



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

Kearns Township Planning Commission

Public Meeting Agenda

October 10, 2011

3:30 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 purpose of the Planning Commission Meeting is to allow the Planning Commission to hear staff, applicant, public, and other agency comments and recommendations prior to making decisions and/or recommendations on land use applications and projects on file with Salt Lake County. The Planning Commission may take action on any agenda item which may include: approval, approval with conditions, denial, continuance or a recommendation to other bodies or agencies as applicable. Public comment is not normally taken on items listed on the business portion of the agenda.

Business Items - 3:30 P.M.

- 1) Adoption of minutes from the September 15, 2011 meeting.
- 2) **26610 Electrical Facilities Best Practice** – Planning Staff
 - i) Presentation of “Powering our Future – Salt Lake County Electrical Plan Local Planning Handbook”; and
 - ii) Discussion of Best Practice Process

Decision Items

Conditional Use

25621 – (Continued Item) Applicant Garbett Homes is proposing a 12 lot PUD on a 2.09 Acre property located at 5093 S. Heath Avenue - Zone: R16 (Residential) - Kearns Community Council - Planner: Travis Van Ekelburg.

25661 – Salt Lake County is requesting approval to amend sections of two Salt Lake County Ordinance Chapters in Title 19 *Zoning*, Chapter 19.04 *Definitions* and Chapter 19.80 *Off-Street*

Parking Requirements: Section 040 Parking in Residential Zones. The proposed amendments to 19.04 more clearly define vehicles, junk, and heavy equipment that may be found in residential yards, and proposed amendments to 19.80.040 set off-street parking standards in residential zones. Planner: Curtis Woodward.

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*. These sections are Section 060 *Administration and Enforcement*; and Section 070 *Definitions*. The proposed amendments pertain to ski resort waivers and ski resort summer uses. Planner: Spencer G. Sanders

Adjournment

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.



STAFF REPORT

Executive Summary									
Hearing Body:	Kearns Planning Commission								
Meeting Date and Time:	Monday, October 10, 2011	04:00 PM	File No:	2	5	6	2	1	
Applicant Name:	Garbett Homes	Request:	Conditional Use						
Description:	Planned Unit Development								
Location:	5093 S Heath Ave - Kearns								
Zone:	R-1-6 Residential Single-Family	Any Zoning Conditions?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>			
Community Council Rec:	Approval								
Staff Recommendation:	Approval with Conditions								
Planner:	Travis Van Ekelenburg								

1.0 BACKGROUND

1.1 Summary

This is an application to develop the 2.09 acres that remains from a parcel previously owned by the Church of Jesus Christ of Latter Day Saints at 5093 S. Heath Avenue. The original parcel was just over 6.5 acres; 4.45 acres of which was sold to the Calvary Baptist Church for the construction of their church building. Because there are no stub streets entering into the property (being bounded by train tracks on the northeast, the church on the southeast, homes on the northwest, and Heath Ave on the southwest), it is difficult to develop with a density similar to the subdivision to the northwest without the use of either variances or the flexibility inherent in the Planned Unit Development ordinance. The adjacent subdivision (Chapel View) has 12 lots and contains 2.0 acres. The proposed P.U.D. Subdivision has 12 lots and contains 2.09 acres. Chapel View subdivision, however, had a stubbed street to the north, allowing development with a lesser amount of public street improvements than will be required for this property.

At the regularly scheduled meeting on August 8th, 2011 the Kearns Township Planning Commission gave preliminary approval to allow the density of 12 lots for the proposed Planned Unit Development along with reduced setbacks and design as proposed. It was noted that the PUD would be coming back to the Planning Commission for preliminary plat approval from the Planning Commission and that the proposed design at the Planning Commission was preliminary in nature. This application for a PUD would also be reviewed for compliance by outside agencies before the final plat would be recorded.

1.3 Neighborhood Response

As of the date of preparation of this report, no response has been received from adjoining neighbors.

