



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

## Millcreek Township Planning Commission

### Public Meeting Agenda

# October 12, 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
  - c) September 14, 2011
- 2) **Planning Commission Bylaws/Procedures** – Max Johnson, Section Manager; Spencer G. Sanders, Planner & Richard Brockmyer, Planning Intern
  - a) Status Update; and
  - b) Review of draft
- 3) **26610 – Electrical Facilities Best Practice** – Planning Staff
  - a) Presentation of “*Powering our Future – Salt Lake County Electrical Plan Local Planning Handbook*”; and
  - b) Discussion of Best Practice Process
- 4) **Electronic Message Center Signs Ordinance Amendments – Status Update** – Spencer G. Sanders, Planner

- 5) **Curb, Gutter and Sidewalk Plan – Status Update** – Spencer G. Sanders, Planner & Jeremy Goldsmith, Planning Intern

**Public Hearings – 4:00 P. M.**

**Rezones**

**26188** – Spencer Wright of Wright Development Group, Inc. is requesting approval to Change the zoning of five (5) properties, approximately 0.62 acres, from R-2-6.5 (Residential Single Family) to C-2 (Commercial). The subject properties are located at 3317, 3325 and 3333 South 700 East and 3320 and 3326 South Scott Court. Community Council: Millcreek – Planner: Spencer G. Sanders

**Conditional Uses**

**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

**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.

**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.





Salt Lake County Planning & Development Services  
October 7, 2011

## Meeting Minutes

The Meeting Minutes are forthcoming. We are still in transition with our new Coordinator who is training for her duties. She is in the process of preparing the minutes from the July, August and September minutes. If she is able to complete any or all of them prior to the meeting, we will send these out to the Commissioners by separate email. If any of the minutes are not ready for this month's meeting, they will be definitely ready for November. We appreciate your patience during our transition.





Salt Lake County Planning & Development Services  
October 7, 2011

## **Planning Commission Bylaws/Procedures**

The Planning and Development Services Office in conjunction with representatives from the Mayor's Operations staff has prepared a final draft of Planning Commission Rules and Procedures. The draft was derived from existing bylaws, the Millcreek Township Planning Commission's proposed bylaws, input from the Mayor's Operations Team and Planning and Development Services Staff and industry best practices. The Draft will be submitted to the Millcreek Township Planning Commission at their October 12, 2011 meeting for review. Staff will make a brief presentation at the meeting; however, due to the shortness of time for all of the items on the agenda that day, a more detailed discussion will be scheduled for the November meeting.





Salt Lake County Planning & Development Services  
October 7, 2011

## **26610 Electrical Facilities Best Practice**

The Salt Lake County Electrical Plan Task Force, a consortium governmental agency representatives from the Cities, Salt Lake County, Envision Utah, WFRC, UTA, UDOT, the Economic Development Corporation of Utah, and the University of Utah School of Architecture and Planning; in conjunction with Rocky Mountain Power and Salt Lake County Electrical Plan Consultants from The Planning Center and AECOM, have prepared, *“Powering Our Future – Salt Lake County Electrical Plan – Local Planning Handbook.”* Staff will distribute the handbook to the Commission for information and review at the October 12, 2011 meeting. In addition, staff will discuss the process of preparing a Best Practice referencing the plan, which upon completion will be brought back to the Commissions and the County Council for adoption into the County’s General Plans, including the Millcreek Township General Plan, at a near future date.





Salt Lake County Planning & Development Services  
October 7, 2011

## **Curb, Gutter and Sidewalk Plan Update**

The Planning and Development Services Staff will provide an update to the Commission regarding the status of the sidewalk inventory map at the October 12, 2011 meeting.





**STAFF REPORT**

Executive Summary									
<b>Hearing Body:</b>	Millcreek Planning Commission								
<b>Meeting Date and Time:</b>	Wednesday, October 12, 2011	04:00 PM	<b>File No:</b>	2	6	1	8	8	
<b>Applicant Name:</b>	Spencer Wright - Wright Dev.	<b>Request:</b>	Zone Change						
<b>Description:</b>	Rezone from R-2-6.5 (Residential Single Family) to C-2 (Commercial)								
<b>Location:</b>	3217-3333 S. Scott Court and 3220-3333 S. 700 E.								
<b>Zone:</b>	R-2-6.5 Residential Two-Family	Any Zoning Conditions?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>			
<b>Community Council Rec:</b>	Approval								
<b>Staff Recommendation:</b>	Approval								
<b>Planner:</b>	Spencer G. Sanders								

**1.0 BACKGROUND**

**1.1 Summary**

Spencer Wright of Wright Development Group, Inc. is requesting approval to Change the zoning of five (5) properties, approximately 0.62 acres, from R-2-6.5 (Residential Single Family) to C-2 (Commercial). The subject properties are located at 3317, 3325 and 3333 South 700 East and 3320 and 3326 South Scott Court. The applicant's client is interested in developing the property with a small retail center building.

**1.2 Neighborhood Response**

Staff has received minimal contact regarding this proposed zone change. Only two phone calls, one that was interested in understanding the proposal and expressed neither support of opposition. The other was a neighbor to the south that has an office, that expressed his support for the proposal.

**1.3 Community Council Response**

The Millcreek Township Community Council, at their meeting held on September 4, 2011, recommended approval of the proposed zone change. Staff was present at the meeting; however, staff has not yet received a written response from the Community Council.

**2.0 ANALYSIS**

**2.1 General Plan**

**Modest Potential for Change** - The subject property is located within a yellow area on the Millcreek Township General Plan (MTGP) Official Map. *A Yellow area is one that has modest potential for the absorption of growth, and is likely to experience moderate change in overall character over time. The level of stability of Yellow areas is defined as follows:*

- *Moderate changes in land uses will occur, and may represent reasonable changes to the typical land uses for the area/corridor. Changes may occur in clusters, while the land uses of the overall area/corridor will remain largely consistent. Growth in these areas will begin to trend upward, allowing for a transition to more intensive land uses.*

The proposed zone change from R-2-6.5 is consistent with this provision. Two-family development at this

location is not ideal to the high traffic and lack of connectivity with residential development within the block. This is further evident by the fact that most of the subject parcels have not developed since their zoning and division many years ago.

**Two MTGP Projects Identified** - The MTGP Official Map also identifies two general plan Projects in the vicinity of the subject property: "18 Neighborhood Centers" and "25 Redevelopment Plan for 700 East and 3300 South."

The Neighborhood Centers Project Recommendations state:

- *Salt Lake County should undertake a process to assess and evaluate the Millcreek Township, and identify possible locations and recommendations for the creation or expansion of neighborhood centers. Neighborhood centers should be no larger than five acres, with a walkable capture radius of one-quarter to one-half mile. Zoning ordinances should be updated to encourage development of these walkable centers, paying particular attention to building form regulation.*

Improvement of this area for commercial should help continue the transition of this area into a Neighborhood Center.

The Redevelopment Plan for 700 East and 3300 South Project Recommendations state:

- *As the portion of Millcreek Township near 3300 South and 700 East begins to redevelop over time, this intersection will be a key area of growth within the Township and is currently underutilized. An increase in land use intensity and aesthetic improvements will help create a more attractive community and better serve the Township. Higher densities of housing, and a walkable scale to commercial development is encouraged here. Investigation of the availability of public funding to improve infrastructure and mobility is recommended.*

The C-2 zone should help foster further improvement of the intersection as it develops as the core of a Neighborhood Center.

### **Applicable Goals and Policies (Context)**

#### **Goal 4: Activity Centers**

- **Promote the development of viable commercial, employment, and activity centers to serve the community.**
- **Objective 4.1:** *Develop a healthy and vibrant, pedestrian oriented "town center" for the Millcreek Township that will offer residents a variety of services and employment opportunities.*
- **Objective 4.3:** *Develop neighborhood level retail, commercial activity and professional services for quick and easy access by residents.*
- **Objective 4.5:** *Identify and pursue strategically-targeted business clusters that can provide job opportunities and broaden the economic base of Millcreek Township.*
- **Objective 4.6:** *Improve the quality of streetscape along key corridors in Millcreek's neighborhoods, especially along major arterial streets.*

The proposed zone change is consistent with the MTGP Goals and Policies, including the specific objectives noted above.

### **Millcreek Today (Context)**

#### **1.3 Land Use & Mobility**

##### Land Use

- *Balanced development and preservation of quality of life must be attained when addressing land use designations. Millcreek Township wishes to protect low-density residential neighborhoods from incompatible uses and maintain a traditional neighborhood scale and appearance as the predominant*

*housing style. The intent is to foster and promote activity centers, housing diversity, social interaction, and community activities by utilizing appropriate planning practices and urban design elements.*

*Future growth and development in the Millcreek Township is guided by the goals and objectives identified at the beginning of this Context chapter. The overall intent of this section is to promote land use patterns that maintain safe residential neighborhoods, bolster economic prosperity, preserve open space and enhance quality of life.*

The proposed zone change is consistent with these provisions of the MTGP.

