto the signs listed above when: (1) Lighting is allowed in the specific zone; or (2) The development occupies more than 500 feet continuous frontage on the street the sign will face and the sign is not closer than 200 feet to a property not allowed an illuminated sign; (3) Flat signs that are exposed to dwellings on adjacent properties shall not be illuminated (property divided by public streets are not adjacent).					
(2) S-1-G, R-4-8.5, R-M, RMH	Ground or projecting on-premises	One per lot, 32 sq. ft., plus 1 sq. ft. for each 10 ft. of frontage over 30 ft. on a street but not to exceed 64 sq. ft.	20 ft. max. ground sign	15 ft. setback	Illumination may be built into or attached onto a sign if the development occupies more than 500 ft. continuous frontage on a street that the sign will face unless exposed to a dwelling on adjacent property
	Flat on-premises	15% of a wall area		Attached to	Signs that are exposed to

				a building	dwellings on adjacent properties shall not be illuminated
	Window on-premises	8 sq. ft. maximum per use			Signs shall not be illuminated
	Monument on-premises	One per lot, 32 sq. ft. plus 1 sq. ft. for every 10 ft. of frontage over 30 to a maximum of 64 sq. ft.	6 ft. max.	18-inch minimum setback	A monument sign can only be utilized if no ground or projecting sign is used
(3) C-1, C-1-L, C-V	Ground or projecting on-premises	One per lot, 48 sq. ft. plus 1 sq. ft. for each 4 ft. of frontage over 30, but not to exceed 128 sq. ft.	25 ft. max.	15 ft. setback	Illumination may be built into or attached to signs unless exposed to a dwelling on adjacent property or a residential zone boundary in which case it may be allowed with conditional use approval
	Window on-premises	12 sq. ft. maximum per use			
	Flat or wall on-premises	15% of a wall area			Illumination may be built into or attached to signs unless exposed to a dwelling on adjacent property or a residential zone boundary in which case it may be allowed with conditional use approval. A flat or wall sign may only be used if an awning sign is not used
	Temporary on-premises				See Section 19.82.140
	Monument on-premises	One per lot, 32 sq. ft. plus 1 sq. ft. for every 4 ft. of frontage over 30 to a maximum of 64 sq. ft.	6 ft. max.	18-inch minimum setback	A monument sign can only be utilized if no ground or projecting sign is used
	Awning on-premises	25% of a wall area may be covered with an awning, and 50% of an awning may be covered with graphics	8 ft. min. above the ground 0 ft. above bldg. wall	8 ft. maximum projection from bldg. May be on three walls of a building	Attached to building. Primary graphics on face or street side of structure. An awning sign may only be used if a flat or wall sign is not used
All regulated signs in C-V zones located in canyon areas of the county require conditional use approval.					

(4) C-2, C-3	C-2 Ground or projecting on-premises	48 sq. ft. plus 1 sq. ft. for each foot of frontage over 30 on a street to a maximum of 256 sq. ft. Property abutting a freeway with no frontage on a dedicated street may have one sign as a conditional use located within 30 ft. of the freeway not to exceed 256 sq. ft. and the height shall not exceed 25 ft. above freeway grade. A property having frontage on a dedicated street which connects directly to an on or off ramp of I-15 and is within 600 ft. of the main traveled way of I-15 may have one sign up to 60 ft. high, but not to exceed 25 ft. above freeway grade level and 400 sq. ft.	30 ft. max.	18-inch setback, 1 sign per 300 ft. frontage or part thereof	Illumination may be built into or attached to signs unless exposed to a dwelling on adjacent property or a residential zone boundary in which case it may be allowed with conditional use approval. Rotation and subdued light change may be allowed with conditional use approval. Electronic message center signs are conditional use subject to section 19.82.135
	C-3 Ground or projecting on-premises	48 sq. ft. plus 1 1/2 sq. ft. for each foot of frontage over 30 on a street to a maximum of 300 sq. ft. Property abutting a freeway with no frontage on a dedicated street may have one sign as a conditional use located within 30 ft. of the freeway not to exceed 300 sq. ft. and the height shall not exceed 25 ft. above freeway grade. A property having frontage on a dedicated street which connects directly to an on or off ramp of I-15 and is within 600 ft. of the main traveled way of I-15 may have one sign up to 60 ft. high, but not to exceed 25 ft. above freeway grade level and	30 ft. max.	No setback required, 1 sign per 300 ft. frontage or part thereof	Illumination may be built into or attached to signs unless exposed to a dwelling on adjacent property or a residential zone boundary in which case it may be allowed with conditional use approval. Rotation and subdued light change may be allowed with conditional use approval. Electronic message center signs are permitted use subject to section 19.82.135

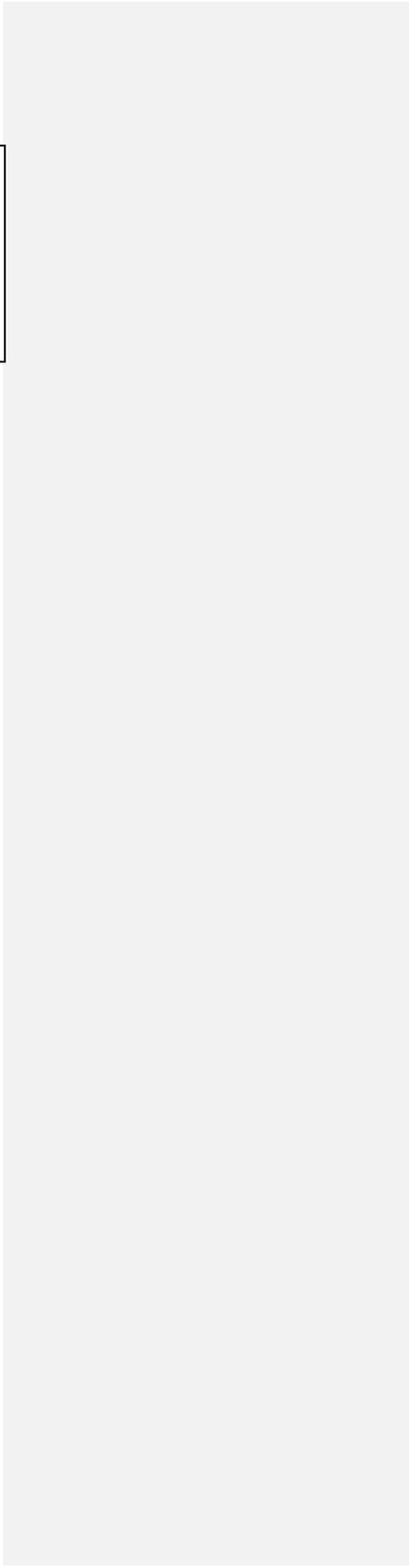
		400 sq. ft.			
	Balloon on-premises				Balloon signs are subject to conditional use approval
	Roof on-premises	Same as ground or projecting sign	10 ft. above roof max.		Roof sign may substitute for a ground or projecting sign but is subject to conditional use approval. The planning commission may deny a sign or set more restrictive conditions. Signs shall be installed so that the support structure is not visible
	Window on-premises	16 sq. ft. maximum per use			
	Promotional sign boards on-premises	1 sq. ft. for each linear ft. of frontage to a maximum of 20 sq. ft. per sign	Maximum ht. equals the sign setback, but not more than 10 ft.		Maximum of 1 sign per street front, permanently anchored to the ground, and subject to conditional use approval. Illumination may be built into or attached to signs unless exposed to a dwelling on adjacent property or a residential zone boundary in which case it may be allowed with conditional use approval
	Flat or wall on-premises	20% of a wall area			Illumination may be built into or attached to signs unless exposed to a dwelling on adjacent property or a residential zone boundary in which case it may be allowed with conditional use approval. A flat or wall sign may only be used if an awning sign is not used
	Temporary on-premises				See Section 19.82.140
	Monument on-premises	32 sq. ft. plus 1 sq. ft. for every 4 ft. of frontage over 30 on a street to a maximum of	6 ft. max.	18-inch minimum setback, 1 sign per 300	A monument sign can be utilized in lieu of a ground or projecting sign

		64 sq. ft.		ft. frontage or part thereof	
	Awning on-premises	25% of a wall area may be covered with an awning, and 50% of an awning may be covered with graphics	8 ft. min. above the ground 0 ft. above bldg. wall	8 ft. maximum projection from bldg. Must be on private property. May be on three walls of a building	Attached to building. Primary graphics on face or street side of structure. An awning sign may only be used if a flat or wall sign is not used
(5) M-1, M-2	Ground or projecting on-premises	48 sq. ft. plus 1 sq. ft. for each foot of frontage over 30 on a street to a maximum of 256 sq. ft. A property having frontage on a dedicated street which connects directly to an on or off ramp of I-15 and is within 600 ft. of the main traveled way of I-15 may have one sign up to 60 ft. high, but not to exceed 25 ft. above freeway grade level and 400 sq. ft.	35. ft. max.	15 ft. setback, 1 sign per 300 ft. frontage or part thereof	Illumination may be built into or attached to sign. Electronic message center signs are permitted uses subject to section 19.82.135
	Balloon on-premises				Balloon signs are subject to conditional use approval
	Roof on-premises	Same as ground or projecting sign	10 ft. above roof max.		Roof sign may substitute for a ground or projecting sign but is subject to conditional use approval. The planning commission may deny a sign or set more restrictive conditions. Signs shall be installed so that the support structure is not visible
	Window on-premises	16. sq. ft. maximum per use			
	Flat or wall on-premises	20% of a wall area			A flat or wall sign may only be used if an awning sign is not used

	Temporary on-premises				See Section 19.82.140
	Monument on-premises	32 sq. ft. plus 1 sq. ft. for every 4 ft. of frontage over 30 on a street to a maximum of 64 sq. ft.	6 ft. max.	18-inch minimum setback, 1 sign per 300 ft. frontage or part thereof	A monument sign can be utilized in lieu of a ground or projecting sign
	Awning on-premises	25% of a wall area may be covered with an awning, and 50% of an awning may be covered with graphics	8 ft. min. above the ground 0 ft. above bldg. wall	8 ft. maximum projection from bldg. May be on three walls of a building	Attached to building. Primary graphics on face or street side of structure. An awning sign may only be used if a flat or wall sign is not used
(6) F-R, F-M	Same as Section (3) of this table for C-1 and CV				All regulated signs require conditional use approval
(7) MD-1, (7) MD-3	Flat on-premises	5% of a wall area			Illumination excluding luminous tubes may be built into or attached to signs. Sign design shall reflect the architectural design scheme of the project. All signs require conditional use approval
	Monument on-premises	32 sq. ft. plus 1 sq. ft. for every 4 ft. of frontage over 30 on a street to a maximum of 64 sq. ft.	6 ft. max.	18 inch minimum setback, 1 sign per 300 ft. frontage or part thereof	Illumination excluding luminous tubes may be built into or attached to signs. Sign design shall reflect the architectural design scheme of the project. All signs require conditional use approval
(8) O-R-D	Monument on-premises	32 sq. ft. plus 1 sq. ft. for every 4 ft. of frontage over 30 on a street to a maximum of 64 sq. ft.	6 ft. max.	25 ft. minimum setback, 1 sign per 300 ft. frontage or part thereof	Illumination excluding exposed neon or lighted accent stripes may be built into or attached to signs. Sign design shall reflect the architectural design scheme of the project. All signs require conditional use approval
	Flat on-premises	5% of a wall area which faces a street	Not higher than 15 ft. above the finished	Attached to the wall of a building which faces	Illumination excluding exposed neon or lighted accent stripes may be built into or attached to

			grade of the building	a street	signs. Signs that are exposed to dwellings on adjacent properties shall not be illuminated. Sign design shall reflect the architectural design scheme of the project. All signs require conditional use approval
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DRAFT



August 29, 2011

Response to Planning Staff's Draft Ordinance Edits

From Tom Stephens and John Janson to Jani Iwamoto

Specific ordinance language comments

1. As far as it goes, the draft language found in 19.82.135 C is good and we appreciate staff's support.
2. Since there are some differences between our draft language and staff's draft language, we want to suggest keeping our language in the staff's draft (highlighted in a different color) so that the Millcreek Township Planning Commission and others can compare and contrast the differences.
3. Light intensity / brightness – language deleted by staff. The ordinance needs to set limits on brightness, during the day and evening / night. Intense brightness after dark creates an incongruity that is visually bad.
4. Types of signs on which EMCs will be allowed – staff is including “ground” signs, which includes pole signs. We need some discussion on this subject with staff, as pole and “ground” signs can have huge sign face square footages and will result in overly large EMC displays.
5. EMC signs remain a conditional use in C-2 zone. If EMCs are to be allowed only on monument signs in the C-2 zone, then we would suggest that EMCs be a permitted use in the C-2 zone, assuming the draft language (19.82.135 C) is not ultimately weakened from what is now being proposed by staff.
6. EMC signs remain as a permitted use in the C-3 zone. Millcreek Township does have a fair amount of C-3 zone areas. Allowing EMCs on “ground” and pole signs is potentially bad for the reasons stated in #2 above.
7. “Electronic Message Center” definition – needs a bit of discussion on this definition. We need to make sure this definition does not allow a variation of an EMC display not being subject to the 19.82.135 C language.
8. Staff deleted the “non-conforming EMC sign language in our draft. Why?