1.4 Community Council Response

Positive Recommendation

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"/>	<p>Standard `A': <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></p> <p>Discussion: The Planned Unit Development chapter of the County code allows flexibility in design, such that setbacks, building heights, etc. can be altered by the planning commission if "the contemplated arrangement of buildings and uses makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this chapter." In this case, the applicant is proposing building heights that comply with the R-1-6 zone.</p> <p>The site plan as proposed includes rear yard setbacks that comply (15 feet). Front yards as proposed are 20' (25' is required in the R-1-6 zone). Side yards as proposed vary somewhat, with the applicant asking for minimum side yards facing the street on the two corner lots of 10' rather than 20'. They also show some interior side yards as narrow as 5 feet, with others as great as 20 feet. In harmony with the intent of the P.U.D. chapter, the planning commission has the authority to approve setbacks that achieve the intent of the ordinance and protect the abutting property owners while allowing flexibility to the applicant. Lot sizes are also allowed to vary, provided that the overall density is in harmony with the restrictions of the R-1-6 zone.</p> <p>Summary: The only limitations to what can be approved in a P.U.D. are land use and density, therefore this application meets the standard.</p>
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<p>Standard `B': <i>The proposed use and site development plan shall comply with all other applicable laws and ordinances.</i></p> <p>Discussion: The street will be built to County Standard for a public street with integral curb, gutter, and sidewalk. Other regulations, such as the County Subdivision Ordinance, will apply to this project as well.</p> <p>Summary: The project will comply with all applicable ordinances as reviewed by County agencies.</p>
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<p>Standard `C': <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></p> <p>Discussion: Standard road improvements will be in place, and the additional traffic added to the local street system will not exceed the amount called for under the County Plan.</p> <p>Summary: The application will be required to comply with the requirements of the County Transportation Engineer to ensure compliance with this standard.</p>

YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<i>Standard 'D': 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>
		Discussion: There is no evidence, based on observations of this property or on history of nearby properties that any of the above issues cannot be addressed by the applicant as they submit the necessary drawings, plans, and studies to obtain approval from the County agencies responsible for regulating the above issues. These will be addressed through the subdivision plat review process. Summary: The subdivision review process will ensure compliance with this standard.
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<i>Standard 'E': The proposed use and site development plan shall not significantly impact the quality of life of residents in the vicinity.</i>
		Discussion: The construction of single family dwellings of size, density, and configuration that is similar to the existing housing stock in the vicinity will not significantly impact the quality of life of residents in the vicinity given that the planning commission is empowered to impose conditions of approval in order to mitigate any anticipated negative impacts. Summary: Through the conditional use approval, any anticipated negative impacts will be addressed sufficient to comply with this standard.

2.2 Zoning Requirements

The R-1-6 zone requires minimum lots of 6,000 square feet, each lot being a minimum of 60 feet wide. As proposed to the planning commission at the previous meeting; the average lot size in the development will be above 6,000 square feet, with lot sizes ranging from approximately 5670 square feet to approximately 8600 square feet. Lot widths as proposed vary from 54 feet to 65 feet. Minimum setbacks are: Front - 25 feet, Rear - 15 feet, Interior Side - 8 feet, Street facing side - 20 feet.

Since the last planning commission meeting the current version submitted of the preliminary plat shows a difference and variation of the lot sizes that range from 5372 square feet to 9678 square feet which is substantially different. The setbacks have changed to Front - 20 feet; Interior side - 5 feet, and the rest are the same as required in the zone.

2.3 Other Agency Recommendations or Requirements

Other agencies will see the preliminary site plan and have seen the previous version. They have expressed that their codes and ordinances will be applied as technical drawings are submitted. Initial evaluations are that no outstanding or insurmountable issues are apparent at this time.