### Redevelopment

- *As Millcreek Township continues to evolve, implementation of new ideas and the need for revitalization must not be overlooked. Consequently, future land use decisions should maximize limited development opportunities and allow for suitable adaptive reuse projects appropriate for higher traffic volume roadways.*

The proposed rezone will help to create a critical mass of commercial zoning at this corner that should help improve the likelihood that the existing convenience store will be renovated and reused. The applicant has indicated that while they do not currently control the property they are very interested in promoting the reuse of the convenience store. This may occur by the current applicant or it may occur under someone else's ownership. Nevertheless, improving the properties to the south of the convenience store should help promote its redevelopment.

### Commercial Expansion

- *Key gateways along with the accessibility provided by freeways and arterial roads attract opportunities for large-scale, nonresidential development. All future development of this type will necessitate infrastructure capacity and services, and improvements along with allowing appropriate transitional land uses to facilitate economic growth, while minimizing traffic and other impacts to the adjacent residential areas.*

The location of the site is at a gateway into the Millcreek Township from adjacent South Salt Lake City. Its location on a major corridor will help to prevent traffic from the development from becoming an issue in the surrounding residential areas.

## **Applicable Best Practices**

### **Corridors**

- *Use corridors as transitional areas with a high potential for growth and increases in intensity of use. ...Land uses at important nodes, usually where two major corridors intersect, will intensify and absorb significant growth in the community. Focusing growth in centers along corridors can create walkable neighborhood or town centers, thereby also reducing traffic demand along the corridor itself.*
- *Promote efficient and sustainable development patterns by encouraging infill and redevelopment of corridor-adjacent properties.*
- *Protect existing single-family residential areas of corridors from encroachment by focusing growth in activity nodes.*
- *Encourage the mixing of uses along a corridor, including jobs and housing in close proximity to one another.*

### **Land Use and Mobility**

- *A limited amount of local-serving commercial activity should be located in neighborhood centers around their core. Ideal neighborhood center retail uses include, but are not limited to, small grocery stores, cafes, restaurants, and personal services. Ideal locations for retail uses include corners and the edges of parks and other community spaces*
- *Improved integration of land use and transportation planning can reduce the need for highway expansion*

and can help maintain the quality of communities. Four cost-effective strategies integrating land use with transportation are: Nodal development/Nodal zoning, livable walkable communities, access management, and transit-oriented developments. Individually or together, these strategies can significantly improve the quality of a community.

- *Nodal development/Nodal zoning concentrates development (e.g., creates a village) to encourage walking and bicycle use, and to establish a neighborhood community. Land use mixes promote shorter trips and higher walking and biking mode shares.*

The proposed zone change will improve the opportunity for the above Best Practices to be implemented in this area and on the subject property.

## **2.2 Existing Zoning and Land Use**

**Subject Property** - The subject properties include two existing homes that front onto Scott Court. These homes would be slated for removal for future development proposed by the applicant's client.

**To the North** is the existing convenience store that is zoned C-2 and is currently vacant.

**To the South** is an existing dwelling that is zoned RM and currently houses a Professional Office.

**To the West** across the street is commercial zoning in South Salt Lake City. There is an existing Convenient store, copy center, and office.

**To the Northeast** are existing dwellings that are zoned C-2 commercial and currently used as such.

**To the Southeast** are four existing dwellings zoned R-2-6.5. Further to the east of these homes is additional C-2 zoning with an existing office building.

## **2.4 Other Issues**

Access to the property will likely be limited to a shared access off of 700 East. As part of a site plan and land use application review and approval for a project, access to Scott Court will be addressed with a Land Use/Site Plan application if the zone change is approved.

## **3.0 STAFF RECOMMENDATION**

### **3.1 Staff recommends APPROVAL of the proposed Zone Change.**

### **3.2 Reasons for Recommendation**

- 1 ) The Zoning is consistent with the Millcreek Township General Plan as noted in the report.
- 2 ) The change in zoning should help improve the likelihood that the subject property and the adjacent vacant C-store will be improved.



August 31, 2011

To Whom It May Concern:

Wright Development Group ("Applicant") respectfully requests that the Salt Lake County Council approve Applicant's request to rezone 0.61 acres of land, located at approximately 3326 S. 700 E. (SEC of 3300 S. and 700 E.), from its existing R-2-6.5 zone to a C-2 Zone. Specifically, this request is made for the following reasons:

**1. The Rezone Will Facilitate the Rehabilitation of a Blighted Corner.**

The majority of the property that is the subject of this rezone request is undeveloped and blighted and has been so for many, many years. Because the NE, NW and SW corners of this intersection all contain larger areas of commercial development than the SEC, it is clear that the reason that this property has not developed is because the current zoning of this property has precluded it from being included in the gradual redevelopment of the corners at this intersection.

Therefore, a rezone of the property from a residential to a commercial zone, will allow the property to be developed in a manner that is consistent with its surroundings and to provide the community with a clean, well-developed corner instead of a vacant lot.

**2. The Rezone Will Allow the Property to be Utilized at Its Highest and Best Use.**

The rezone of the property will ensure that the property will be utilized at its highest and best use, thereby maximizing the property's value and in turn producing the maximum amount of property and sales taxes possible from the property. As a result, the rezone will have a positive economic affect to the township and other local governments.

**3. The Rezone is Consistent with the Objective of the Millcreek Township General Plan.**

The objective of the Millcreek Township General Plan at this intersection is to "create high quality development at this location, to provide services to the community and improve aesthetics at this key location within the Township." (emphasis added). Additionally, the General Plan specifically states that this intersection is "currently under utilized" and calls for "an increase in land use intensity and aesthetic improvements to help creating a more attractive community and better serve the Township."



The rezone of this Property will permit the objectives specified in the Millcreek Township General Plan to be achieved by (i) permitting a higher land use intensity, (ii) creating a more attractive community by cleaning up the vacant parcel and replacing it with "high-quality development" and (iii) providing additional services to the community.

**4. UDOT Policies and the Proximity to a Busy Intersection Are Not Conducive to an Effective Residential Development on this Property**

UDOT regulations specify that new access points/curb cuts on 700 East must be separated by a minimum of 350 feet. The convenience store on the corner of this intersection already has at least one access point on 700 East. Therefore, any proposed residential development of the two parcels that only have frontage of 700 East would be asked by UDOT to share the curb cut located on the convenience store site, thereby requiring residents to move through a gas station for ingress and egress to their homes. Moreover, the proximity of the property to this busy intersection, as well as the speed and amount of traffic that travels along 700 East would provide a difficult and potentially hazardous means of ingress and egress to any potential homeowners.

Thank you for your time and your consideration. Please don't hesitate to contact me should you have any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Spencer H. Wright', written in a cursive style.

Spencer H. Wright



August 25, 2011

To Whom It May Concern;

The following is presented by Gaddis Investment Inc., on behalf of its clients and associates, Scott Properties L.L.C. and Wright Development Group.

Recently, the subject property owned by Scott Properties as Seller entered into a Real Estate Purchase Contract with Wright Development Group as the Buyer of the said property. As a result of this agreement both parties endorse and agree on presenting the property for your consideration to rezone all the parcels which are part of the purchase to achieve conformity and allow development of the parcels to go forward. Approximately half the site is currently zoned for commercial use, thus we are requesting the appropriate parties and government entities approve rezoning of the remaining parcels from R-1 (residential to C-2 commercial).

The benefits to the Millcreek Township and Salt Lake County are as follows:

- A) Millcreek Township General Plan. 25. Redevelopment Plan: 3300 South and 700 East. Objective: "Create high quality development at this location to provide services to the community and improve aesthetics at this key location within the Township."

The proposed development addresses the above objective of the Millcreek Township General Plan by providing a total rehabilitation of the existing improvements as well as newly constructed improvements with a variety of tenants to provide additional services to the community. The new construction will be attractive state of the art buildings with ample parking and the appropriate ingress and egress.

We wish to thank you in advance for your input and cooperation:

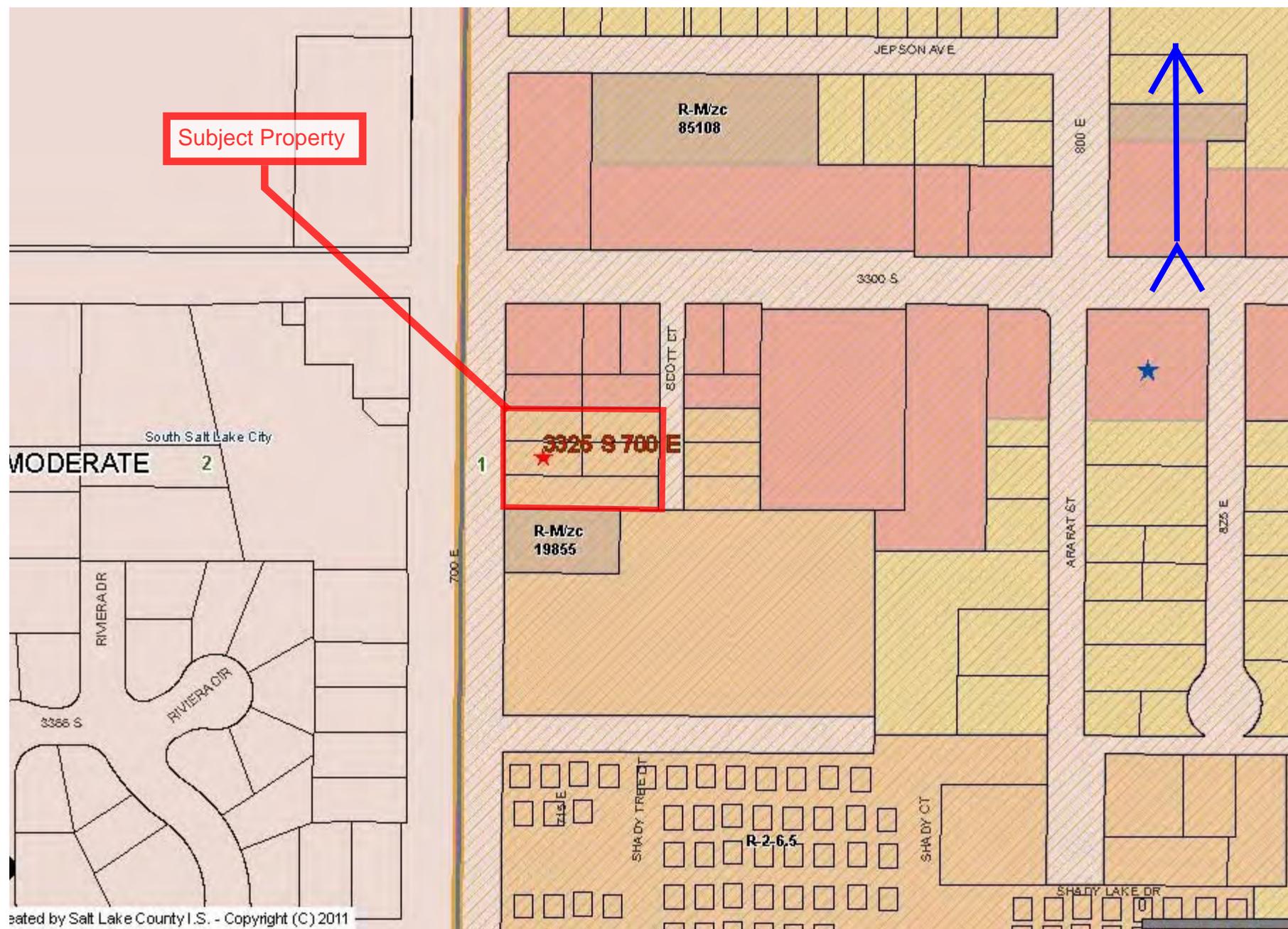
Sincerely,

A handwritten signature in black ink, appearing to read 'Milton Jouflas', is written over the typed name.

Milton Jouflas

Agent for Scott Properties L.L.C.







Layer Options ESRI Streets ESRI Aerial ESRI Topo SLCO Roads

Subject Property



Latitude:40.701424 Longitude:-111.873215



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Average Scale: 1 inch = 38.3 feet

Distance between tick marks: 36.486310 feet



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Average Scale: 1 inch = 109.5 feet

Distance between tick marks: 95.623519 feet



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Average Scale: 1 inch = 92.8 feet

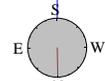
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Average Scale: 1 inch = 112.8 feet

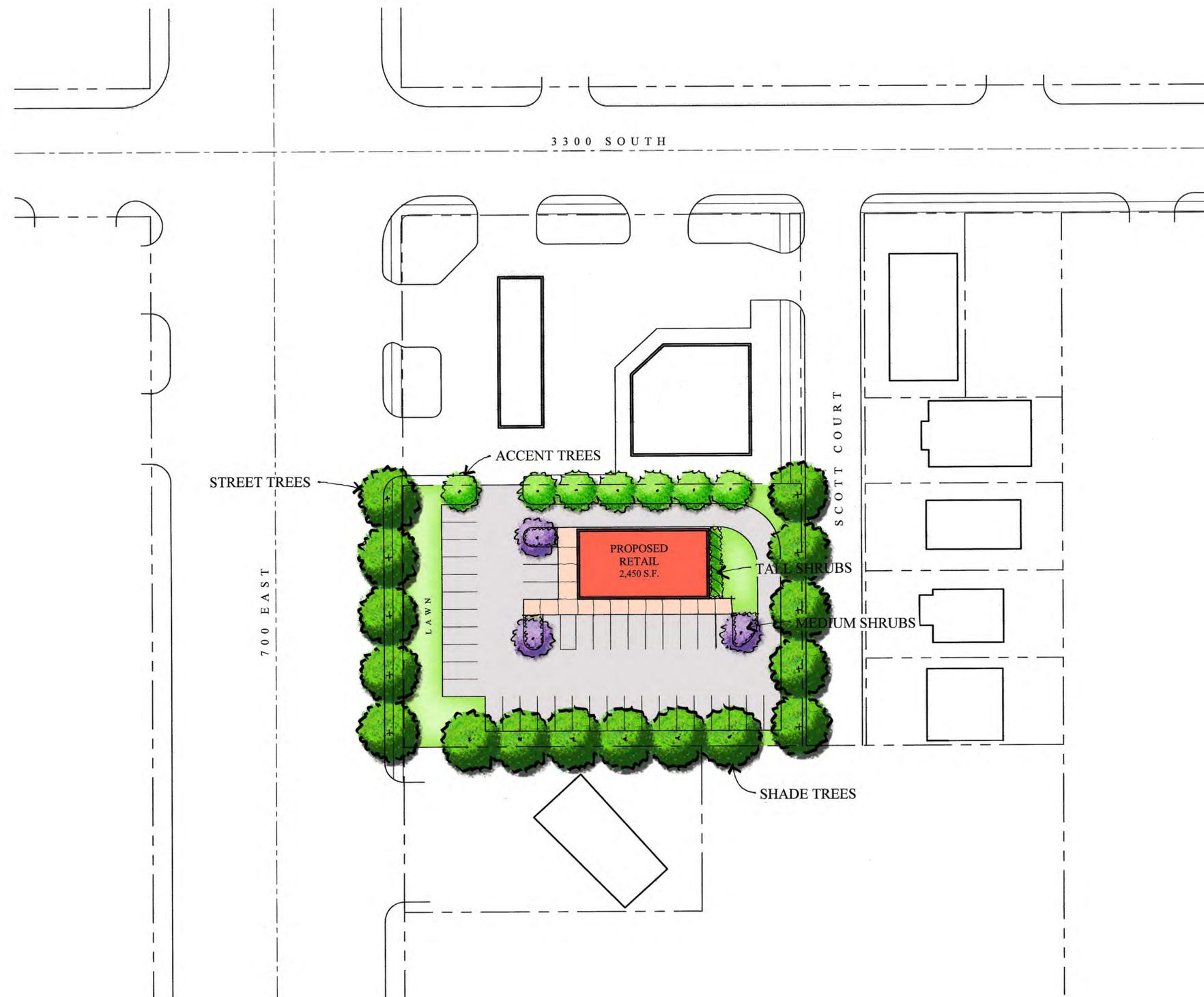
Distance between tick marks: 105.877234 feet



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Average Scale: 1 inch = 108.9 feet

Distance between tick marks: 102.907498 feet



8 SEPTEMBER 2011

*Conceptual Landscape Plan*  
**3300 SOUTH**  
 COMMERCIAL DEVELOPMENT  
 SALT LAKE CITY, UTAH

WRIGHT DEVELOPMENT GROUP  
 1572 NORTH WOODLAND PARK DRIVE, SUITE 505  
 LAYTON, UTAH 84041



R. MICHAEL KELLY  
 CONSULTANTS

LAND PLANNING • LANDSCAPE ARCHITECTURE  
 P.O. Box 469, Millville, UT 84326 435.753.2955



**STAFF REPORT**

Executive Summary									
<b>Hearing Body:</b>	Millcreek Planning Commission								
<b>Meeting Date and Time:</b>	Wednesday, October 12, 2011	04:00 PM	<b>File No:</b>	2	5	9	3	3	
<b>Applicant Name:</b>	Greg Loscher	<b>Request:</b>	Conditional Use						
<b>Description:</b>	Amended Site Plan for Public Use Water Tank Reservoir Replacement								
<b>Location:</b>	3400 E. 3300 S.								
<b>Zone:</b>	R-1-8 Residential Single-Family	<b>Any Zoning Conditions?</b>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>			
<b>Community Council Rec:</b>	Approval with Conditions								
<b>Staff Recommendation:</b>	Approval with Conditions								
<b>Planner:</b>	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 - \*\*Please review this section, it includes pertinent updated information regarding the proposal.\*\***

**September 14, 2011** - Millcreek Township Planning Commission held a hearing regarding the proposed Conditional Use/Amended Site Plan. After a staff presentation, applicant presentation, and a large number of citizens spoke regarding the proposal, the Commission closed the public hearing and began deliberations. During the deliberations they asked several questions of staff and the applicant. The Commission then voted to continue the item to the October 12, 2011 meeting. The asked the applicant to provide additional information regarding resident and commission members concerns.

The applicant will present their response information to the Commission at the October 12, 2011 meeting. Nevertheless, attached to this report are several documents provided by the applicant in answer to many of the questions that were raised by the Commission and Citizenry. The first documents is a letter sent to the residents prior to a meeting with the residents at the site held on Thursday, October 6, 2011 at 6:00 p. m. Next there is a series of documents which are the pertinent specification references from the contract documents between Metropolitan Water and their construction contractor.; including Temporary Environmental Controls, Site Conditions Surveys, and Permits.