**4) Planning Commission By Laws –
Update**



STAFF REPORT

Executive Summary									
Hearing Body:	Millcreek Planning Commission								
Meeting Date and Time:	Wed. Sept. 14, 2011	04:00 PM	File No:	2	6	1	4	2	
Applicant Name:	Michael Goldberg	Request:	Zone Change						
Description:	R-1-8 to Residential								
Location:	9832 East 3300 South								
Zone:	R-1-8 Residential Single-Family	Any Zoning Conditions?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>			
Community Council Rec:	Not yet received								
Staff Recommendation:	Approval								
Planner:	Spencer G. Sanders								

1.0 BACKGROUND

1.1 Summary

Proposal

Michael Goldberg is requesting approval to Change the zoning on the rear portion of the subject property from R-1-8 (Residential Single Family) to C-2 (Commercial). The front portion is already zoned C-2. Mr. Goldberg is interested in utilizing the property for his commercial greenhouse business. The C-2 zone goes to the south property line on properties to either side of the subject property.

1.2 Neighborhood Response

As of this writing staff has not received any responses from the surrounding property owners. Any public comment received prior to the public meeting process will be provided to the Commission at the meeting.

1.3 Community Council Response

The subject property is located in the Millcreek Community Council area. As of this writing the Community Council has not yet discussed the item. It is scheduled for their September 7, 2011 meeting.

2.0 ANALYSIS

2.1 General Plan

The Millcreek General Plan indicates that the subject property is located in a "Yellow" area, which is one that has modest potential for the absorption of growth, and is likely to experience moderate change in overall character over time. The proposed zone change is consistent with this standard. It is relatively small, lines up the zone boundary with the C-2 zone on adjacent properties and moves the zoning line to the property line thus eliminating a property bifurcated by two zones.

2.2 Existing Zoning and Land Use

The subject property currently has two buildings on the front of the property; former homes that have been converted to commercial use.

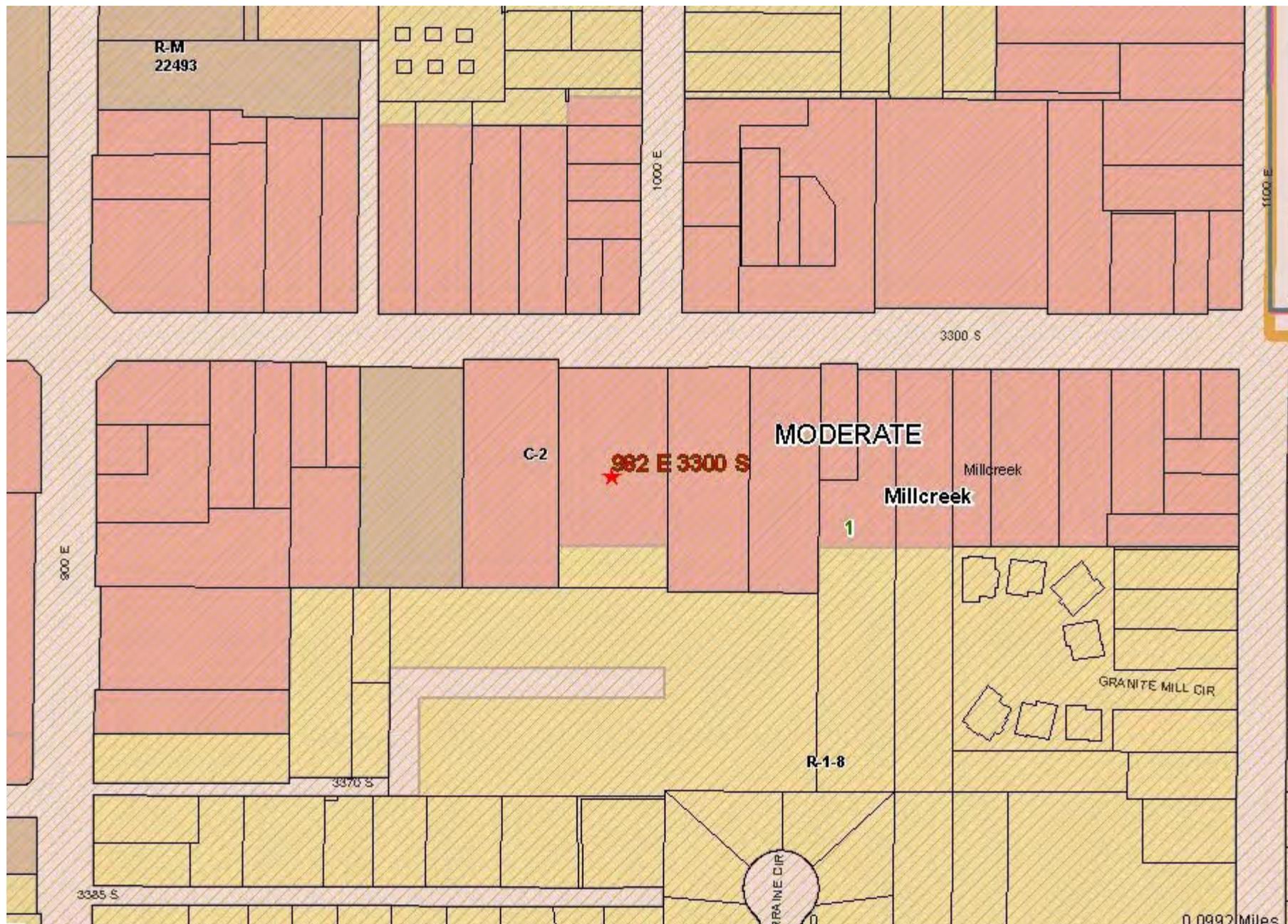
The surrounding zoning is C-2 to the north, east and west. To the south is R-1-8. The properties to the north, east and west, are developed commercial properties. To the south is an undeveloped field associated with a former school.

3.0 STAFF RECOMMENDATION

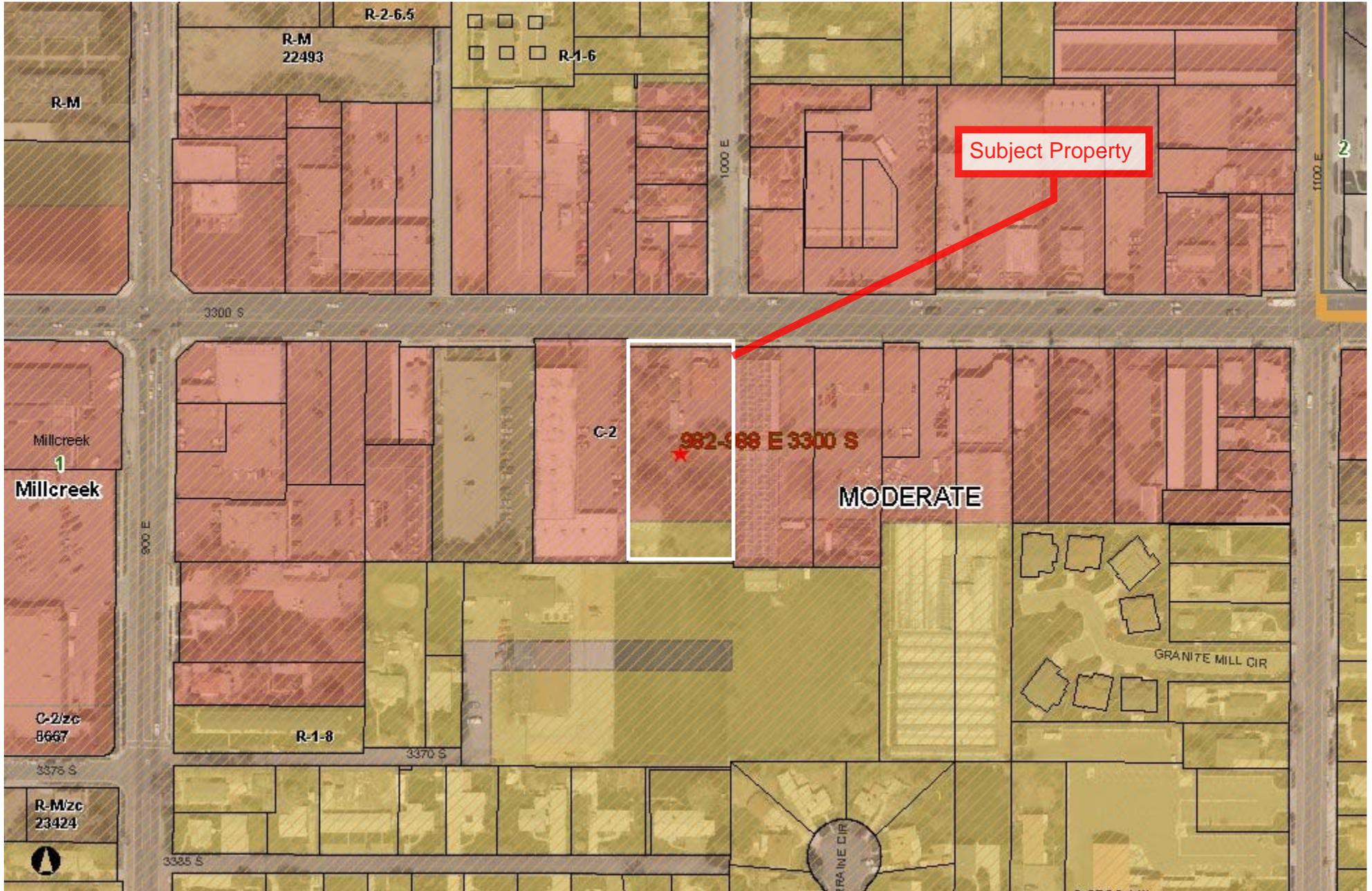
3.1 Staff recommends APPROVAL of the proposed Zone Change.

3.2 Reasons for Recommendation

- 1) The proposed zone change is consistent with the General Plan designation for moderate change;
- 2) The proposed zone change will align the zone boundary with adjacent properties eliminating the bifurcation of the subject property by two different zones.



ZONING/AERIAL MAP

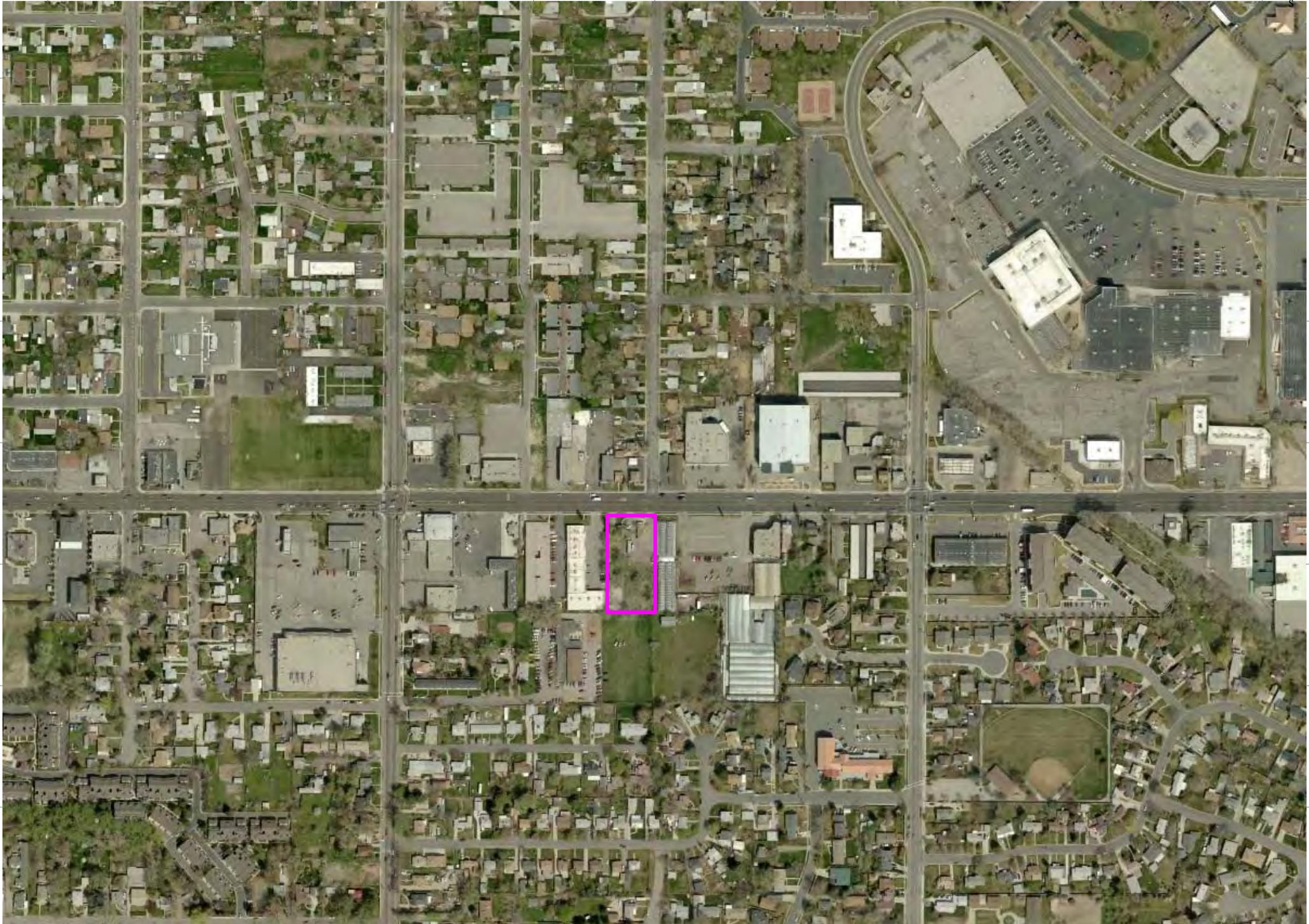




Scale: 1 inch = 70.4 feet

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Distance between tick marks: 70.410106 feet