3.0 STAFF RECOMMENDATION

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

- 1)Minimum setbacks for this development are as follows:
Front yard: 20 feet
Rear yard: 15 feet
Interior side yards: 6 feet

Street-facing side yards: 10 feet

Side yards abutting neighboring properties: 8 feet

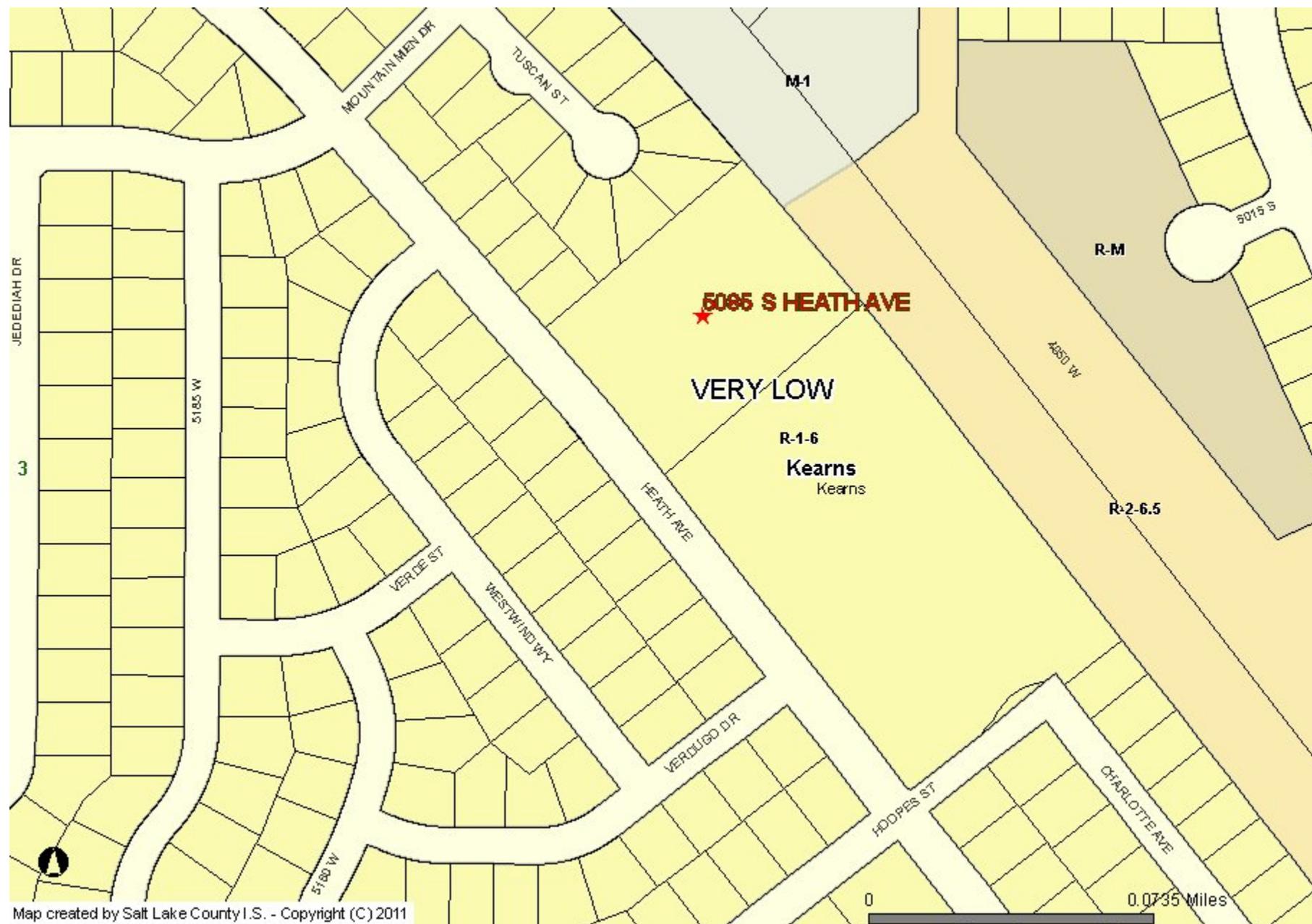
2) Building heights are limited to 2 stories, with a maximum height of 30 feet.