Please also find attached all correspondence received from residents in the area. Included in this series of correspondence is an e-mail from Ms. Peggy McCandless requesting the Commission re-open the public hearing in order to allow those residents that were not in attendance at the original September 14th Hearing to provide additional comments. Ms. McCandless indicates that several residents to the north of the Salt Lake City Water Tank site did not receive notice of any meeting with the applicant or the September 14th Public Hearing with the Millcreek Township Planning Commission. In addition, they claim that information provided to them from Metropolitan Water several weeks ago lead them to believe that the new tank on Salt Lake City's property would be buried under the existing grade of the ground, not constructed to 30 feet and then covered. It is the Commission's prerogative as to whether or not they wish to re-open the public hearing.

Please note, that this item is again on the Millcreek Township Planning Commission's 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. The proposal also includes a generalized phasing plan for construction that will take place over a 6-7 year period.

### **1.3 Neighborhood Response - \*\*Updated Information included in this section\*\***

Please refer to the attached correspondence from the public noted in section 1.2 of this report and attached hereto.

Staff was in attendance at the meeting held with the public on Thursday, October 6, 2011 at the site. There were approximately 15 to 20 residents in attendance. Metropolitan Water staff and consultants discussed the proposal with the residents present and answered questions. County Planning Staff and Salt Lake City Public Utilities Staff also answered questions from the public and from County Council members present. The main issues that were raised are as follows:

- 1) Concerns regarding damage to homes during construction especially during excavation and compaction work on the site;
- 2) The height of the tank on Salt Lake City property blocking adjacent residents' views of the Wasatch Mountains from their property and what the visual impact would be of looking at the slope;
- 3) Concerns pertaining to landscaping, removal of existing landscaping on property lines and what will proposed landscaping look like.
- 4) The proposal to move existing fencing that located well inside the subject property (particularly chain-link and barbed wire fencing) to the property line. Several residents along the north side ;
- 5) Dust/Wind-blown dust issues - concern was raised that a water truck on site would not be sufficient to keep the dust down due to the site's very windy location near the Parley's and Millcreek Canyons.
- 6) Traffic concerns regarding vehicles entering and exiting the site and cause traffic delays or being forced to go through residential neighborhoods.

## 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.

## 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.



# *Metropolitan Water District of Salt Lake & Sandy*

3430 East Danish Road, Cottonwood Heights, UT 84093  
Phone: 801-942-1391 Fax: 801-942-3674  
www.mwdsls.org



## **TERMINAL RESERVOIR REPLACEMENT PROJECT GENERAL INFORMATION DATE: OCTOBER 6, 2011**

### **What is the Terminal Reservoir?**

The Terminal Reservoir is a 40 million gallon storage reservoir that provides drinking water and fire protection storage for Salt Lake City and unincorporated Salt Lake County.

### **Who owns the Terminal Reservoir?**

The Terminal Reservoir is owned and operated by the Metropolitan Water District of Salt Lake & Sandy.

### **Why is the Terminal Reservoir being replaced?**

The existing reservoir was constructed in 1950 and consists of two 20 million gallon cells. The reservoir design does not meet current building codes, particularly seismic design criteria, and the condition of the reservoir shows that it is approaching its design life.

### **When did design of the Terminal Reservoir Replacement Project begin?**

The District began studies to assess the condition of the reservoir and plan for replacement in the 1990s. Preliminary Design of the Replacement Project was completed in June of 2009. Final design began in December 2009 and was completed in August 2011.

### **Has a General Contractor been selected for construction of the project?**

The District identified a pool of qualified contractors, specializing in concrete drinking water storage tank construction, to bid on the project. Bids were received from qualified contractors on September 14, 2011, and the construction contract has been awarded to Alder Construction.

### **What is the schedule for construction and why will it take so long?**

The project will be constructed in five phases to maintain critical drinking water and fire protection storage and supply during the construction period. These phases are:

- Phase 1: Yard Piping (2012 – 2013)
- Phase 2: Chemical and Control Building (2013)
- Phase 3: Sam Park West Reservoir (2014 – 2015)
- Phase 4: Terminal Reservoir North (2015 – 2017)
- Phase 5: Terminal Reservoir South (2018)

Alder Construction is confident that they can streamline construction of the initial phases to shorten the overall duration of the project.

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## **TERMINAL RESERVOIR REPLACEMENT PROJECT CONSTRUCTION IMPACTS, CONCERNS AND MITIGATION DATE: OCTOBER 6, 2011**

The District recognizes that this a large construction project with a long duration that will have significant impact on the surrounding residents. When the existing reservoir was constructed, there was little or no surrounding development. Today there are a number of homes that border on the reservoir site. The District is committed to mitigating the impacts of construction and to being a good neighbor. Once the project is finished, we hope the neighbors will enjoy another 60 or more years of quiet backyards. The project is critical in nature, and the District does not have the option of allowing the existing facility to deteriorate further.

The following is a list of impacts during construction and the measures that the District and the contractor will take to mitigate these impacts:

**Site Access:** The contract restricts construction access to the existing site entrance at 3300 South. We are working with UDOT to improve the access to provide a permanent turnout/deceleration lane for construction and maintenance access. No construction access will be permitted via the north end of the site (i.e. 3020 South).

**Pre- and Post Construction Photographs and Survey:** The contract requires the General Contractor to conduct thorough pre- and post construction photographic, video, and topographic surveys of the site and adjacent areas.

**Working Hours:** Construction work is limited to the hours of 7:00 am to 6:00 pm Monday through Friday.

**Traffic Control:** The General Contractor will submit a traffic control plan to UDOT for review and approval. Traffic control will be subject to the requirements of that permit. Primary traffic impacts will be construction vehicles entering and leaving the site on 3300 South.

**Noise:** Construction activities are subject to the requirements of Salt Lake Valley Health Department Regulation No. 21 for Noise Control, and the General Contractor will comply with these requirements. The contract prohibits the use of explosives or blasting for excavation and demolition at the site.

**Air Quality and Dust Control:** The Salt Lake Valley Health Department regulates fugitive dust under Section R307-309 of Utah Air Conservation Rules. The General Contractor is required to obtain an Air Pollution and Dust Control Permit from the Health Department and will be subject to the requirements of that permit.

**Erosion Control:** The General Contractor is required to obtain a General Storm Water Permit for Construction Activities from the Utah Department of Environmental Quality. This permit requires the contractor to prepare a Storm Water Pollution Prevention Plan. The contractor will be subject to the requirements of the permit and approved SWPPP.

**Contact List:** Included with this handout is a list of primary contacts for the General Contractor, the District, and the Engineer. If you have concerns or questions during construction, please contact the individuals listed via telephone or email and we will work to resolve issues as quickly as possible.

# Metropolitan Water District of Salt Lake & Sandy

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## TERMINAL RESERVOIR REPLACEMENT PROJECT

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**TO:** NEIGHBORS OF TERMINAL RESERVOIR  
**FROM:** METROPOLITAN WATER DISTRICT OF SALT LAKE & SANDY (MWDSLS)  
**SUBJECT:** KEY CONTACT INFORMATION  
**DATE:** 10/6/2011

A list of contacts for the Terminal Reservoir Replacement Project is provided below. We ask that any construction-related questions or concerns be directed in the order shown below.

Priority	Name	Title	Company	Phone	Mobile	Email
1	Stan Miller	Project Manager	Alder Construction		(801) 301-9654	<a href="mailto:Smiller@alderconstruction.com">Smiller@alderconstruction.com</a>
2	Wayne Winsor	Engineering Manager	MWDSLS	(801) 942-9631	(801) 718-8981	<a href="mailto:winsor@mwdsls.org">winsor@mwdsls.org</a>
3	Gardner Olson	Project Engineer	MWDSLS	(801) 942-9667	(801) 718-4272	<a href="mailto:olson@mwdsls.org">olson@mwdsls.org</a>
4	Greg Loscher	Project Manager	Bowen, Collins, & Associates	(801) 495-2224	(801) 557-6480	<a href="mailto:Gloscher@bowencollins.com">Gloscher@bowencollins.com</a>
5	Robert Sperling	Project Engineer	Salt Lake City Public Utilities	(801) 483-6888		<a href="mailto:robert.sperling@slcgov.com">robert.sperling@slcgov.com</a>

Information regarding the project scope and scheduling can be found at the District's website [www.mwdsls.org](http://www.mwdsls.org) and by clicking on the **Terminal Reservoir Replacement Project** quick link.



**SECTION 01560  
TEMPORARY ENVIRONMENTAL CONTROLS**

**PART 1 – GENERAL**

1.1 EXPLOSIVES AND BLASTING

- A. The use of explosives on the Work will not be permitted.