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Scale: 1 inch = 367.8 feet

Distance between tick marks: 367.836601 feet



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Average Scale: 1 inch = 96.0 feet

Distance between tick marks: 90.879815 feet



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Average Scale: 1 inch = 100.2 feet

Distance between tick marks: 87.777154 feet



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Average Scale: 1 inch = 121.8 feet

Distance between tick marks: 113.796759 feet



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Average Scale: 1 inch = 159.4 feet

Distance between tick marks: 131.652242 feet



STAFF REPORT

Executive Summary					
Hearing Body:	Millcreek Planning Commission				
Meeting Date and Time:	Wednesday, Sept. 14, 2011	04:00 PM	File No:	2	5 9 3 3
Applicant Name:	Jeffrey Bennion	Request:	Zone Change		
Description:	Also 25967 - ZC & CU Amd to allow 8 Commercial Units to be Residential				
Location:	3994 S. Howick Street				
Zone:	C-2 Community Commercial	Any Zoning Conditions?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
Zoning Condition:	Maximum Density for the project is 20 dwelling units per acre				
Community Council Rec:	Not yet received				
Staff Recommendation:	Approval				
Planner:	Spencer G. Sanders				

1.0 BACKGROUND

1.1 Summary

Jeff Bennion on behalf of the Meadowbrook Apartments, a mixed use transit oriented development, is requesting through a Zone Change application, that the Zoning Condition which establishes the maximum allowed density on the subject property be increased from 40 to 45 dwelling units per acre. In addition, Mr. Bennion is requesting approval to amend the original Conditional Use approval for the transportation oriented development in order to allow 8 commercial units in the northeast building to be used as additional residential apartment units.

Mr. Bennion has indicated that their intention is to use these units as residential until such time as the market improves and the units can be successfully leased for commercial. He has indicated that they have been trying to lease the units for commercial since the projects inception, but there is insufficient development in the area to provide the needed customer base for most business that would lease this type of location. He indicated that when the area develops further and the economy improves sufficiently, the spaces will lease for significantly more than what can be obtained on a residential lease. However, at this time, since there is no interest in the spaces for commercial, using the spaces for residential leasing will provide some income from the property.

The proposal would not include the end units in the building at the north and south ends. These locations are more highly desirable for commercial and could potentially lease sooner. If they cannot be leased they can be used to provide tenant services that are sponsored by the project owner such as personal care services, dry cleaning serves, etc.

The proposal also does not eliminate the commercial building to the south of the subject building that has not yet been built.

1.2 Neighborhood Response

As of this writing there have been no responses from the neighborhood. Any responses received prior to the hearing will be provided to the Commission at the hearing.

1.3 Community Council Response

As of this writing, the proposed applications have not been heard by the Millcreek Township Planning Commission. The Community Council is scheduled to discuss these items at their September 7, 2011 meeting. Their recommendation will be provided to the Planning Commission at the hearing.

2.0 ANALYSIS

2.1 General Plan

The proposed changes are consistent with the Millcreek General Plan. The General Plan designates this area as an area of Focused Change. Meaning that the area should experience a significant amount of change over time. The projects mixed use nature is consistent with the best practices and core concepts indicated in the Plan for this area.

2.2 Other Agency Recommendations or Requirements

There are no significant issues with the proposed changes. As part of the tenant improvements of the space, they will need to meet building code for the proposed residential use.

2.3 Other Issues

2.3.1 - Traffic and Parking - The proposal does not negatively affect the parking or traffic on the site. The site design for parking and circulation will accommodate the change in use.

2.3.2 - "Temporary Residential" - How Long? - Initially, there was a concern on how to make sure the units would not be residential permanently and potentially lose the element of commercial which makes the project a mixed use project. However, it was quickly apparent that the market will likely take care of this issues. The proposed changes do not restrict the units from being converted back to commercial when conditions are optimal to do so. When the area develops more and the economy improves, the value of the units as commercial will be more than residential, thus providing an incentive to convert them back to commercial.

3.0 STAFF RECOMMENDATION

3.1 Staff recommends APPROVAL of the proposed Zone Change.

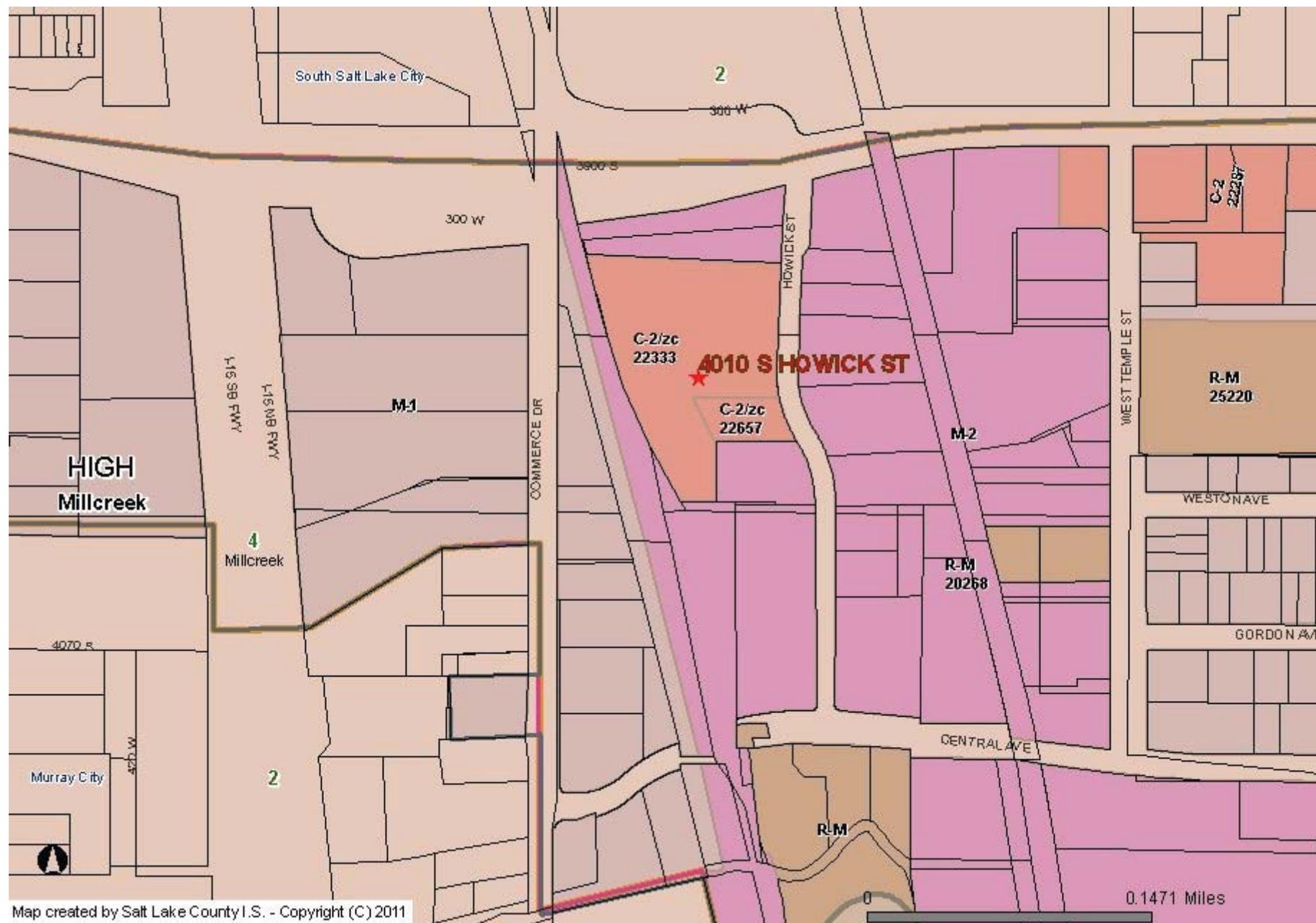
3.2 Reasons for Recommendation

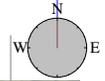
- 1) The Proposal is consistent with the General Plan
- 2) The proposal does not increase traffic or parking issues for the site and therefore will not be detrimental to the health, safety or welfare of the residents of the project or of people working or residing in the surrounding area.
- 3) The proposal does not preclude the units being converted back to Commercial at some time in the future.
- 4) The proposal will assist the project owner in providing income on those properties that are not currently desirable for commercial by the commercial market.

3.3 Staff also recommends APPROVAL of the proposed Conditional Use Amendment.

3.4 Reasons for Recommendation

- 1) The same reasons noted above.