3) Staff recommends approval of original setbacks and conditions discussed in the original planning commission meeting or as deemed acceptable by the planning commission.

3.2 Reasons for Recommendation

1) As stated above, the approval of a P.U.D. is a reasonable vehicle through which the subject property can be developed in a density pattern similar to the adjoining lots while allowing some flexibility in design and layout.

2) Preliminary plat will be reviewed by various agencies for compliance with applicable ordinances and regulations before subdivision is finalized and recorded.







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4997 S TUSCAN ST
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RESIDENT
7097 W CIMMARRON DR
WEST VALLEY UT 84128

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RESIDENT
12668 S SOMERDOWNS CT
DRAPER UT 84020

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RESIDENT
5045 W 4985 S
SALT LAKE CITY UT 84118

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5163 W MOUNTAIN MEN DR
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5030 S HEATH AVE
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P.O.BOX 819
HEBER CITY UT 84032

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50 E NORTHTEMPLE ST
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20124050220000
RESIDENT
6196 S REDWOOD RD
TAYLORSVILLE UT 84123

20124260010000
RESIDENT
3595 S MAIN ST
SALT LAKE CITY UT 84115

20124260020000
RESIDENT
4995 S REDWOOD RD
TAYLORSVILLE UT 84123

RESIDENT

RESIDENT



STAFF REPORT

Executive Summary									
Hearing Body:	Kearns Planning Commission								
Meeting Date and Time:	Monday, October 10, 2011	04:00 PM	File No:	2	5	6	6	1	
Applicant Name:	Salt Lake County - PDS	Request:	Ordinance Amendment						
Description:	Amend sections of two SLCO Ord. Chapters: 19.04 and Chapter 19.80								
Location:	N/A								
Zone:	R-1-3 Residential Single-Family	Any Zoning Conditions?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>			
Community Council Rec:	Not yet received								
Staff Recommendation:	Approval								
Planner:	Curtis Woodward								

1.0 BACKGROUND

1.1 Summary

Salt Lake County is requesting approval to amend sections of two Salt Lake County Ordinance Chapters in Title 19 *Zoning*, Chapter 19.04 *Definitions* and Chapter 19.80 *Off-Street Parking Requirements: Section 040 Parking in Residential Zones*. The proposed amendments to 19.04 more clearly define vehicles, junk, and heavy equipment that may be found in residential yards, and proposed amendments to 19.80.040 set off-street parking standards in residential zones.

1.2 Neighborhood Response

No neighborhood response has been received at the time of this report.

1.3 Community Council Response

First Draft:

Written response was received from Mt. Olympus and Big Cottonwood Community Councils. The residents of Mt. Olympus were concerned with the maximum driveway width of 24 feet and the inability to park vehicles with commercial signage in the front yard as stated in the original draft. Big Cottonwood Canyon residents expressed concern that the pavement and fencing requirements would not be compatible in the canyon areas, particularly with restrictions listed in FCOZ.

Verbal response from other community councils was given to Planning and Development Services staff that are congruent with the above written concerns. General consensus was that this ordinance amendment would help clean up many neighborhoods where junk is an issue and enforcement of this is difficult. However, some communities were concerned about the burden it would place on low-income homeowners and homeowners with small lots.

All of these responses were considered and shaped the writing of the second draft, which only proposes a minor change to the "junk" definition, and which allows commercial vehicles of limited size to be parked in front yard driveways.

Public (second) Draft:

The public draft has been sent to community councils in anticipation of the October planning commission hearings. An update of community council responses will be provided at the planning commission business meetings.

2.0 ANALYSIS

2.1 Existing Ordinance

Attached is an underlined copy of the proposed ordinance amendments. The proposed changes are briefly explained here:

Chapter 19.04, Definitions: Four new definitions are created through the ordinance amendment: Heavy Equipment, Commercial Vehicle, Private Vehicle, and Recreational Vehicle. In addition, the definition for Junk listed in 19.04.315 was amended to include recreational vehicles that are inoperable, dismantled, or wrecked. These definition amendments will help clarify the provisions in the amended chapter 19.80.40, as well as assist the Code Enforcement Officers in enforcing these provisions.