1.2 DUST ABATEMENT

- A. The Contractor shall furnish all labor, equipment, and methods required to prevent, control, and mitigate fugitive dust from the Contractor's activities. In complying with this requirement, the Contractor shall conform to all local requirements in all circumstances. The Contractor shall be responsible for damage resulting from dust generated by its activities. Dust abatement measures shall be continued until the Engineer relieves the Contractor of further responsibility.
- B. Water active construction sites and unpaved roads at least twice daily, or more frequently as needed to control dust.
- C. If the Contractor cannot maintain effective dust control under windy conditions, the Contractor shall temporarily suspend all excavating and grading operations.
- D. Cover or maintain at least 2 feet of freeboard (minimum vertical distance between the top of the load and the top of the trailer) on all trucks hauling dirt, sand, soil, or other loose materials outside of the construction site.
- E. When there is visible track out from an unpaved road onto a paved public road, install wheel washers where the vehicles enter onto paved roads, and wash the undercarriage of trucks and any equipment leaving the site on each trip, or sweep the paved street at the end of each shift with a Mobil Athey or similar water spray pick up broom type street sweeper. The Engineer shall notify the Contractor as to which measure to use to remove visible track out.
- F. If watering of unpaved roads is not sufficient to control dust, reduce vehicle speeds to 15 mph or less on unpaved roads.
- G. To the extent feasible, the Contractor shall follow the U.S. Environmental Protection Agency's recommended control methods for aggregate storage pile emissions to minimize dust generation including periodic watering of equipment staging areas, dirt, and gravel roads, and wind speed reduction.
- H. At completion of construction activities on Work areas:
1. Unpaved Roads: Apply liquid dust palliative as appropriate for traffic areas as approved by the Engineer.
  2. All other Non-Paved Work Areas: Apply a liquid dust palliative (soil stabilizer type) derived from natural organic plant sources and containing no growth – or germination – inhibiting materials as approved by the Construction Manager. Application shall be effective for dust suppression according to the Salt Lake County

Health District Air Pollution Control Division dust regulations. Do not allow movement of vehicles or storage of materials on treated areas.

### 1.3 RUBBISH CONTROL

- A. Contractor shall prepare a trash abatement program and submit to Engineer for review. The program shall include placing all litter, trash, garbage, construction debris, and refuse in scavenger-proof, resealable containers. Trash includes, but is not limited to, cigarettes, cigars, gum wrappers, tissue, cans, paper, and bags. During the progress of the Work, the Contractor shall keep the Site of the Work and other areas used by it in a neat and clean condition, and free from any accumulation of rubbish. The Contractor shall dispose of all rubbish and waste materials of any nature occurring at the Work Site, and shall establish regular intervals of collection and disposal of such materials and waste. The Contractor shall keep haul roads free from dirt, rubbish, and unnecessary obstructions resulting from its operations. Disposal of all rubbish and surplus materials shall be off the Site in accordance with local codes and ordinances governing locations and methods of disposal, and in conformance with all applicable safety laws, and to the particular requirements of Part 1926 of the OSHA Safety and Health Standards for Construction.
- B. The Contractor shall clean up and properly dispose of any oil, fuel, and other equipment leaks at the time of occurrence. Service/maintenance vehicles shall carry a bucket and pads to absorb leaks and spills. Contractor shall notify Engineer of any spills or leaks at the time of occurrence.

### 1.4 SANITATION

- A. Toilet Facilities: Fixed or portable chemical toilets shall be provided by the Contractor wherever needed for the use of employees. Toilets at construction job sites shall conform to the requirements of Part 1926 of the OSHA Standards for Construction.
- B. Sanitary and Other Organic Wastes: The Contractor shall establish a regular collection of all sanitary and organic wastes. All wastes and refuse from sanitary facilities provided by the Contractor or organic material wastes from any other source related to the Contractor's operations shall be disposed of away from the Site in a manner satisfactory to the Engineer and in accordance with all laws and regulations pertaining thereto.

### 1.5 CHEMICALS

- A. All chemicals used during project construction or furnished for project operation, whether soil sterilant, pesticide, disinfectant, polymer, reactant or of other classification, shall show approval of either the U.S. Environmental Protection Agency or the U.S. Department of Agriculture. Use of all such chemicals and disposal of residues shall be in strict accordance with the printed instructions of the manufacturer.

### 1.6 CULTURAL RESOURCES

- A. The Contractor's attention is directed to the National Historic Preservation Act of 1966 (16 U.S.C. 470) and 36 CFR 800 and NRS 383.121 which provide for the preservation of potential historical architectural, archaeological, or cultural resources (hereinafter called "cultural resources").

- B. The Contractor shall conform to the applicable requirements of the National Historic Preservation Act of 1966 and NRS 383.121 as they relate to the preservation of cultural resources.
- C. In the event potential cultural resources are discovered during subsurface excavations at the Site of construction, the following procedures shall be instituted:
  - 1. The Engineer shall issue a Field Order directing the Contractor to cease all construction operations at the location of such potential cultural resources find. The area shall be marked by the Contractor in an appropriate manner to ensure that all construction equipment, activities, and personnel remain clear of the area until further notice.
  - 2. Such Field Order shall be effective until such time as a qualified archaeologist can be called to assess the value of these potential cultural resources and make recommendations to the State Historic Preservation Office.
- D. If the archaeologist determines that the potential find is a bona fide cultural resource, at the direction of the State Historic Preservation Office, the Contractor shall suspend work at the location of the find under the provisions for changes contained in Articles 10, 11, and 12 of the General Conditions.

#### 1.8 AIR QUALITY

- A. The Contractor shall maintain all vehicles and equipment in proper tune.
- B. The Contractor shall use Best Available Control Technology on construction equipment, including a timing retardation.
- C. The Contractor shall use natural-gas powered construction equipment where possible.
- D. The Contractor shall encourage employee car-pooling.

#### 1.9 NOISE

- A. The Contractor shall comply with the hours of Work as allowed by the local jurisdiction or land management agency.
- B. Noise limits on construction equipment will comply with the noise limits of the local jurisdiction or land management agency. All construction equipment shall be equipped with manufacturer's standard noise control devices (i.e., mufflers, acoustical lagging, and/or engineer enclosures). The Contractor shall take special care not to throttle the engine excessively and shall keep engine speed as low as possible. The Contractor shall not leave the equipment running or idling needlessly, especially when near noise-sensitive land uses. Noise-sensitive land uses include, but are not limited to, residences, schools, hospitals, libraries, retirement and elderly care centers, religious and worship facilities, courts of law, certain noise-sensitive professional offices, and quiet recreational areas such as campgrounds and hiking trails.
- C. The Contractor shall use newer equipment whenever possible. The Contractor shall inspect all construction equipment at periodic intervals to ensure proper maintenance and the presence of noise control devices (i.e., mufflers and shrouding, etc.)

- D. Heavy, noisier equipment shall not come closer than 100 feet to the property line of any noise-sensitive land use for any length of time, and shall avoid coming closer than 200 feet if multiple pieces of equipment are operating simultaneously. If such cases are unavoidable, the Contractor shall avoid throttling the engine excessively or leaving the equipment running needlessly. Heavy equipment will be operated in a manner to comply with the City's noise ordinance and vibration performance standard. In order to comply with these requirements, it may be necessary to operate heavy equipment only 30 minutes out of each one hour period at distances closer than 200 feet from an occupied property. During the remaining 30 minutes, the equipment should move further away or be shut down, but may resume 30 minutes later.
- E. The Contractor shall locate stationary noisy equipment away from construction boundaries that are near noise-sensitive uses.
- F. Concrete trucks shall perform initial mixing and other activities that require high-revving of the truck engine a minimum of 600 feet from noise-sensitive land uses. Engine revolutions per minute shall be kept as low as possible at closer distances.
- G. Electric hand tools shall be used instead of gas-powered, whenever possible.
- H. If dewatering pumps and generators are required to be operated between the hours of 6 p.m. and 7 a.m. within 600 feet of a noise-sensitive land use, they shall be treated with acoustical noise control measures (e.g., mufflers, shrouding, and/or enclosures) so as not to exceed 56 dba at 50 feet or other appropriate requirements of the local jurisdiction.
- I. If requested by the Engineer, the Contractor shall install temporary noise barriers for construction activities, including staging areas, that occur closer than 100 feet from noise-sensitive land uses. Noise barriers can be made of plywood, heavy vinyl curtain material, natural or temporary earth berms, or stockpiles of construction material.

#### 1.10 CONTROL OF SURFACE WATER

- A. All control of surface water shall conform with the requirements attached at the end of Section 01450 – Permits.
- B. Contractor shall be fully responsible for protecting the Work and Contractor's own temporary facilities from damage due to flooding, runoff, surface water flows, and related subsurface flows until final Project closeout. Protection shall be provided for all aspects of the Work whether temporary or permanent. Contractor shall provide all materials and equipment required to protect the Work. No additional payment will be made by Owner for providing protective measures or for any damage resulting from said flows. All damage from said flows shall be completely replaced in accordance with the Contract Documents at no additional cost to Owner.
- C. The possibility of accidental releases of materials into surface waters shall be managed according to spill prevention, containment and countermeasure requirements in this Contract Documents.
- D. All water used in hydrotesting shall be disposed in accordance with water quality regulations. Note that all chlorinated water from pipeline draining and testing, reservoir

draining and testing, and all other construction activities shall be dechlorinated prior to discharge to the Overflow/Wasteway or the local storm drain, both of which discharge to Parleys Creek. The Contractor will be responsible for any fines associated with water quality violations or fish kills in Parleys Creek as a result of construction dewatering, testing, or general construction activities.