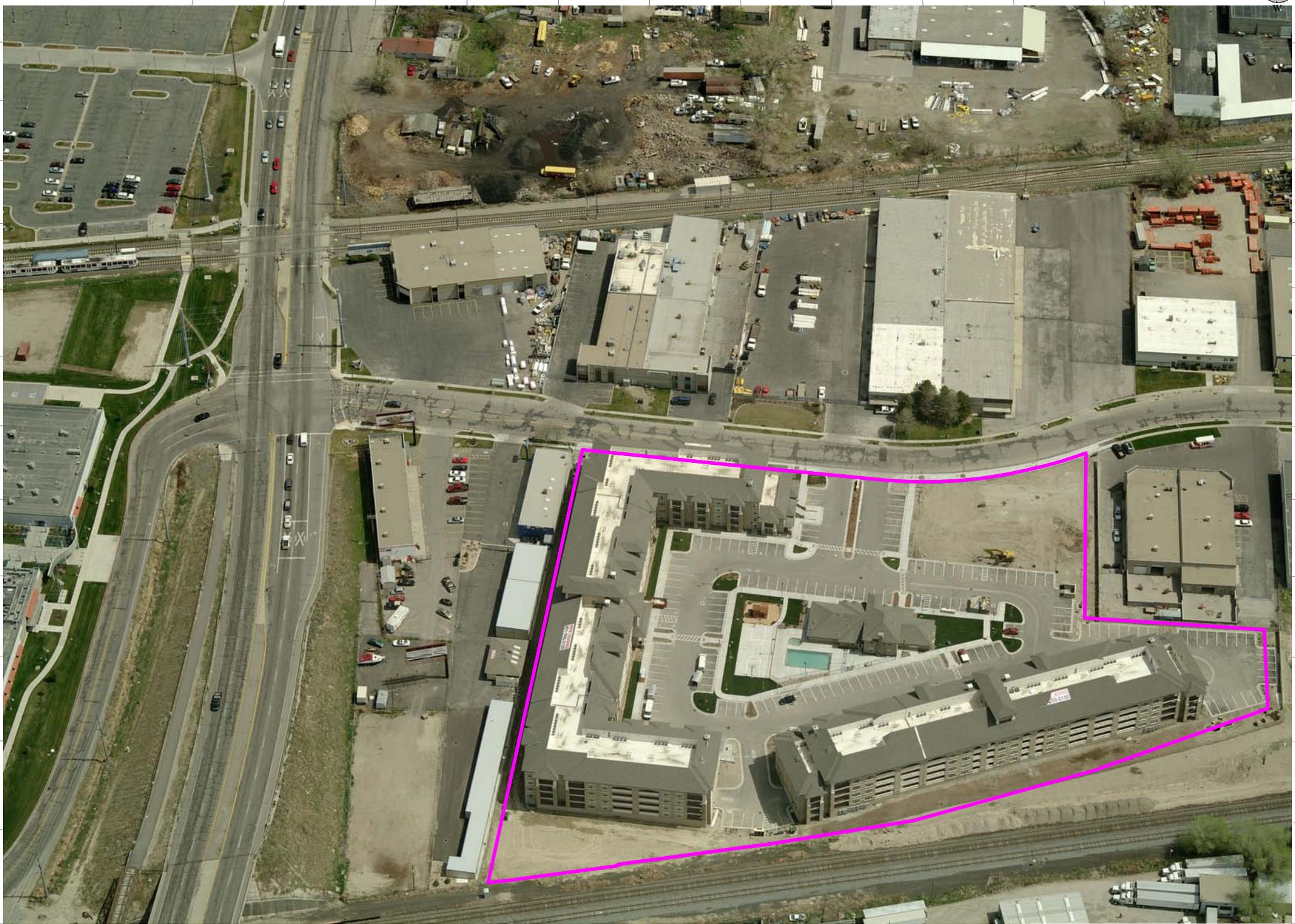




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Scale: 1 inch = 294.7 feet

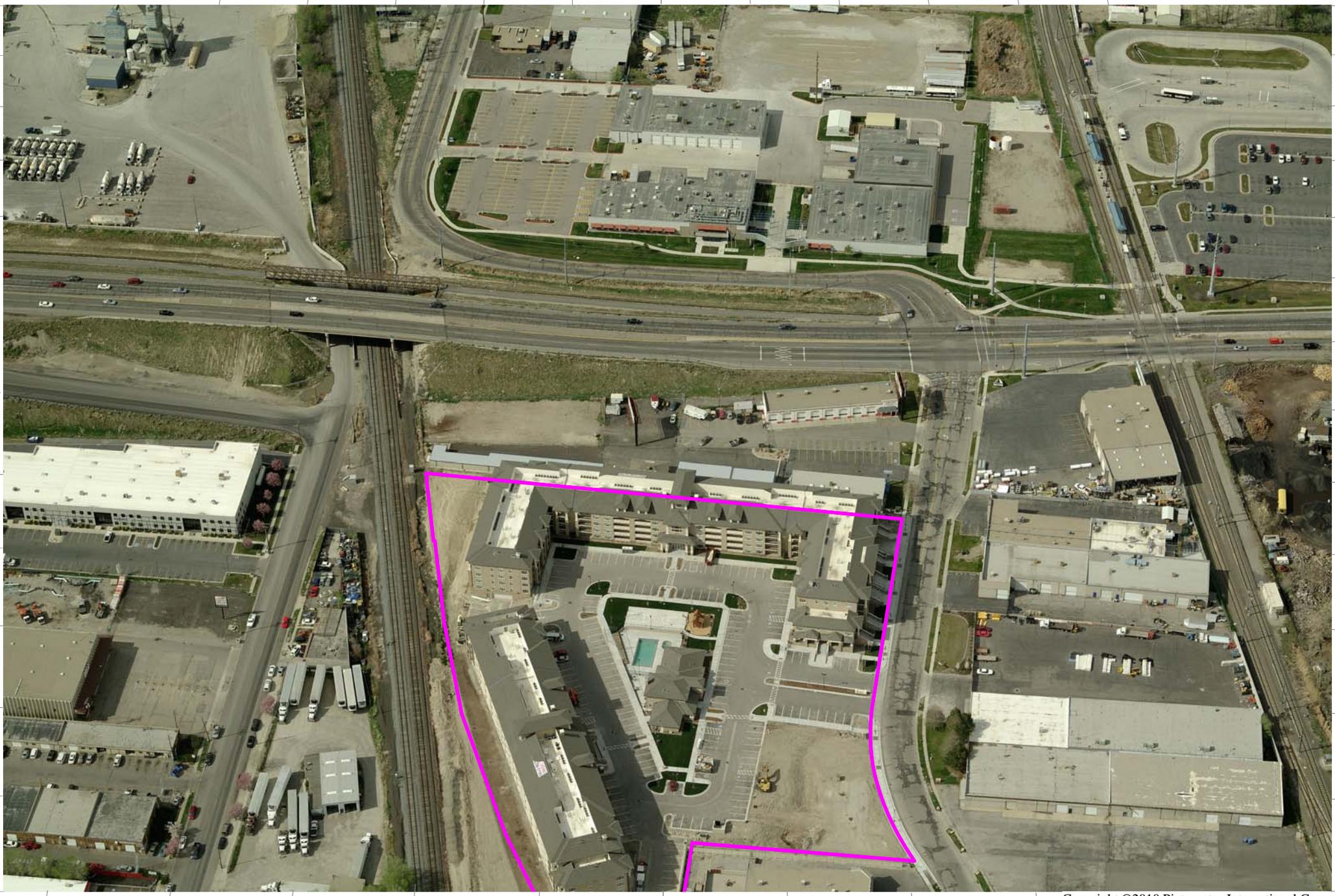
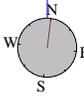
Distance between tick marks: 294.698766 feet



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Average Scale: 1 inch = 116.0 feet

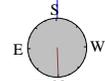
Distance between tick marks: 102.047399 feet



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Average Scale: 1 inch = 129.9 feet

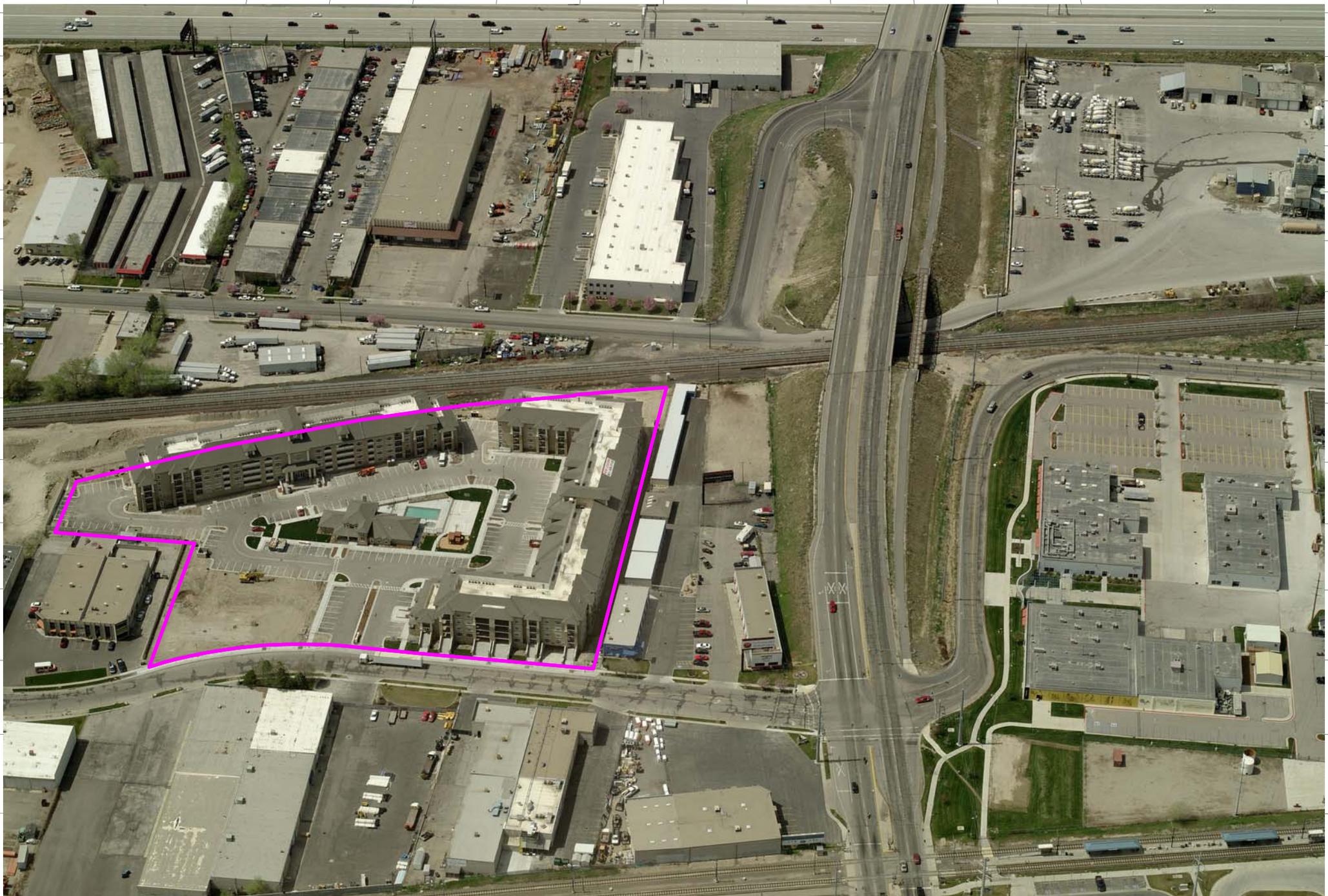
Distance between tick marks: 120.157732 feet



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Average Scale: 1 inch = 109.4 feet

Distance between tick marks: 96.421836 feet



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Average Scale: 1 inch = 148.0 feet

Distance between tick marks: 124.089531 feet







STAFF REPORT

Executive Summary					
Hearing Body:	Millcreek Planning Commission				
Meeting Date and Time:	Wed. Sept. 14, 2011	04:00 PM	File No:	2	5 9 3 3
Applicant Name:	Greg Loscher	Request:	Conditional Use		
Description:	Amended Site Plan for Public Use Water Tank Reservoir Replacement				
Location:	3400 E. 3300 S.				
Zone:	R-1-8 Residential Single-Family	Any Zoning Conditions?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
Community Council Rec:	Approval with Conditions				
Staff Recommendation:	Approval with Conditions				
Planner:	Spencer G. Sanders				

1.0 BACKGROUND

1.1 Summary

Greg Loscher on behalf of Metropolitan Water District of Salt Lake and Sandy is requesting Conditional Use approval to amend the site plan of the existing "Terminal Reservoir." The applicant is proposing a multi-phased project to replace the existing Terminal Reservoir tanks and to add an additional tank to the Sam Park Reservoir site owned by Salt Lake City directly adjacent to the north. The existing tanks on the site are reaching the end of their 50+ year life span. The new tanks will improve the function of the facility and increase the safety of the tanks due to more stringent engineering and geotechnical standards required today. The project will take approximately six continuous years to construct.

Please refer to the letter attached from Bowen Collins & Associates, consulting engineers on the project. This letter provides a summary of the project including an overall phasing plan. A brief list of the proposed phasing plan is as follows:

1. Yard piping - January 2012 through June 2013;
2. Chemical and Control Building - June 13, 2013 through January 2014;
3. New Sam Park Reservoir on Salt Lake City Property - February 2014 through February 2015;
4. New Terminal Reservoir North - March 2015 through December 2017; and
5. New Terminal Reservoir South - January 2018 through December 2018

1.2 Hearing Body Action

This item is on the Millcreek Township Planning Commissions Agenda to review and approve the preliminary site plan. The use of the property has already been established. This proposal is to replace existing tanks, add one additional tank, and upgrade the system.

1.3 Neighborhood Response

The neighborhood has been contacted in advance by the applicant prior to the applicant's submittal. It is staff's understanding that they are aware of the project. However, staff has not received any

correspondence from the neighborhood directly as of this date. Notices for the Planning Commission hearing have been sent to approximately 75 adjacent residents. Any responses received by staff prior to the hearing will be provided to Planning Commission at the hearing.

1.4 Community Council Response

The Canyon Rim Community Council held a meeting with the applicant prior to the application submittal to the County where the applicant explained the project in detail. The Council also discussed this matter at their regularly scheduled meeting on August 18, 2011 at the request of the County. At that latter meeting, the Council voted to provide a positive recommendation to the County for the project with the recommendations the staff discussed with them at the meeting, including landscape screening, fencing, dust control, hours of operation during construction. In addition, they asked that the developer and the County coordinate to provide regular updates of the project to the adjacent residents in order to keep them informed of the projects status and what to expect. Staff has not yet received the Council's written response; however, this will be provided to the Planning Commission at the hearing.

2.0 ANALYSIS

2.1 Applicable Ordinances

Section 19.84.060 of the Conditional Use Chapter of the Zoning Ordinance establishes five standards to be used in evaluating Conditional Use applications. The Planning Commission must find that all five of these standards have been met before granting approval of an application. Based on the foregoing analysis, Staff suggests the following:

Criteria Met		Conditional Use Criteria and Evaluation
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `A':</u> <i>The proposed site development plan shall comply with all applicable provisions of the Zoning Ordinance, such as parking, building setbacks, building height, etc.</i>
		The proposed plan will comply with the above mentioned requirements, which will be verified through the Technical Review with staff and outside agencies. The project at this point is in compliance with the above noted requirements at this time.
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `B':</u> <i>The proposed use and site development plan shall comply with all other applicable laws and ordinances.</i>
		The proposed plan will comply with the above mentioned requirements, which will be verified through the required Technical Review process with staff and applicable outside agencies. This will be completed prior to issuance of any permits to begin construction.
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `C':</u> <i>The proposed use and site development plan shall not present a traffic hazard due to poor site design or to anticipated traffic increases on the nearby road system which exceed the amounts called for under the County Transportation Master Plan.</i>
		The applicant's proposal includes the installation of an additional lane on 3300 South as you exit I-215 southbound. This is to provide a location for the project's trucks and equipment to get out of the main flow of traffic coming off of the freeway and going further west. The final details of this proposal will be evaluated by UDOT and the County Transportation Engineer. There are no other proposed traffic issues since there will be no access to the site from the surrounding neighborhoods. All traffic will be coming on and off of I-215.

YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<p><u>Standard `D`:</u> <i>The proposed use and site development plan shall not pose a threat to the safety of persons who will work on, reside on, or visit the property nor pose a threat to the safety of residents or properties in the vicinity by failure to adequately address the following issues: fire safety, geologic hazards, soil or slope conditions, liquefaction potential, site grading/ topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands.</i></p>
		<p>With proposed recommended conditions, the plans will meet this requirement. The replacement and upgrade of the facility will improve the safety over what it is currently, by improving the facility's function and by constructing the new tanks to more stringent standards than the original ones. In addition, all construction and development plans must be reviewed and approved by staff and be found to comply with appropriate technical standards, including those noted above. This will take place through the Technical Review process. As of this date, the staff has reviewed the preliminary plans provided by the applicant for this stage of the review. Currently there are no major issues raised by the technical review staff that would prevent the projects development generally as proposed. All technical requirements will be reviewed through the next stage of the process, the Technical Review.</p>
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<p><u>Standard `E`:</u> <i>The proposed use and site development plan shall not significantly impact the quality of life of residents in the vicinity.</i></p>
		<p>This project is proposed to take 6+ years to complete. As a result, there are more potential impacts to the surrounding residents of the community than a more common construction project that would be completed over a period of months rather than years. However, several of the recommended conditions of approval have are provided to mitigate theses impacts as much as possible. The overall impacts to the residents after the project is completed should be minimal. The applicant will be responsible for providing required landscaping adjacent to the residents and the public rights-of-way as part of the project development on both the Metropolitan Water site and Salt Lake City sites. The completion of the project will provide a safer reservoir project. Current engineering and construction standards are significantly more stringent than they were 50 years ago when the tanks were originally built. There is a reasonable expectation that the new tanks will be significantly safer in regards to structural stability, including in an earthquake. The increased safety along with the mitigation measures should help balance the inconvenience to the residents during construction. Landscape treatments should reduce to an acceptable level, long term impacts on the residents.</p>

2.2 Zoning Requirements

R-1-8 Zone - Under the subject property's R-1-8 zone, Public/Quasi-Public Uses are listed as a Conditional Use. In this case, the use has already been established on the subject property for over 50 years. Therefore, the current proposal is a site plan amendment. The use is not in questions, just the proposed site plan, including but not limited to: layout, landscaping, phasing, and issues related to the 6-year construction period.

Setbacks - The proposed buildings and tank structures all exceed the minimum setback requirements of the R-1-8 zone for Public/Quasi-public uses. Side and Rear setback minimums are 30 feet for Public/Quasi-public uses. The proposed new structures, including the tanks will exceed these requirements. Setbacks are measured from the walls of the structures to the property lines.

Building Height - All buildings and tank structures comply with the maximum building height allowed for Public/Quasi-public uses in the R-1-8 zone and in 19.76.200. The proposed buildings are all single story or less. The tanks, including the soil layer added to bury them, will be less than 30 feet in height from the lowest point of original grade next to the tank. Public/Quasi-Public Uses can request height up to 75 feet.

Landscaping - Landscaping is governed by 19.77 Water Efficient Landscape Design and Development Standards. These regulations establish the standard requirements for landscaping and the process by which landscape plans are approved. The landscape plan for the project will need to comply with these regulations. They are reviewed and approved by staff through the Technical Review process. In addition to the standards of the ordinance, staff will be looking for plans that achieve screening and softening of the structures (including the tanks) on the site from the view of the adjacent residents to the north and west and from I-215 and 3300 South on the east and south. The applicant's preliminary proposal on their property appears to be consistent with the County regulations. However, the only proposed landscape on Salt Lake City's property to the north is native grasses. Screening landscaping near the property lines with the adjacent residences and on the slopes of the proposed buried tank will be required in order to reduce the visual impact of a water tank (although buried) closer these residences than has been in the past. The landscaping plans for all property must comply with the Water Efficient ordinance standards. A landscape phasing plan will also be required to make sure that as project areas are completed, the landscaping will be installed. Bonding for this landscaping will be required prior to issuance of any permits for construction.

Parking - The site will mostly be an unmanned site, nevertheless, the site will be visited by employees with their vehicles and equipment on a regular basis. Buildings proposed with the project are fairly small for the purposed site. Consequently, only minimal parking will be necessary due to the nature of the project's operations. The site design adequately provides any necessary parking for the site.

Access - Access to the site will be from 3300 South, including all access for construction. The applicant is proposing to install an additional lane in front of their property along 3300 South, from the I-215 southbound exit to their main entrance. This is intended to provide a location for the heavy equipment and vehicles to get out of the main through lanes as they come off of I-215 in order to reduce potential impacts on through traffic both during and after construction. This proposal will need to be approved by the County Transportation Engineer and the Utah Department of Transportation (UDOT).

Lighting - Lighting is regulated by the County's Development Standards for Public/Quasi-Public Uses. All lighting must be directed down and not out while still providing sufficient security for the site. The applicant will need to provide a lighting plan for the site that complies with these standards and does not create impacts on the surrounding residences. Direct light sources (bulbs) will need to not be visible and may need to be shielded if necessary.

Fencing - The project area is currently fenced by a chain-link security fence. County Development Standards would indicate that any outside storage areas be fenced with a solid masonry fence. At this time, outside storage is not proposed on this plan. Existing fencing should be adequate. If any outside storage of materials or equipment beyond the construction period is proposed, it will need to be located in an area that can be fenced as required.

2.3 Other Agency Recommendations or Requirements

Technical Review - Grading, drainage, engineering, hydrology, geology, transportation and other agency requirements are standard ordinance requirements that are addressed through the Technical Review process with staff and the applicable outside agencies. The process will include, but is not limited to, structural analyses, geotechnical analyses, and so forth. The reviewing agencies and staff have been

provided the preliminary information regarding this project. They have not indicated any major concerns with the plans as currently proposed. Their final approval of the project will be obtained through the Technical Review Process prior to any permits being issued for work to begin.

2.4 Other Issues

Hours of Construction Operation - Salt Lake Valley Health Department regulations govern the hours of construction operation as follows:

4.5.3. Construction Equipment and Activities. No person shall operate nor shall any person cause, allow, permit, or fail to control the operation of any construction equipment or conduct any construction or demolition activities:

(i) Outside between the hours of 10 p.m. and 7 a.m. the following morning unless a waiver has been issued in accordance with section 5.0;

(ii) Inside an enclosed structure between the hours of 10 p.m. and 7 a.m. the following morning if the activities are plainly

Nevertheless, the extent and length of the construction process needed for the project has additional impacts on the surrounding residents. Many residents have small children or are older residents that may go to bed sooner than 10 p. m. In order to be considerate of these residents in light of the six year construction period, staff is proposing that construction activities, particularly with heavy equipment, tools, etc. that may generate disturbance with noise and lighting, be ended by 7:00 p. m. each day, Monday through Friday. In addition, no construction activities occur on Saturday or Sunday. The earlier break in the evenings and the absence of construction on the weekends should provide the surrounding residents with additional respite from the ongoing construction noise and other impacts.

Dust Control and Erosion Management - Dust control and Erosion management is regulated by State regulations. The applicant will be required to provide dust control management during the construction process, as well as filing and complying with a State Water Pollution Prevention Plan (SWPPP). A copy of these plans will need to be provided to the County for reference.

Communication Program - It has been suggested by the Community Council, and supported by staff, that due to the 6-year time frame for the construction of this project the applicant should develop a communication program with advice and consent of the staff to be in place and functioning during the construction period. This program will need to be designed to provide updates to the surrounding residents and the affected regulating entities. It will need to provide the status of the project, and what to expect over the next period. Some of the potential elements of the program could include a regular newsletter mailed to the residents and agencies; a web-site; regular e-mail correspondence; articles in the local papers (The Millcreek Journal, Salt Lake Tribune and Deseret News); regular in person reports to the Canyon Rim Community Council and the County's Association of Community Councils Together (ACCT). Included in the program, staff is recommending that the applicant be required to develop an Issues Resolution Team that includes a representatives of the applicant and the applicant general contractor; County staff; and other affected agencies. This team, would be established address issues, concerns and complaints that arise from the community or affected agencies. Establishing the team would include the development of a process by which this team would address complaints and issues as the need arises. Then intent is to reduce potential impacts to the residents and to construction process by addressing issues as soon as they arise and in a timely manner. This team would likely include members of the County Staff and other affected agencies that are charged with monitoring the construction process, the Count Mayor's Office, representatives of the applicant, representatives from the neighborhood and representatives from the Canyon Rim Community Council. This team will need to be established and the process agreed upon before the commencement of construction.

3.0 STAFF RECOMMENDATION

3.1 Staff recommends APPROVAL of the proposed Conditional Use with the following conditions:

- 1) Complete Landscape review with staff, comply with landscape ordinance, paying particular attention to the north and west sides of the project adjacent to the single family homes to provide aesthetic screening of the site. In addition, the plan will need to pay attention to the east and north sides of the project adjacent to I-215 and 3300 South as required by ordinance.
- 2) Provide a solid masonry fence around any equipment or vehicle storage areas.
- 3) Hours of Construction Operation through the construction process shall be as follows. No construction shall occur on the site between the hours of 7 p.m. and 7 a.m. the next day and no construction shall occur on Saturday and Sunday. Emergency work affecting the life safety of the surrounding residents, water users, the public, or persons working on the site shall be exempted from this requirement.
- 4) Access to the site shall be as approved by the County Transportation Engineer and UDOT from 3300 South via I-215. No construction access shall be allowed through the residential neighborhood streets.
- 5) Provide continued dust and erosion control management on the site in accordance with approved plans and permits from the state.
- 6) Work with the County to establish a Communication Program, funded by the applicant, as outlined in this report, including but not limited to public communication strategies and an issues resolution team.
- 7) Complete the Technical Review process with staff and outside agencies and comply with all requirements that result from this process.

3.2 Reasons for Recommendation

- 1) The proposed use is already established on the site and the existing tanks are reaching the end of their functional life, thus needing replacement. Replacement will improve the safety of the site by improved facility's function and it's structural design in accordance with current standards.
- 2) With the conditions noted herein, the proposal will comply with all applicable regulations prior to commencement of construction.
- 3) With the conditions noted herein, the health, safety, and welfare of the public and persons who work on or near the site will be adequately addressed and the potential impacts of a 6-year continuous construction process will be adequately mitigated.
- 4) Upon completion of the Technical Review Process, the proposal will comply with the Conditional Use criteria as noted herein.

Spencer G Sanders

From: Catherine J Miller <catherine.miller@watson.com>
Sent: Tuesday, September 06, 2011 2:50 PM
To: Spencer G Sanders
Cc: 'ajpasela@gmail.com'; 'derrick@soldsorensen.com'; 'amcconkie@msn.com'; 'blowry@gsbarchitects.com'; 'gtrc4@q.com'; 'jdetapia@gmail.com'; 'robin@daddys5.net'; 'joshcfp@gmail.com'
Subject: Water Tank Project Application #25933

Dear Mr. Sanders:

I received the notice a few days ago regarding the Public Meeting scheduled for September 14, 2011 as my property is within the 300' of the Water Tank project; however I will be out of town on business and will not be able to attend.

As we are all very concerned about the impact that this project will have on our quality of life in the neighborhood, I would like to at least list my concerns here and if possible have one of my neighbors dial me into the meeting via cell on the day of the meeting. If that is not possible I look forward to hearing from you.

One of my neighbors did have a face to face with the engineers and project manager previously, but it seemed from their discussion that an environmental impact study may not have been thoroughly performed. Their explanations to questions were somewhat vague concerning many of the items that were brought up.

Below are some brief descriptions of basic concerns that I was thinking of and hopefully these have been considered and discussed by you as well as the project manager and engineers.

1. Noise. The # of trucks traveling through, building the paved road where there now is only a dirt path, as well as any explosives/jack hammering destruction/reconstruction will be very loud. Will a sound barrier be created to help alleviate the noise? What are the times that workers will start their day and end their day. This includes warming up machines and arriving vehicles early in the morning before any actual work begins, spraying water, end of day activities, etc...

2. Dust and Trash. There is a tremendous amount of wind that flows thru the canyon every night – starting usually at around 9:00 pm and can sometimes persist until then next morning. This is a consequence of living directly next to the mountain and the canyon.

Aside from spraying a bit of water, what other considerations have been made to alleviate the dust storms and blowing construction materials and worker trash that will result from construction activities. Our houses will be covered with this dust, plastics and paper for the duration of the project. Will there be a program that will involve someone checking on the properties and picking up the trash? Or will we residents be responsible for cleaning up the blowing trash?

3. Other (Chemical) Pollutants: Are there any anticipated chemical pollutants that may impact air quality in the immediate area? Has this been studied? Would there be a potential of this that would require limiting our outdoor activities or keeping us from having windows open?

4. Pest Control. There already is a significant wildlife population in the area. Hawks and other birds of prey live in and around this site that is scheduled to be reconstructed. Also living there are field mice, rats and snakes. If poisons are used, our pets are at significant risk of secondary poisoning (as will the birds of prey). If nothing is done, our homes (much further than the 300' from the site) could be inundated with escaping small animals. What is the plan for this? We all must be informed in particular if poisoning is being applied if our pets come in contact with an infected/poisoned animal, what we need to do/inform our veterinarian(s) – ex. date/time of poison application, time of potential secondary infection (ex. cat /dog eats mouse), type of poison used to determine the type of antidote required, etc....

I would like to have my veterinarian at the ready with the proper medications in the event there is a secondary infection with my animals. And if possible have the medications I can keep on hand that I can administer immediately.

5. Traffic: How will the trucks and workers get to this site? Off of 3300 So? This will cause some increased congestion as this area already is very busy with automobile traffic. Will you allow workers to park on my street or on the surrounding streets? Will an access ramp/road be created off of Route 215 to simplify accessibility to the work site?

