



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

Emigration Township Planning Commission

Public Meeting Agenda

October 13, 2011

8:30 A.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 - 8:30 A.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

Public Hearing Items - 9:00 A.M.

General Plan

Emigration Canyon Township General Plan – Status Update
Planner: David J. Gellner, AICP

Ordinance Amendments

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:	Emigration Canyon Planning Commission								
Meeting Date and Time:	Thursday, October 13, 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.

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 Emigration Township, Emigration Canyon Community Council forwards recommendations to the Emigration Townships Planning Commission. The Emigration Community Council reviewed this item at their meeting held on September 13, 2011 and recommended that a positive recommendation by the Emigration Township Planning Commission be forwarded to the County Council.

The Emigration Township Planning Commission reviewed this item at their regularly scheduled public meeting held on September 15, 2011. The Commission did not make a formal recommendation on the item and continued it to their meeting of October 13, 2011.

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 provides some flexibility to the language that indicates that waivers and modifications may be approved subject

to any of the criteria the applicable reviewing body deems applicable to the situation.

It has been found that the listed criteria do not always apply to every situation. The proposed language would give the reviewing body the ability to determine which of the listed criteria are applicable.

19.72.060.C.7 currently indicates the limitations on the types of uses, development, or activities pertaining to ski resorts, for which a waiver can be requested. The language is unclear and confusing. The proposed ordinance would replace the language of subsection 7 with a table that clearly lists what activities, etc. for which a waiver may be requested within specific slope ranges. This proposed change makes it much more clear what types of activities related to ski resorts are eligible for waiver consideration. It does not eliminate the requirement to apply for waivers, it just 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 what uses are allowed as part of a ski resort. The proposed changes would indicate that both winter related activities and non-winter related activities are acceptable within the resort.

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.

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 ACTIVITES; 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>
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<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.