#### 1.11 EROSION CONTROL

- A. The Contractor shall prepare and submit to the Engineer a drainage and erosion control plan for all soil stockpiles. The plan shall include, but not be limited to, measures such as silt fences, straw bales, rerouting of runoff, and sediment traps and basins downslope of the stockpiles.
- B. Erosion control and restoration procedures shall be implemented in all areas disturbed during construction, including temporary access roads and access roads that are upgraded to construction traffic standards.
- C. The Contractor shall restore disturbed surfaces to as close to pre-construction conditions as possible and avoid and minimize erosion.
- D. Temporary slope breakers shall be used to reduce runoff velocity and divert water and sediment from the construction right-of-way. They shall be constructed with materials including soil, silt fence, weed-free staked hay or straw bales, or sandbags.
- E. Permanent trench breakers shall be built to stop the flow of subsurface water along trenches. Topsoil shall not be used in trench breakers.
- F. Temporary erosion control measures shall be used at any site where seeding has been delayed.

#### **PART 2 – PRODUCTS (NOT USED)**

#### **PART 3 – EXECUTION (NOT USED)**

END OF SECTION



**SECTION 01335  
SITE CONDITIONS SURVEYS**

**PART 1 – GENERAL**

**1.1 REQUIREMENTS**

- A. Contractor shall conduct thorough preconstruction and postconstruction Site conditions surveys of the entire job. Site conditions surveys shall consist of photographs, video recordings, and topographic mapping. Sufficient photographs supplemented by video shall be provided by Contractor and submitted to Engineer to resolve any damage claims which may arise due to the construction of this Project. Topographic mapping shall be developed using the Project coordinates, shall be referenced to the Project base lines and bench marks, and shall be adequate to ascertain preconstruction and postconstruction conditions (including elevations) of all public and private property within and adjacent to the construction limits.
- B. Video or photograph surveys shall include, but not be limited to, all access roads used to transport material or equipment to and from the Project site and elevation of roadways, drives, walks, and buildings. Spot elevation surveys shall be used to document the elevation on abutting roadways, drives, and walks shall be taken at approximately 20-foot intervals and at the point of juncture with any structure to which they are attached or otherwise influenced by the Work. In addition, elevations shall be taken of all building slabs along the Project route. Topographic mapping shall be provided as specified herein.
- C. Video recordings required as part of this Section and by Section 02100 – Site Preparation and Restoration and Section 02200 - Earthwork may be combined into a single set of video recordings provided that the requirements for video specified in both Sections are met.
- D. Contractor, as a minimum, shall note pre- and post- construction conditions and perform videotape surveys of the following:
  - 1. Areas used to access the Site or haul materials and equipment to the site.
  - 2. The access road, both original and relocated locations and ultimately to the Work Site.
  - 3. All Work areas, including, but not limited to, access corridors, disposal areas, and staging areas.
  - 4. Any work completed by other contractors at the Site that will be impacted or otherwise affected by Contractor's Work.
- E. Supplement video surveys with photographs and spot elevation surveys as required to document the original condition and location of existing features and facilities.
- F. Video records shall be standard DVD format.
- G. Topographic mapping shall be conducted to document the post-construction topography of the Terminal Reservoir and Sam Park Reservoir Sites.

H. All post-construction survey data shall be provided to Engineer as follows:

1. Site mapping for each site hereinbefore identified for topographic mapping and surveys shall be submitted as a separate electronic map (drawing) in AutoCAD 2010, or later.
2. Each AutoCAD site map shall also be submitted in hard copy plot format (six copies).
3. Engineer will review hardcopy plots for accuracy relative to the specified requirements.
4. Contractor shall amend mapping files, as required, based on review of the hardcopy plots by Engineer.
5. The electronic mapping files shall be produced using field survey techniques with sufficient accuracy for reproduction and use as base maps at a scale of 1"=20' horizontal and 1-foot contour intervals as specified for National Map Accuracy Standards.
6. All electronic mapping files shall be three-dimensional.
7. Submit points lists for all topographic surveys in ASCII text file format.
8. All files shall be copied to one or more compact discs in a format acceptable by Engineer.
9. Submit three copies of the compact disc(s).

#### 1.2 CONTRACTOR SUBMITTALS

- A. All photographs and survey data of the preconstruction conditions shall be submitted to Engineer for record purposes prior to, but not more than three weeks before, commencement of any construction activities.
- B. All photographs, mapping, and survey data of the post-construction conditions shall be completed and submitted to Engineer prior to final Project inspection by Owner and Engineer.

#### **PART 2 – PRODUCTS (NOT USED)**

#### **PART 3 – EXECUTION (NOT USED)**

END OF SECTION

**SECTION 01450  
PERMITS**

**PART 1 – GENERAL**

1.1 THE REQUIREMENT

- A. The Contractor shall obtain permits required for the execution of work in accordance with the Contract Documents. Copies of these permits shall be provided to the Owner.
- B. The intent of this Section is to furnish Contractor with the known list of required permits for the Work under the Contract Documents. Contractor should note that the list is not necessarily complete and that additional permit requirements may exist or arise.
- C. The Contractor shall include in the Bid the cost of obtaining all necessary permits, including application fees and other costs, and the costs of complying with the conditions of all permits. Any fees listed in this section are estimates and for Contractor information only. The Contractor shall verify and pay all actual fees.
- D. Completeness of the list is not guaranteed by the Owner. The absence of information does not relieve the Contractor of responsibility for determining and verifying the extent of permits required and of obtaining permits.
- E. The Contractor shall submit within 30 Days of the Limited Notice to Proceed a list of all permits and licenses the Contractor shall obtain indicating the agency required to grant the permit, the expected date of submittal for the permit, and required date for receipt of the permit.

1.2 SUMMARY OF PERMITS TO BE OBTAINED BY Contractor

- A. The following permits shall be obtained by Contractor. Copies of these permits shall be submitted to Engineer and be held on-site. Contractor shall comply with all conditions of the permits.
  - 1. Salt Lake Valley Health Department Bureau of Air Pollution Control Dust Control Permit. The dust permit application requires a description of proposed dust control measures. The permit will include a number of conditions, including agreement to suspend all or part of the permitted activities if satisfactory control of airborne particulates cannot be obtained, attendance at a dust control class, and possibly posting of a bond to assure performance of permit conditions. Contractor shall, under all circumstances, comply with all mitigation requirements for dust control and shall indemnify the Owner against any and all liability arising out of this responsibility and for any and all Salt Lake Valley Health Department Bureau of Air Pollution imposed fines which may be assessed to the project for violating the Dust Control Permit.
    - a. Agency and Contact Person:  
Agency: Bureau of Air Pollution Control  
Salt Lake Valley Health Department  
Contact Person: Joshua Greer - Environmental Health Specialist  
(801) 313-6724 (801) 313-6676 fax

2. Utah Occupational Safety and Health Administration:
  - a. Construction Permit: Covers worker safety and health for all project features.
3. Utah Department of Transportation, Region II:
  - a. Right-of-Way Encroachment Permit: This permit covers construction of the pipeline and site improvements within Utah Department of Transportation right-of-way at 3300 South.
    - 1) Agency and Contact Person:  
 Agency: Utah Department of Transportation (UDOT).  
 Contact Person: Mark Velasquez  
 Address: 2010 South 2760 West Salt Lake City, Utah 84101-4592  
 Telephone No. (801) 975-4809  
 E-mail: [mvelasquez@utah.gov](mailto:mvelasquez@utah.gov)
    - 2) A Traffic Control Plan will be required as part of this permit.
4. Utah Department of Environmental Quality, Division of Water Quality:
  - a. UPDES General Permit for Construction Dewatering/Hydrostatic Testing of Pipelines: Covers discharge waters associated with dewatering operations and hydrostatic testing of pipelines.
    - 1) Agency and Contact Person:  
 Agency: Utah Department of Environmental Quality, Division of Drinking Water  
 Contact Person: Harry Campbell  
 Telephone Number: (801) 538-6923  
 Email: [hcampbell@utah.gov](mailto:hcampbell@utah.gov)
  - b. Notification of Chlorinated Water Discharge: This notification provides 30 days notice prior to disinfection of pipeline and discharge of pipeline and discharge of chlorinated water. Note that all chlorinated water from pipeline draining and testing, reservoir draining and testing, and all other construction activities shall be dechlorinated prior to discharge to the Overflow/Wasteway or the local storm drain, both of which discharge to Parleys Creek. The Contractor will be responsible for any fines associated with water quality violations or fish kills in Parleys Creek as a result of construction dewatering and testing activities.
5. Utah Division of Environmental Protection, General Storm Water Permit for Construction Activities. As a condition of contract award, the Contractor shall sign a certification of agreement to comply with the terms and conditions of the permit. Permit not required if area of disturbance is less than one acre.
  - a. Agency and Contact Person:  
 Agency: Utah Department of Environmental Quality, Division of Drinking Water  
 Contact Person: Tom Rushing  
 Address; 288 North 1460 West (Cannon Building) 3rd Floor, PO Box 144870, Salt Lake City, Utah 84114-4870  
 Telephone Number: (801) 538-6951  
 Email: [trushing@utah.gov](mailto:trushing@utah.gov)
  - b. Prepare a Stormwater Pollution Prevention Plan (SWPPP) as required by the permit. Comply with all terms to obtain and maintain this permit.
  - c. Provide all monitoring and water treatment, if necessary, to achieve compliance with applicable water quality standards. Provide the record keeping required by the permit.