6. Foot Traffic: Will you allow workers to trespass through my neighbors' property to get to the work site? It seems that this may have happened several years ago for some other improvement project but I do not have any details.

a. This may not even be an issue but - if it turns out that workers are allowed to park their cars on the neighborhood streets, I will not allow workers to take breaks on my property – just an FYI.

7. Safety: Will there be an increased police presence in our neighborhood while the construction is on going? Patrols during days and evenings?

I appreciate your attention in reviewing these concerns and I look forward to hearing back from you. I have also cc'd representatives from the Canyon Rim Community Council to this email in case they have any additional input or information that may help with this matter.

Again, I appreciate your attention in this matter.

Thank you very much for your time.

Kind regards,

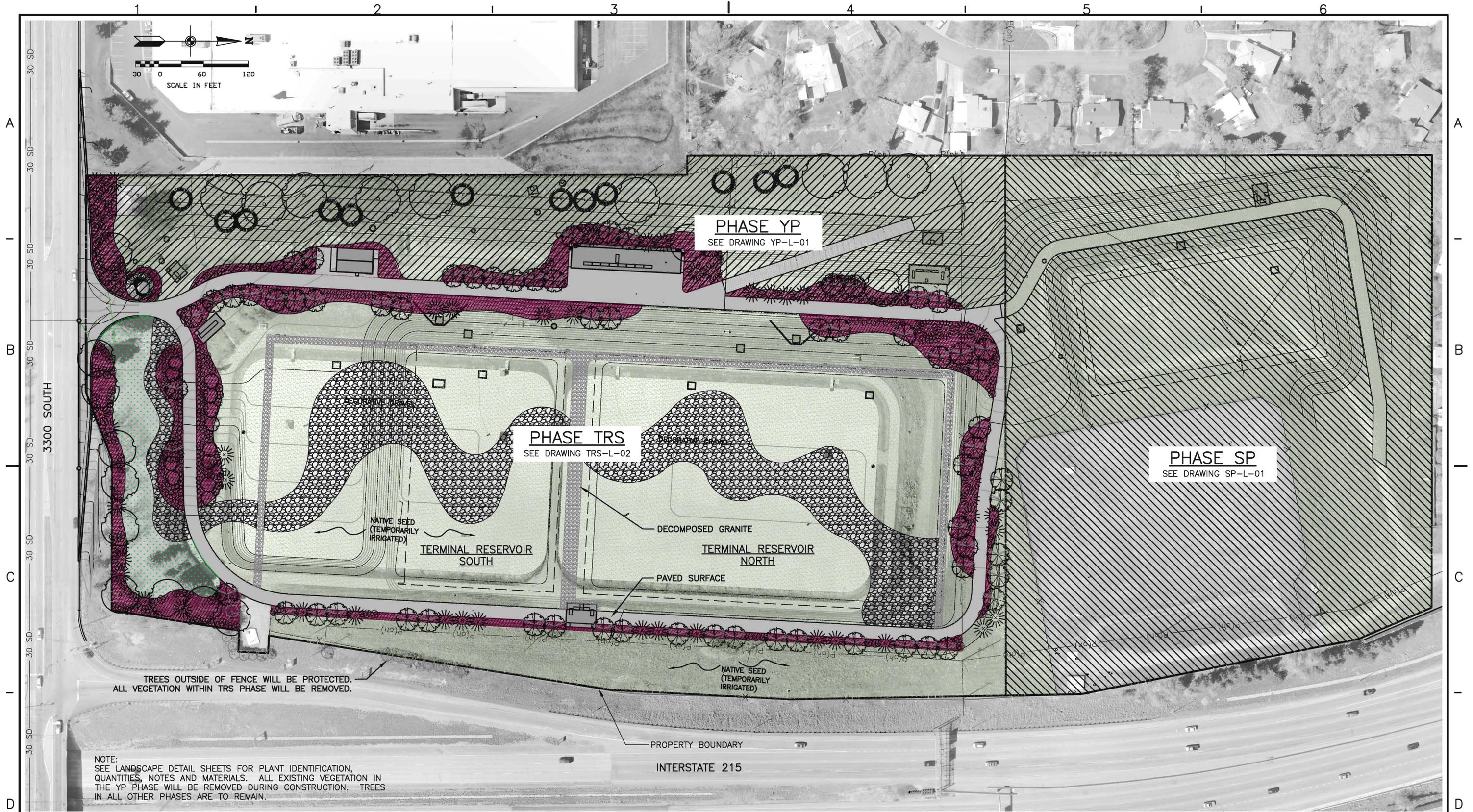
Catherine Miller

Home Address: 3140 So 3360 East

SLC, UT



Map created by Salt Lake County I.S. - Copyright (C) 2011



PHASE YP
SEE DRAWING YP-L-01

PHASE TRS
SEE DRAWING TRS-L-02

PHASE SP
SEE DRAWING SP-L-01

NATIVE SEED
(TEMPORARILY
IRRIGATED)

**TERMINAL RESERVOIR
SOUTH**

DECOMPOSED GRANITE

**TERMINAL RESERVOIR
NORTH**

PAVED SURFACE

TREES OUTSIDE OF FENCE WILL BE PROTECTED.
ALL VEGETATION WITHIN TRS PHASE WILL BE REMOVED.

NATIVE SEED
(TEMPORARILY
IRRIGATED)

PROPERTY BOUNDARY

INTERSTATE 215

NOTE:
SEE LANDSCAPE DETAIL SHEETS FOR PLANT IDENTIFICATION,
QUANTITIES, NOTES AND MATERIALS. ALL EXISTING VEGETATION IN
THE YP PHASE WILL BE REMOVED DURING CONSTRUCTION. TREES
IN ALL OTHER PHASES ARE TO REMAIN.

REV	DATE	BY	APP	DESCRIPTION

PREPARED FOR

**METROPOLITAN WATER DISTRICT
OF SALT LAKE & SANDY**

BOWEN, COLLINS & ASSOCIATES

DESIGNED J. TSANDES	REVIEWED J. TSANDES	VERIFY SCALE IF BAR IS NOT ONE INCH ON ORIGINAL DRAWING, DRAWING IS NOT TO SCALE
DRAW B. BAUCOM	APPROV M. COLLINS	

90% REVIEW

TERMINAL RESERVOIR REPLACEMENT PROJECT

**TERMINAL RESERVOIR
OVERALL PLAN**

DISTRICT IDENTIFICATION NUMBER TR003

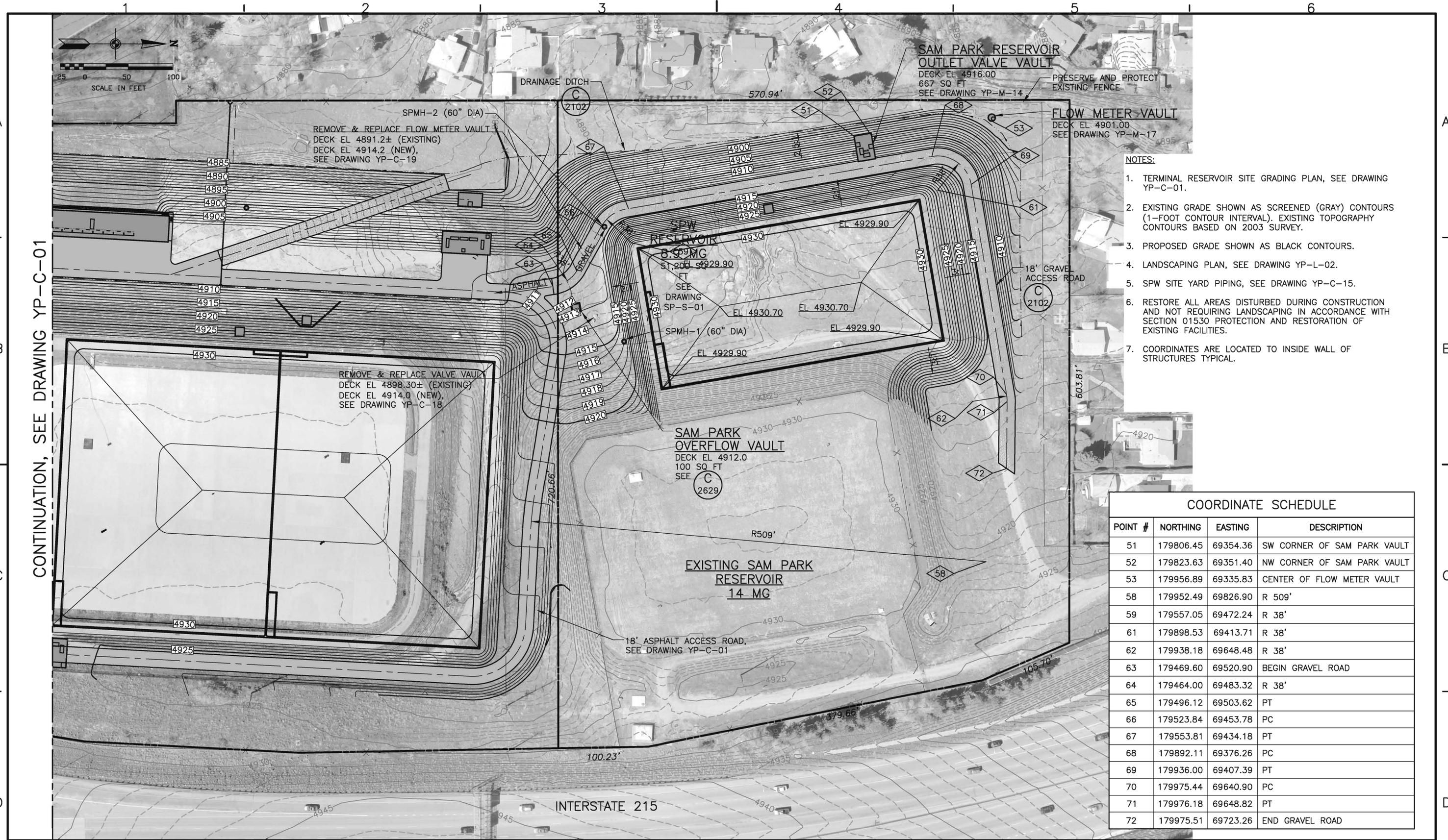
PROJECT NO. 018-09-04

SCALE:
1"=50'

DATE:
JUNE 2011

DRAWING NO. TRS-L-01

SHEET NO. XXX



CONTINUATION, SEE DRAWING YP-C-01

**SAM PARK RESERVOIR
OUTLET VALVE VAULT**
DECK EL 4916.00
667 SQ FT
SEE DRAWING YP-M-14

PRESERVE AND PROTECT
EXISTING FENCE

FLOW METER VAULT
DECK EL 4901.00
SEE DRAWING YP-M-17

REMOVE & REPLACE FLOW METER VAULT
DECK EL 4891.2± (EXISTING)
DECK EL 4914.2 (NEW),
SEE DRAWING YP-C-19

REMOVE & REPLACE VALVE VAULT
DECK EL 4898.30± (EXISTING)
DECK EL 4914.0 (NEW),
SEE DRAWING YP-C-18

**SAM PARK
OVERFLOW VAULT**
DECK EL 4912.0
100 SQ FT
SEE C 2629

**EXISTING SAM PARK
RESERVOIR
14 MG**

18' ASPHALT ACCESS ROAD,
SEE DRAWING YP-C-01

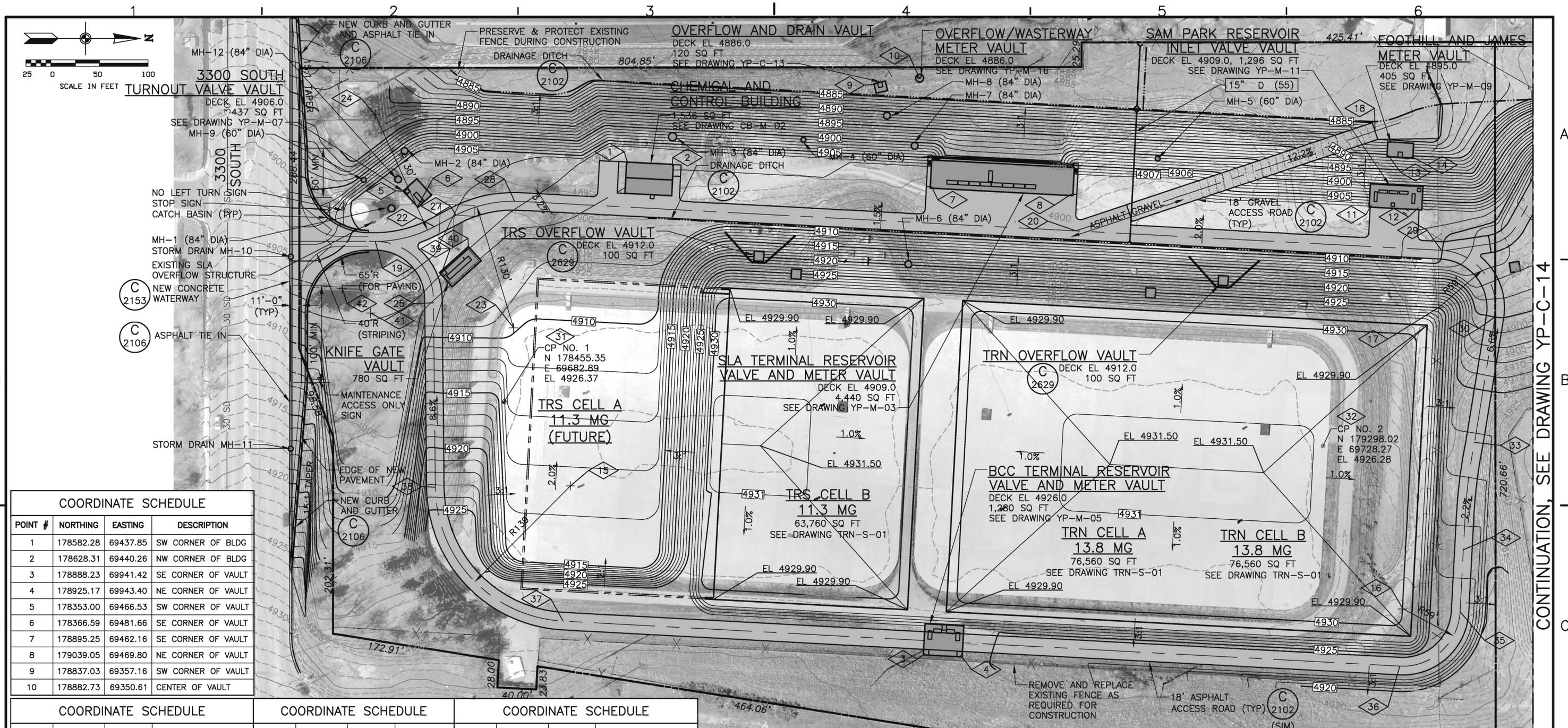
NOTES:

1. TERMINAL RESERVOIR SITE GRADING PLAN, SEE DRAWING YP-C-01.
2. EXISTING GRADE SHOWN AS SCREENED (GRAY) CONTOURS (1-FOOT CONTOUR INTERVAL). EXISTING TOPOGRAPHY CONTOURS BASED ON 2003 SURVEY.
3. PROPOSED GRADE SHOWN AS BLACK CONTOURS.
4. LANDSCAPING PLAN, SEE DRAWING YP-L-02.
5. SPW SITE YARD PIPING, SEE DRAWING YP-C-15.
6. RESTORE ALL AREAS DISTURBED DURING CONSTRUCTION AND NOT REQUIRING LANDSCAPING IN ACCORDANCE WITH SECTION 01530 PROTECTION AND RESTORATION OF EXISTING FACILITIES.
7. COORDINATES ARE LOCATED TO INSIDE WALL OF STRUCTURES TYPICAL.

COORDINATE SCHEDULE

POINT #	NORTHING	EASTING	DESCRIPTION
51	179806.45	69354.36	SW CORNER OF SAM PARK VAULT
52	179823.63	69351.40	NW CORNER OF SAM PARK VAULT
53	179956.89	69335.83	CENTER OF FLOW METER VAULT
58	179952.49	69826.90	R 509'
59	179557.05	69472.24	R 38'
61	179898.53	69413.71	R 38'
62	179938.18	69648.48	R 38'
63	179469.60	69520.90	BEGIN GRAVEL ROAD
64	179464.00	69483.32	R 38'
65	179496.12	69503.62	PT
66	179523.84	69453.78	PC
67	179553.81	69434.18	PT
68	179892.11	69376.26	PC
69	179936.00	69407.39	PT
70	179975.44	69640.90	PC
71	179976.18	69648.82	PT
72	179975.51	69723.26	END GRAVEL ROAD

PREPARED FOR				BOWEN, COLLINS & ASSOCIATES			90% REVIEW		TERMINAL RESERVOIR REPLACEMENT PROJECT		SCALE: 1"=50'	
METROPOLITAN WATER DISTRICT OF SALT LAKE & SANDY									SAM PARK WEST RESERVOIR GRADING PLAN		DATE: JUNE 2011	
REV	DATE	BY	APP	DESCRIPTION	DESIGN T. OLSEN	CHECKED G. LOSCHER	VERIFIED SCALE IF BAR IS NOT ONE INCH ON ORIGINAL DRAWING, DRAWING IS NOT TO SCALE	DISTRICT IDENTIFICATION NUMBER TRO03	PROJECT NO. 018-09-04	DRAWING NO. YP-C-14	SHEET NO. XX	



COORDINATE SCHEDULE			
POINT #	NORTHING	EASTING	DESCRIPTION
1	178582.28	69437.85	SW CORNER OF BLDG
2	178628.31	69440.26	NW CORNER OF BLDG
3	178888.23	69941.42	SE CORNER OF VAULT
4	178925.17	69943.40	NE CORNER OF VAULT
5	178353.00	69466.53	SW CORNER OF VAULT
6	178366.59	69481.66	SE CORNER OF VAULT
7	178895.25	69462.16	SE CORNER OF VAULT
8	179039.05	69469.80	NE CORNER OF VAULT
9	178837.03	69357.16	SW CORNER OF VAULT
10	178882.73	69350.61	CENTER OF VAULT

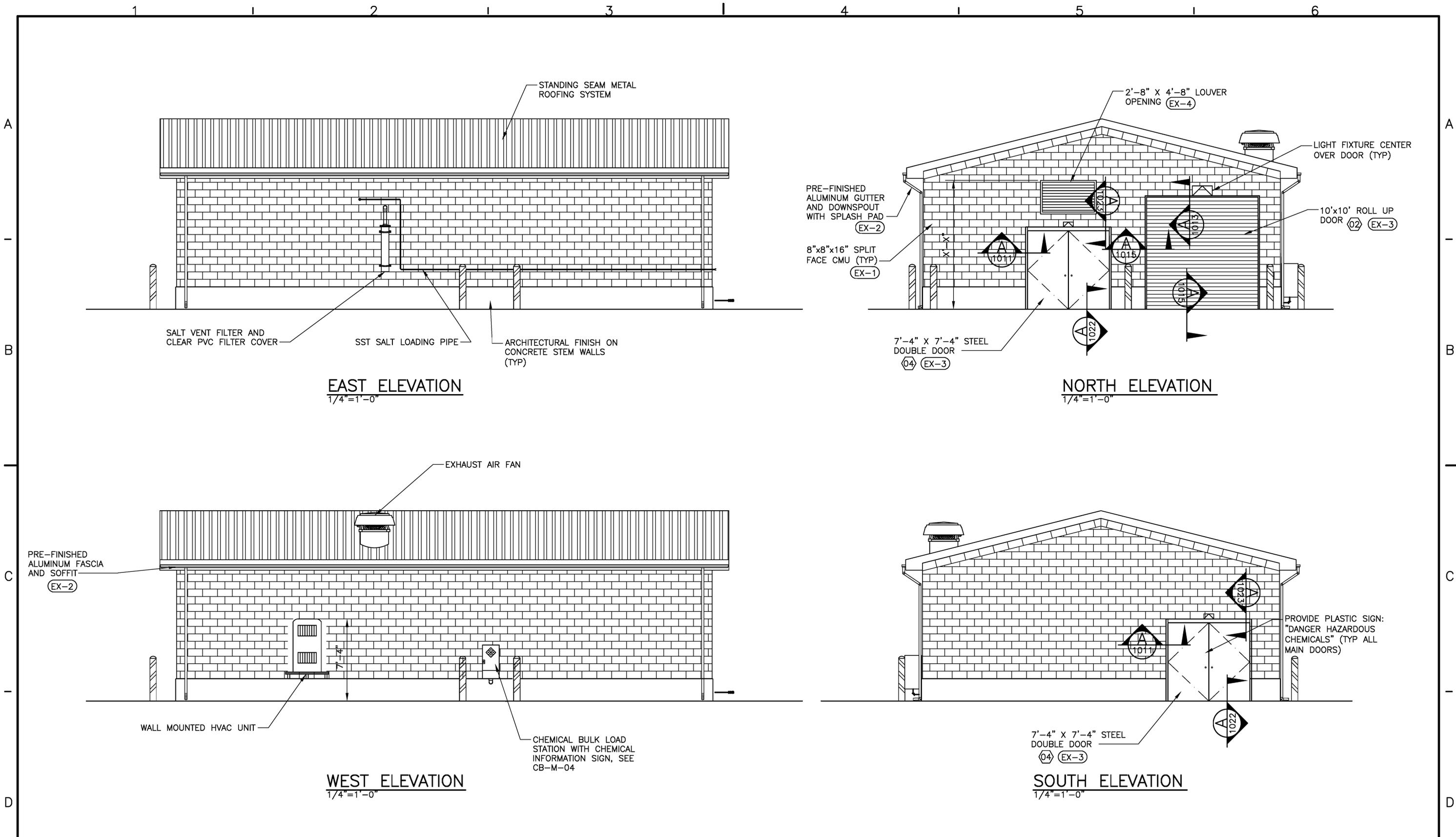
POINT #	NORTHING	EASTING	DESCRIPTION
11	179347.51	69481.17	SE CORNER OF VAULT
12	179395.95	69483.74	NE CORNER OF VAULT
13	179365.17	69429.96	SE CORNER OF VAULT
14	179389.14	69431.23	NE CORNER OF VAULT
15	178523.39	69769.40	R 139'
16	179380.06	69895.49	R 59'
17	179416.68	69586.35	R 59'
18	179351.47	69404.98	END GRAVEL ROAD
19	178322.58	69518.30	PC
20	179043.45	69507.52	Y

POINT #	NORTHING	EASTING	DESCRIPTION
22	178383.54	69503.11	PT
23	178464.95	69607.08	R 130'
24	178322.58	69388.30	R 130'
25	178382.61	69581.39	PC
27	178405.56	69491.44	PC
28	178466.03	69477.08	PT
29	179419.81	69527.43	PC
30	179474.91	69595.87	PT
31	178455.35	69682.89	CP NO. 1
32	179298.02	69728.27	CP NO. 2

POINT #	NORTHING	EASTING	DESCRIPTION
33	179453.83	69724.79	PC
34	179442.20	69835.00	PT
35	179438.98	69898.61	PC
36	179376.90	69954.40	PT
37	178515.95	69908.20	PC
38	178384.40	69770.80	PT
39	178390.84	69550.48	SE CORNER OF VAULT
40	178418.37	69525.76	SW CORNER OF VAULT
41	178317.79	69591.88	65' R PAVING
42	178288.65	69566.90	40' R STRIPING

- NOTES:**
- SAM PARK WEST RESERVOIR GRADING PLAN, SEE DRAWING YP-C-14.
 - EXISTING GRADE SHOWN AS SCREENED (GRAY) CONTOURS (1-FOOT CONTOUR INTERVAL). EXISTING TOPOGRAPHY CONTOURS BASED ON 2003 SURVEY.
 - PROPOSED GRADE SHOWN AS BLACK CONTOURS.
 - LANDSCAPING PLAN, SEE DRAWING YP-L-01.
 - TERMINAL RESERVOIR SITE YARD PIPING, SEE DRAWING YP-C-02.
 - RESTORE ALL AREAS DISTURBED DURING CONSTRUCTION AND NOT REQUIRING LANDSCAPING IN ACCORDANCE WITH SECTION 01530 PROTECTION AND RESTORATION OF EXISTING FACILITIES.
 - COORDINATES ARE LOCATED ON THE INSIDE WALL OF STRUCTURES.

PREPARED FOR METROPOLITAN WATER DISTRICT OF SALT LAKE & SANDY		BOWEN, COLLINS & ASSOCIATES DESIGNED: T. OLSEN CHECKED: G. LOSCHER DRAWN: S. RIGGS APPROVED: M. COLLINS		VERIFY SCALE IF BAR IS NOT ONE INCH ON ORIGINAL DRAWING, DRAWING IS NOT TO SCALE	90% REVIEW	TERMINAL RESERVOIR REPLACEMENT PROJECT TERMINAL RESERVOIR GRADING PLAN	SCALE: 1"=50' DATE: JUNE 2011 DRAWING NO. YP-C-01 SHEET NO. XXX
REV	DATE	BY	APP	DESCRIPTION	DISTRICT IDENTIFICATION NUMBER TR003		PROJECT NO. 018-09-04



PREPARED FOR METROPOLITAN WATER DISTRICT OF SALT LAKE & SANDY		BOWEN, COLLINS & ASSOCIATES		90% REVIEW	TERMINAL RESERVOIR REPLACEMENT PROJECT ARCHITECTURAL ELEVATIONS		SCALE: XXXX
DESIGNED T. CLARK		REVIEWED G. LOSCHER			DISTRICT IDENTIFICATION NUMBER TRO03		DATE: JUNE 2011
DRAWN E. SCOTT		CHECKED M. COLLINS		PROJECT NO. 018-09-04		DRAWING NO. CB-A-01	SHEET NO. XXX
VERIFY SCALE <small>IF BAR IS NOT ONE INCH ON ORIGINAL DRAWING, DRAWING IS NOT TO SCALE</small>							













STAFF REPORT

Executive Summary									
Hearing Body:	Millcreek Planning Commission								
Meeting Date and Time:	Wednesday Sept. 14, 2011	09:00 AM	File No:	2	6	0	4	4	
Applicant Name:	Salt Lake County	Request:	Ordinance Amendment						
Description:	Amend two sections of Salt Lake County Ord. - 19.72.060 and 070								
Location:	N/A								
Zone:	FR-0.5 Forestry & Recreation	Any Zoning Conditions?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>			
Community Council Rec:	Not yet received								
Staff Recommendation:	Approval								
Planner:	Spencer G. Sanders								

1.0 BACKGROUND

1.1 Summary

Salt Lake County is requesting approval to amend two sections of Salt Lake County Ordinances in Title 19 Zoning, Chapter 72 Foothills and Canyons Overlay Zone: Section 060 Administration and Enforcement and Section 070 Definitions. The proposed Amendments to 060 clarify slope waivers related to ski resort development; and the proposed amendments to 070 clarify allowed summer uses at ski resorts.