Chapter 19.80, Off-Street Parking Requirements: 19.80.40 Parking in Residential Zones is a section that was added in this chapter to create off-street parking standards in residential zones. The amendments here strive to protect the residential character of neighborhoods by requiring vehicles parked in the front yard to be only on paved surfaces within the scope of Salt Lake County Driveway Ordinance 14.36.060, as well as limiting the type of vehicles that can be parked in the front yard. These amendments also set a basic landscaping standard for front yards not occupied by paved parking.

3.0 STAFF RECOMMENDATION

3.1 Staff recommends APPROVAL of the proposed Ordinance Amendment.

3.2 Reasons for Recommendation

- 1) The proposed amendments will help protect the residential character of neighborhoods, which is consistent with the goals of the general plan.
- 2) The current draft ordinance has been crafted in response to the feedback from community councils, County legal counsel, and County Code Enforcement Officers to be simpler, easier to understand, and easier to enforce.

SALT LAKE COUNTY ORDINANCE

Ordinance No. _____, 2011

FRONT YARD PARKING AND LANDSCAPING AMENDMENTS

AN ORDINANCE AMENDING CHAPTER 19.04: DEFINITIONS AND 19.80: OFF-STREET PARKING REQUIREMENTS RESTRICTING THE PARKING OF VEHICLES IN THE FRONT AND STREET SIDE YARD AREAS OF RESIDENTIALLY ZONED PROPERTIES AND REQUIRING THE LANDSCAPING AND MAINTENANCE OF YARD AREAS.

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

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

SECTION II. Chapter 19.04 of the Salt Lake County Code of Ordinances, 2001, is amended to read as follows:

Chapter 19.04 – DEFINITIONS

19.04.291 – Heavy Equipment

“Heavy Equipment” means equipment such as earth movers, backhoes, cranes, forklifts, bulldozers, and the like which are commonly used for construction, excavation, demolition, or lifting; also vehicles used to haul equipment or materials, such as dump trucks, semi-tractors, semi-trailers, cement trucks or any motor vehicle with modifications such as:

1. Liquid storage tanks exceeding one hundred (100) gallons,
2. Aerial buckets or platforms,
3. Welding equipment,
4. Mechanical lifts or arms for loading and unloading materials/equipment,
5. Appurtenances of a similar nature.

19.04.315 – Junk

A. "Junk" means any salvaged or scrap copper, brass, iron, steel, metal, rope, rags, batteries, paper, wood, trash, plastic, rubber, tires, waste or other articles or materials commonly designated as junk. Junk, except as provided in subsections (B) or (C), shall also mean any dismantled, wrecked or inoperable motor vehicles or recreational vehicles or parts thereof which are stored or parked on property outside of an enclosed building and which remain in such condition for a period of time in excess of sixty days. An automobile, truck or bus shall be considered inoperable if it is not currently registered and licensed in this state or another state.

B. One truck with a capacity of one ton or less or automobile which is not currently licensed and registered in this state or another state but is otherwise operable may be stored on property for a period not to exceed two years if it is secured with the windows closed, the trunk and hood closed and the doors locked and is not damaged exposing jagged metal; or

C. One truck with a capacity of one ton or less or automobile which is inoperable may be stored in a side yard, except a side yard which faces on a street or a rear yard on property for a period not to exceed two years provided:

1. The automobile or truck is secured with the windows closed, the trunk and hood closed and the doors locked and is not damaged exposing jagged metal; and
2. The automobile or truck shall not be visible from any public street; and
3. The automobile or truck is entirely concealed by a covering which is maintained in good condition and which does not extend closer to the ground than the lowest point of the vehicle body.

D. All existing legal nonconforming motor vehicles as of the effective date of the ordinance codified in this section, or any amendment hereto, shall comply with the provisions of this section within one year from the date of the enactment of this section or any amendment thereto.