6. Salt Lake County
  - a. Building and Excavation Permit: This permit is for construction in unincorporated Salt Lake County.
    - 1) Agency and Contact:  
 Agency: Salt Lake County  
 Contact: Planning and Development  
 Address: 2001 South State Street, #N3600  
 Telephone Number: (801) 468-2000  
 A Traffic Control Plan will be required with this permit.
7. Use Permit for Batch Plant, Rock Crusher, or Screening.
  - a. If the Contractor desires to operate machinery for asphalt or concrete batching, crushing, or screening as part of their materials processing operations, the Contractor will be solely responsible for identifying and obtaining any required permits.

### 1.3 SUMMARY OF PERMITS OBTAINED BY OWNER

- A. The following permits have been or will be obtained by Owner for this Project. The Contractor shall meet the conditions of said permits.
  1. Utah Department of Environmental Quality, Division of Drinking Water
    - a. Project Notification Form and Plan Review/Construction Approval
      - 1) Agency and Contact Person:  
 Agency: Utah Department of Environmental Quality, Division of Drinking Water  
 Contact Person: Nathan Lunstad  
 Telephone Number: (801) 536-0039  
 Email: [nlunstad@utah.gov](mailto:nlunstad@utah.gov)
  2. Salt Lake County Conditional Use Permit
    - a. Conditional Use Permit for construction in unincorporated Salt Lake County.
      - 1) Agency and Contact Person:  
 Agency: Salt Lake County  
 Contact: Planning and Development  
 Address: 2001 South State Street, #N3600  
 Telephone Number: (801) 468-2000
  3. Utah Department of Transportation, Region II:
    - a. Access Permit: Permit for modifications to access within Utah Department of Transportation right-of-way at 3300 South.
      - 1) Agency and Contact Person:  
 Agency: Utah Department of Transportation (UDOT).  
 Contact Person: Mark Velasquez  
 Address: 2010 South 2760 West Salt Lake City, Utah 84101-4592  
 Telephone No. (801) 975-4809  
 E-mail: [mvelasquez@utah.gov](mailto:mvelasquez@utah.gov)

### **PART 2 – PRODUCTS (NOT USED)**

### **PART 3 – EXECUTION (NOT USED)**

END OF SECTION



## Spencer G Sanders

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**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

Cell #: 732 718 6604

Office#: 801 5886362

Home: cathyjules@gmail.com

Office: catherine.miller@watson.com <mailto:catherine.miller@watson.com>

To:

Spencer Sanders, Planner

Planning & Development Services



## Spencer G Sanders

---

**From:** Jean Edens <jeanedens@yahoo.com>  
**Sent:** Wednesday, September 14, 2011 9:01 PM  
**To:** Spencer G Sanders  
**Cc:** Rita Lund; Jani Iwamoto  
**Subject:** Fw: Application # 25933, Terminal Reservoir Project  
**Attachments:** DSCN0767.JPG; DSCN0772.JPG

Hi there,

Thank you very much for allowing me to speak at the conditional use permit hearing today. I am worried that you did not receive the below email sent 9/8/11, so am attempting to send it to you again, this time with fewer attachments to see if that may have been the problem.

Would it be possible to please let me know if you receive it?

Thank you again, I am thinking it must be hard to listen to folk's concerns all the time, it meant a lot to me that you did.

Respectfully,

Jean Edens

----- Forwarded Message -----

**From:** Jean Edens <[jeanedens@yahoo.com](mailto:jeanedens@yahoo.com)>  
**To:** "[SSanders@slco.org](mailto:SSanders@slco.org)" <[SSanders@slco.org](mailto:SSanders@slco.org)>  
**Sent:** Monday, September 12, 2011 6:11 AM  
**Subject:** Fw: Application # 25933, Terminal Reservoir Project

Good morning,

I just wanted to check in with you to make sure you recieved the below email last Thursday?

Thank you very much,

Jean Edens

----- Forwarded Message -----

**From:** Jean Edens <[jeanedens@yahoo.com](mailto:jeanedens@yahoo.com)>  
**To:** "[SSanders@slco.org](mailto:SSanders@slco.org)" <[SSanders@slco.org](mailto:SSanders@slco.org)>  
**Cc:** "[ritalund@msn.com](mailto:ritalund@msn.com)" <[ritalund@msn.com](mailto:ritalund@msn.com)>; "[derrick@soldsorenson.com](mailto:derrick@soldsorenson.com)" <[derrick@soldsorenson.com](mailto:derrick@soldsorenson.com)>; "[jiwamoto@slco.org](mailto:jiwamoto@slco.org)" <[jiwamoto@slco.org](mailto:jiwamoto@slco.org)>  
**Sent:** Thursday, September 8, 2011 3:48 PM  
**Subject:** Application # 25933, Terminal Reservoir Project

Jean Edens  
3141 S. 3360 E.  
Salt Lake City, UT 84109

September 8, 2011

Salt Lake County Planning & Development Services Division

2001 S. State Street  
Suite N3600  
Salt Lake City, UT 84190-4050

Subject: Application #25933, Terminal Reservoir Project

To Whom It May Concern:

My name is Jean Edens, I reside in a home that borders this proposed 7 year construction project. Attached please find pictures of my home giving you an idea of the immense impact this will have on the normally quiet, private and serene area my neighbors and I have come to love deeply. The project will be located behind my backyard fence. Shown in the attached pictures is one of the grass covered 20 million gallon reservoirs that will be demolished and then replaced.

In your study of this conditional use permit please consider including the following requirements:

- Pre and post construction photographs of adjacent and/or affected residential properties
- Pre, post and throughout the duration of construction, environmental measurements of air, noise and soil qualities affecting the construction site and adjacent and/or affected residential properties, with the District taking financial responsibility for damages measured through the above studies over the project's life and prompt remediation of all damages as they occur throughout the life of the project
- Use of project roads, work hours, traffic and routing for the project's demolition and reconstruction to be patterned in a way to minimize the impact on adjacent and/or affected residential property including but not limited to construction during business hours only (including maintenance and warming up of equipment) and routing construction traffic through the east side of the property
- Require that the budget for said project notes a specific line item for construction bidding on all environmental measuring standards and remediation work for dust (planning for high winds in the area), noise and seismic activity control
- Remediation requirements for adjacent residential property owners to include but not limited to a buffer of heavy and early sustainable planting and landscaping and design work before the first phase of the project start date; burial of utility lines bordering said project in conjunction with the requirements of heavy and early sustainable planting and for prevention of power surges and/or outages due to seismic activity or other construction related issues
- All filings regarding the Terminal Reservoir Project by the Metropolitan Water District of Salt Lake and Sandy to be recognized as new construction and all appropriate conditions and permits to be fulfilled accordingly

If approved, this project will have a severe impact on the values of our homes over the next 7 years and to our right to quiet enjoyment and use of them. Please help us to minimize the damages we face with this project. Thank you for your consideration.

Respectfully,

Jean Edens

3141 S. 3360 E.  
Salt Lake City, UT 84109  
435-640-4109  
[jeanedens@yahoo.com](mailto:jeanedens@yahoo.com)



## 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

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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....

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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

Cell #: 732 718 6604

Office#: 801 5886362

Home: cathyjules@gmail.com

Office: catherine.miller@watson.com <mailto:catherine.miller@watson.com>

To:

Spencer Sanders, Planner

Planning & Development Services



## Spencer G Sanders

---

**From:** Peggy McCandless <Peggy.McCandless@utah.edu>  
**Sent:** Tuesday, October 04, 2011 10:08 AM  
**To:** Spencer G Sanders  
**Subject:** water tanks in Canyon Rim

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Spencer,

First of all, thank you very much for taking the time to share information with me yesterday about the water tank project in the Canyon Rim Community. I appreciate your time.

Secondly, many neighbors on my street are requesting time at next week's meeting on Oct. 12<sup>th</sup> at 4:00 to address neighborhood concerns with the commissioners.

I, along with my family, live on 3020 South which is the street just north adjacent to the Sam Park Water area. We currently share a fence with the Salt Lake City Corporation. Nine years ago, SLC Corporation built a security fence and, as citizens, we worked together to bump that fence 30 feet from our property lines to give us a "buffer zone" between our two properties.

It has recently (last week) been brought to our attention that, as part of the project, Salt Lake City Corporation plans on relocating the fence at our property line and using the area directly behind our home for construction. After looking at the construction plans on the county web site, it doesn't appear that the 30 foot buffer zone behind our property is needed for the construction, thus we are working to convince the city to retain the fence in its current location and could use your help in this crusade.

In the 20+ years that I have lived in Canyon Rim, my neighbors and my family have been good stewards and have taken care of the area directly behind our homes between our properties and the existing fence. We have built gardens, planted fruit trees, and have enjoyed the buffer zone from the commercial area.

Our second concern involves the level at which the new water tank will be built. We have received two letters; one from the Metropolitan Water District, the other from Salt Lake City Corporation. Both letters state that the new water tank will be buried. As neighbors, we figured buried meant underground. However, again after looking at the county web site, it looks as if the new water tank will be approximately 32 feet high with slopes going almost to property lines.

We believe we've been misled as to the details of the project and are asking for your support. Whereas we would attend county meetings which would impact our neighborhood, the citizens on our street were never informed about meetings where details of this enormous project were discussed. As you know, our properties are adjacent to the Salt Lake City Corporation site (north border). We know we live on a dead end street, but that's no reason to leave us out of the loop.