The intent of the proposed changes to FCOZ is to ensure the language aligns with how the ordinance has been applied in practice since its adoption in 1997. Recent applications have brought to light that the language of the ordinance with respect to the areas of proposed change is so vague and poorly worded that two different citizen bodies when confronted with applying the language of the ordinance to the same application came to completely opposite interpretations. Therefore, it is for this reason the County has reviewed the language and provided the proposed ordinance amendments to resolve the issues of confusion.

1.3 Community Council Response

The proposed ordinance amendment has been forwarded to all of the County's Community Councils and Planning Commissions. The Community Council responses will be forwarded to their applicable Planning Commission and all will be forwarded on to the County Council.

Within the Millcreek Township there are four community councils that forward recommendations to the Millcreek Townships Planning Commission: Millcreek, Canyon Rim, East Mill Creek and Mount Olympus. As of this writing, the Canyon Rim, East Mill Creek, Millcreek and Mount Olympus Community Councils have reviewed this ordinance.

Canyon Rim Community Council at their August 18, 2011 meeting indicated that they would review the ordinance and provide a recommendation by the Millcreek Township Planning Commission's meeting. As of this writing a written response has not yet been received.

East Mill Creek Community Council, at their meeting held on September 1, 2011, voted to support the

proposed amendments. Attached is a copy of their letter of recommendation.

Millcreek Community Council at their September 6, 2011 meeting indicated that although the ordinance had been sent to the Chair, it had not been distributed to all the members prior to the meeting. They therefore indicated that they would not be able to provide a recommendation regarding the ordinance until after their October meeting.

Mount Olympus Community Council at their September 6, 2011 meeting voted to support the proposed amendments with some changes. They indicated that they would provide a letter of recommendation to the Planning Commission with their proposed changes by the Commission's meeting; as of this writing staff has not received a copy of their written recommendations.

2.0 ANALYSIS

2.1 Existing Ordinance

Attached is a underline/strike-through copy of the proposed ordinance amendments.

The proposed changes are briefly explained here:

19.72.060.C.5 - This provision indicates that waivers and modifications to the FCOZ regulations may only be approved upon evidence establishing the listed criteria are met. The proposed language indicates that waivers and modifications may be approved subject to any of the criteria deemed applicable to the situation by the decision body. Since the adoption of FCOZ it has become evident that the listed criteria do not always apply to every situation. The proposed language would give the Planing Commission the ability to determine which of the listed criteria are applicable in a given situation as part of their review of a waiver request.

19.72.060.C.7 currently indicates the limitations on the types of activities pertaining to ski resorts, for which a waiver can be requested. The language here again is unclear and confusing. The proposed ordinance amendment would replace the language of subsection 7 with a table that more clearly lists the activities for which a waiver may be considered on what slope range. The proposed change makes it more clear what activities are eligible for waiver consideration at Ski Resorts, Mineral Extraction and Public Uses. It does not eliminate the requirement to apply to the Planning Commission for review and approval of these waivers, it only establishes what is eligible.

19.72.070 lists all the definition that are unique to the Foothills and Canyons Overlay Zone (FCOZ) ordinances, including the definition of a Ski Resort. Currently the language in the definition is unclear regarding non-snow related activities allowed at ski resorts. The proposed changes would clarify that both winter related activities and non-winter related activities are acceptable within the resorts; as has been the practice since FCOZ was adopted.

3.0 STAFF RECOMMENDATION

3.1 Staff recommends APPROVAL of the proposed Ordinance Amendment.

3.2 Reasons for Recommendation

- 1) The proposed amendments clarify the FCOZ language related to Ski Resorts and are consistent with the intent and purpose of the FCOZ overlay zone and what has been the implementation practice since the ordinances adoption.

SALT LAKE COUNTY ORDINANCE

ORDINANCE NO. _____, **2011**

FOOTHILLS AND CANYONS OVERLAY ZONE

AN ORDINANCE AMENDING SECTION 19.72.060, ENTITLED "ADMINISTRATION AND ENFORCEMENT," AND 19.72.070 ENTITLED "DEFINITIONS," OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 2001, CLARIFYING THE APPLICABILITY OF WAIVER CRITERIA, PERMISSIBLE SLOPE WAIVER RANGES, AND, THE DEFINITION OF "SKI RESORT" TO INCLUDE YEAR ROUND RESORT ACTIVITIES; AND MAKING OTHER RELATED CHANGES.

The County Legislative Body of Salt Lake County ordains as follows:

SECTION I. The amendments made herein are designated by underlining the new substituted words. Words being deleted are designated by brackets and interlineations.

SECTION II. Section 19.72.060 of the Salt Lake County Code of Ordinances, 2001, is amended to read as follows:

19.72.060 - Administration and Enforcement.

C. Waivers and Modifications for Ski Resorts, Public Uses, and Mineral Extraction and Processing Uses.

5. Criteria for Approval. Waivers or modifications to the development standards of this chapter may ~~[only]~~ be approved subject to any of ~~[upon evidence establishing]~~ the following criteria~~[s, as]~~ deemed applicable by the development services director or planning commission, depending upon which has jurisdiction over the particular proposal:

- a. That the improvements proposed are essential to the operation and maintenance of the property and use, and that no reasonable alternative means of satisfying such requirements are feasible or readily available;
- b. That the physical surroundings, shape, or topographic conditions of the specific property involved are such that strict compliance with these regulations would result in extraordinary hardship or practical difficulties, or a substantial economic hardship (as defined in Section 19.72.070) for the owner of the property;
- c. That strict or literal interpretation and enforcement of the specified regulation would result in a development approach unintentionally inconsistent with the objectives of this chapter;
- d. That the waivers or modifications granted will result in a development approach which better preserves area views, reduces adverse impacts on existing trees and vegetation, reduces the overall degree of disturbance to steep slopes, protects wildlife habitat, and reflects a greater degree of sensitivity to stream corridors, wetlands, rock outcrops, and other sensitive environmental features in the vicinity of the proposed improvements;
- e. That the granting of the waiver or modification will not be detrimental to the public health, safety, or general welfare, or materially injurious to properties or improvements in the vicinity;
- f. That the waiver or modification granted shall not have the effect of nullifying the intent and purpose of these regulations;

- g. That the proposed development, as modified by the request, is not in conflict with the goals, objectives, and policies of the adopted community general plan applicable to the area;
- h. That creative architectural or environmental solutions can be applied and used to alternatively achieve the purposes of this chapter;
- i. That the development in all other respects conforms with the site design, development, and environmental standards set forth in this chapter, in Chapter 19.73, "Foothills and Canyons Site Development and Design Standards," and in all other applicable ordinances and codes;
- j. That the waivers or modifications granted do not result in the violation of other applicable federal, state, and county laws.

7. ~~[Limitations. Notwithstanding the discretion to grant waivers or modifications from the standards set forth in this chapter, in no case shall development other than pedestrian or nonmotorized trails, vehicular access routes for emergency or maintenance purposes, ski runs, ski lifts with supporting appurtenances, or similar recreation access corridors be permitted on slopes greater than forty percent but less than fifty percent, except as otherwise authorized in this chapter. In no case shall roads or vehicular access corridors of any kind be permitted on slopes in excess of fifty percent.]~~

Permissible Slope Waiver Ranges for Eligible Development Activities. The following table establishes the permissible slope waiver ranges for eligible development activities associated with ski resort, public use and mineral extraction and processing uses.

<u>Slope Range</u>	<u>Eligible Development Activities</u>
--------------------	--

<u>30% or less</u>	<ul style="list-style-type: none"> • <u>No slope waiver required.</u>
<u>Greater than 30% up to 40%</u>	<ul style="list-style-type: none"> • <u>All development activities associated with allowed uses.</u>
<u>Greater than 40% up to 50%</u>	<ul style="list-style-type: none"> • <u>Pedestrian trails;</u> • <u>Non-motorized vehicle trails;</u> • <u>Ski runs, ski lifts and supporting appurtenances;</u> • <u>Year-round or non-snow related activities; and</u> • <u>Motorized vehicle roads and trails.</u>
<u>Greater than 50%</u>	<ul style="list-style-type: none"> • <u>Pedestrian trails;</u> • <u>Non-motorized vehicle trails;</u> • <u>Ski runs, ski lifts and supporting appurtenances;</u> • <u>Year-round or non-snow related activities.</u>

SECTION III. Chapter 19.72.070 of the Salt Lake County Code of Ordinances, 2001, is amended to read as follows:

19.72.070 – Definitions.

For the purposes of this chapter, the following terms shall have the following meanings:

"Ski resort" means any public or private developed recreational use~~[, with associated facilities and improvements, for downhill or cross-country skiing, snowboarding, snow shoeing, snowmobiling, or]~~ for [other] snow-related activities, accessory year-round or non-snow related activities, and associated facilities and improvements. These uses are operated on a commercial or membership basis, whether solely on privately-owned property or on privately-owned lots or parcels interspersed with public land under a special use permit from the U.S. Forest Service or other public agency, primarily for the use of persons who do not reside on the same lot or parcel as that on which the recreational use is located. Snow related activities include but are not

limited to: downhill skiing, cross-country skiing, snowboarding, snow shoeing, snowmobiling, or other snow-related activities. Accessory year-round and non-snow related activities include but are not limited to: alpine recreation activities; cultural events and festivals; and conference events. Associated facilities and improvements include, but are not limited to: lodging; food, retail, and support services; recreational and fitness facilities; parking accommodations; and other uses of a similar nature specifically authorized in conjunction with the operation of ~~the facilities as~~ a year round resort. ~~[This term shall not exclusively include any use which is otherwise listed specifically as a permitted or conditional use in this title.]~~

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

APPROVED and ADOPTED this _____ day of _____, 2011.

SALT LAKE COUNTY COUNCIL

Max Burdick, Chair

ATTEST:

Salt Lake County Clerk

APPROVED AS TO FORM:

Deputy District Attorney
Date_____

ORDINANCE HISTORY

Council Member Bradley voting _____
Council Member Bradshaw voting _____
Council Member Burdick voting _____
Council Member DeBry voting _____
Council Member Horiuchi voting _____
Council Member Iwamoto voting _____
Council Member Jensen voting _____
Council Member Snelgrove voting _____
Council Member Wilde voting _____

Vetoed and dated this _____ day of _____, 2011.

By _____
Mayor Peter Corroon or Designee

(Complete As Applicable)

Veto override: Yes__ No__ Date _____

Ordinance published in newspaper: Date _____

Effective date of ordinance: _____

SUMMARY OF

SALT LAKE COUNTY ORDINANCE NO. _____

On the _____ day of _____, 2011, the County Council of Salt Lake County adopted Ordinance No. _____, which amends Sections 19.72.060 and 19.72.070, of the Salt Lake County Code of Ordinances, 2001, regarding the Foothills and Canyons Overlay Zone to clarify the applicability of waiver criteria, permissible slope waiver ranges, and, the definition of "ski resort" to include year round resort activities; and making other related changes.

SALT LAKE COUNTY COUNCIL

By: _____
MAX BURDICK, Chairman

ATTEST:

Sherrie Swensen
Salt Lake County Clerk

APPROVED AS TO FORM:

Deputy District Attorney
Date _____

ORDINANCE HISTORY

Council Member Bradley voting	_____
Council Member Bradshaw voting	_____
Council Member Burdick voting	_____
Council Member DeBry voting	_____
Council Member Horiuchi voting	_____
Council Member Iwamoto voting	_____
Council Member Jensen voting	_____
Council Member Snelgrove voting	_____
Council Member Wilde voting	_____

A complete copy of Ordinance No. _____ is available in the office of the Salt Lake County Clerk, 2001 South State Street, N2100A, Salt Lake City, Utah.



September 8, 2011

To: Members of the Millcreek Planning Commission,

Subject: Appl. 26044, FCOZ Ordinance Amendments - Summer Resort Uses
and Slope Waivers

At the September 1, 2011 meeting of the East Mill Creek Community Council, the Council reviewed the proposed Foothill and Canyons Overlay Zone (FCOZ) amendment. Spencer Sanders of the County Planning & Development Services presented the update and answered all questions from the Council.

Council questions included: the types of conditional uses under this part, historical background of this section of FCOZ, the effect of language changes in the proposed amendment, a review of the amendment's slope table and associated questions, authority of The County Planning Commission and The Director Of Planning (Director) under the proposed amendment.

By super majority vote EMCCC passed the following motion:

“The East Mill Creek Community Council gives a positive recommendation for the FCOZ update”.

Blake Keithley
Planning and Zoning Liaison

Nancy Carlson-Gotts
Chair, East Mill Creek Community Council