19.04.551 – Vehicle, Commercial

“Commercial vehicle” means any motorized vehicle or trailer used for or intended for business use, including but not limited to the transportation of commercial equipment, merchandise, produce, freight, commodities, passengers or animals.

19.04.553– Vehicle, Private

“Private vehicle means an automobile, sport utility, crossover, pickup truck, motorcycle, or similar motorized device in which a person or thing is, or can be, transported from one place to another on a non-commercial or not-for-hire basis.

19.04.554 – Vehicle, Recreational

“Recreational vehicle” means a vehicle, snowmobile, trailer, camper, or watercraft with or without a motor, designed and constructed for recreational use or as temporary living quarters for travel or vacation purposes. Recreational vehicle does not include human or battery powered personal apparatuses, such as bicycles, kick-scooters, or children’s toys.

SECTION III. Chapter 19.80 of the Salt Lake County Code of Ordinances, 2001, is amended to read as follows:

Chapter 19.80 - OFF-STREET PARKING REQUIREMENTS

Article I. – General Provisions

19.80.040 – Parking in Residential Zones

- A. Only private vehicles, recreational vehicles, or commercial vehicles under 12,000 pounds gross vehicular weight may be parked in the front yard or corner lot side yard of a dwelling in any R-1 or R-2 zone. Vehicles so parked must be upon a driveway with a parking surface in compliance with section 19.80.030 “Specifications.” The location, width, and area of the parking surface shall not exceed the maximum allowed for a residential driveway set forth in Salt Lake County Ordinance 14.36.060.
- B. When not parked or stored upon such a surface all private and recreational vehicles must be located behind the front line or street side line of the main building on the lot or parcel and screened from view from public streets or neighboring properties by enclosure within a building or six-foot tall (minimum) opaque fence.
- C. All commercial vehicles 12,000 pounds gross vehicular weight and over must be parked on a dustless surface and located behind the front line or street side line of the main building on the lot or parcel and screened from view from public streets or neighboring properties by enclosure within a building or six-foot tall (minimum) opaque fence.
- D. Heavy equipment may only be parked or stored on a property in conjunction with lawfully-permitted construction or site development activities so long as construction is diligently pursued.
- E. The area within the front yard of any single or two family dwelling not occupied by a driveway/parking surface set forth above shall be landscaped and maintained. Front yard landscaping may include features such as pedestrian walkways, gardens, trees, shrubs, lawn, ground cover, and other similar features.

SECTION IV. This ordinance shall be 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

By: _____
MAX BURDICK, Chairman

ATTEST:

Sherrie Swensen
Salt Lake County Clerk

APPROVED AS TO FORM:

ORDINANCE HISTORY

Councilman Bradley voting	_____
Councilman Burdick voting	_____
Councilman Bradshaw voting	_____
Councilman DeBry voting	_____
Councilman Horiuchi voting	_____
Councilman Iwamoto voting	_____
Councilman Jensen voting	_____
Councilman Snelgrove voting	_____
Councilman 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 chapter 19.04 and chapter 19.80 of the Salt Lake County Code of Ordinances. These new amendments set specific requirements regarding the parking of vehicles in the front and street side yard areas of residentially zoned properties and make other related changes.

SALT LAKE COUNTY COUNCIL

By: _____
MAX BURDICK, Chairman

ATTEST:

Sherrie Swensen
Salt Lake County Clerk

APPROVED AS TO FORM:

Councilman Bradley voting _____
Councilman Burdick voting _____

Councilman Bradshaw voting _____
Councilman DeBry voting _____
Councilman Horiuchi voting _____
Councilman Iwamoto voting _____
Councilman Jensen voting _____
Councilman Snelgrove voting _____
Councilman 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.

DRAFT



STAFF REPORT

Executive Summary									
Hearing Body:	Kearns Planning Commission								
Meeting Date and Time:	Monday, October 10, 2011	04:00 PM	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.

The Kearns Community Council has not yet responded to requests for comments as of this date. If any information is received prior to the meeting, it will be brought to the Planning Commission's meeting.

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 Planning 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 activites; 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.