We have requests from you.

1. Apparently, Metropolitan Water District has organized a meeting for this Thursday, Oct. 6<sup>th</sup> at 6:00 at their small building on 33<sup>rd</sup> South above Smith's Market Place. You'll have to park at Smith's and walk up the hill along 33<sup>rd</sup> South. Consequently, our block has not been informed about this meeting we just found out by a phone call I happened to make. If at all possible, would you attend this meeting and represent the neighborhood?
2. Would you please ask the commissioners for permission to speak at the upcoming Oct. 12<sup>th</sup> meeting.

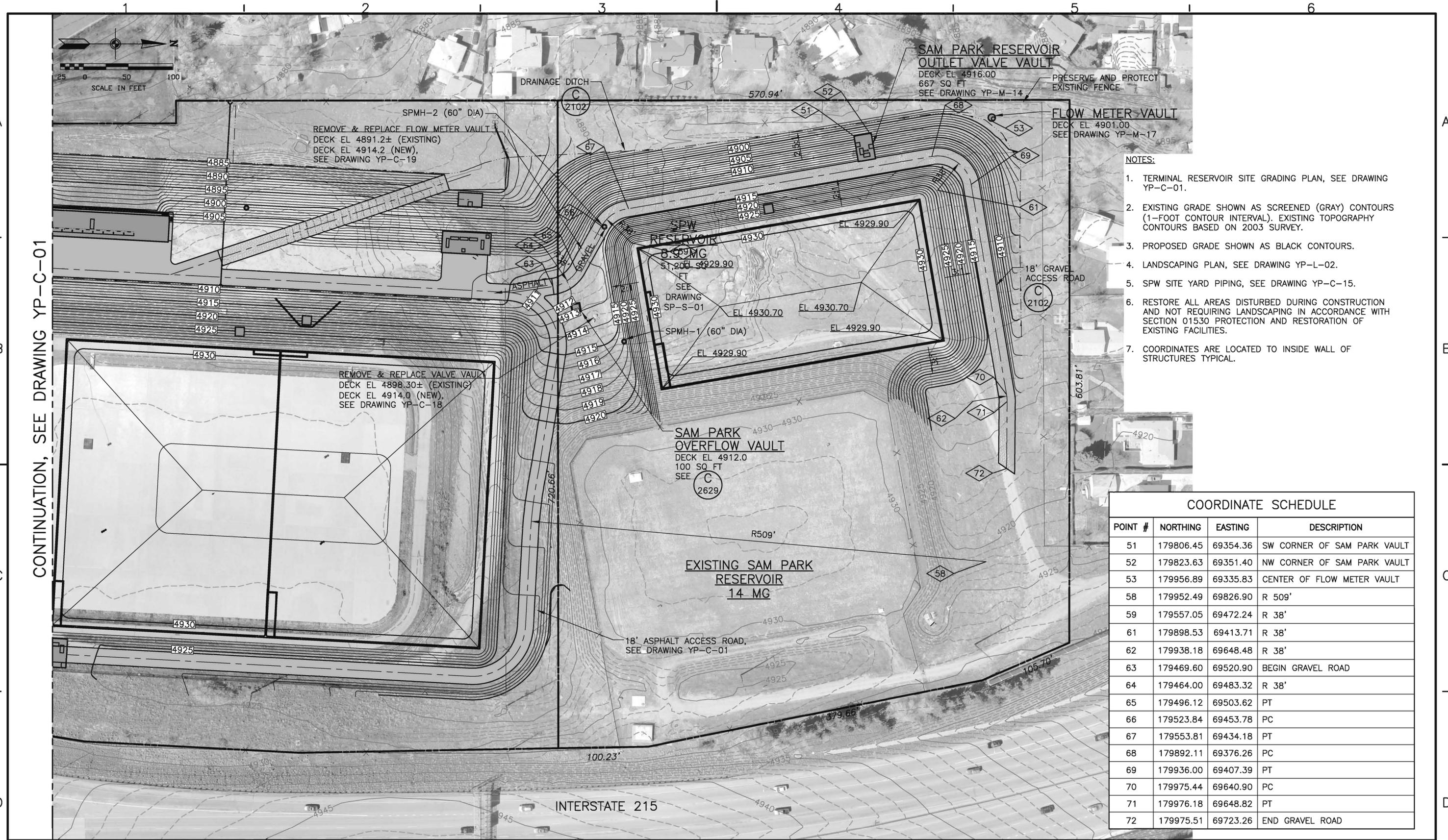
Thank you for your time and consideration. I look forward to your response.

Peggy McCandless



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

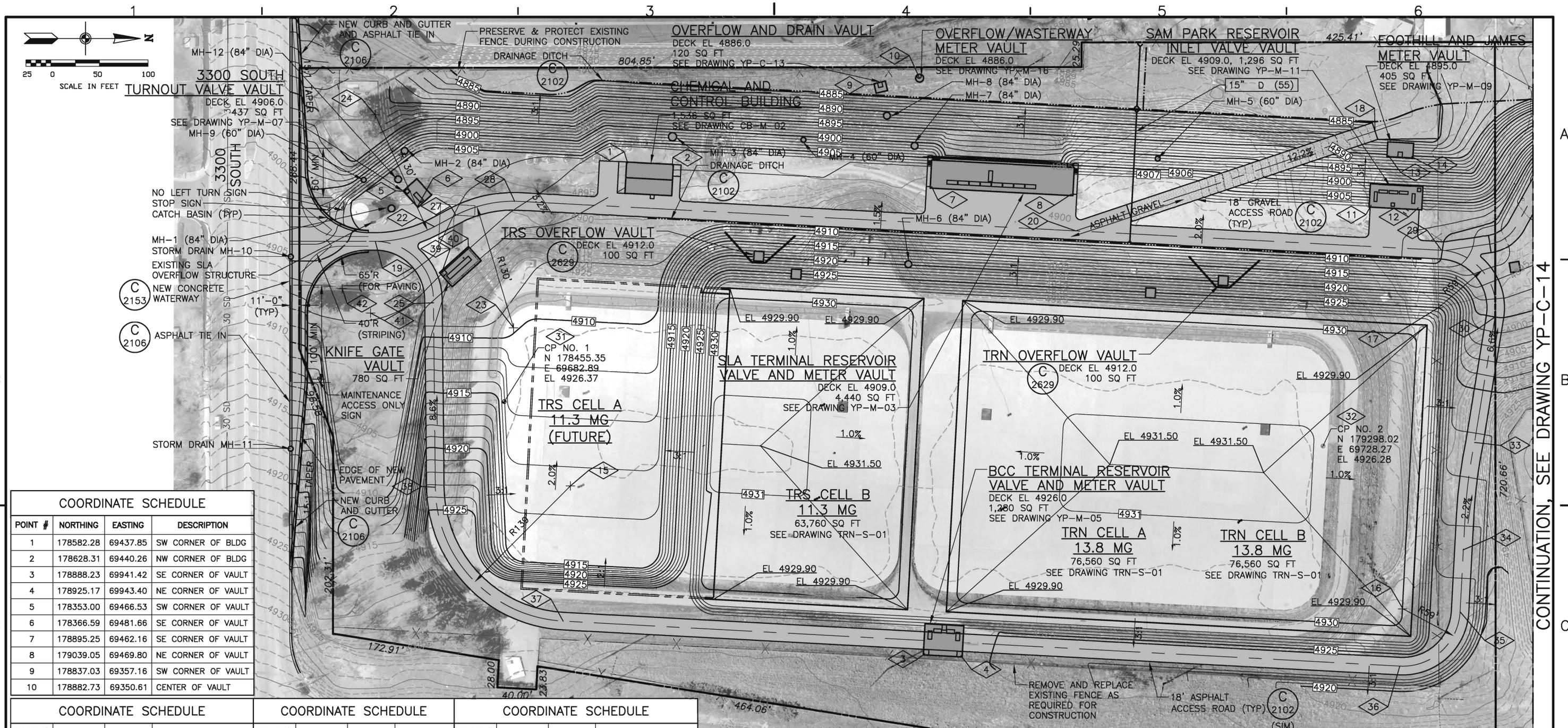




- NOTES:
1. TERMINAL RESERVOIR SITE GRADING PLAN, SEE DRAWING YP-C-01.
  2. EXISTING GRADE SHOWN AS SCREENED (GRAY) CONTOURS (1-FOOT CONTOUR INTERVAL). EXISTING TOPOGRAPHY CONTOURS BASED ON 2003 SURVEY.
  3. PROPOSED GRADE SHOWN AS BLACK CONTOURS.
  4. LANDSCAPING PLAN, SEE DRAWING YP-L-02.
  5. SPW 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 <b>METROPOLITAN WATER DISTRICT          OF SALT LAKE &amp; SANDY</b>				<b>BOWEN, COLLINS &amp; ASSOCIATES</b>			<b>90% REVIEW</b>	TERMINAL RESERVOIR REPLACEMENT PROJECT		SCALE: 1"=50'
DESIGN T. OLSEN DRAW S. RIGGS		CHECKED G. LOSCHER APPROV M. COLLINS		<b>VERIFY SCALE</b> IF BAR IS NOT ONE INCH ON ORIGINAL DRAWING, DRAWING IS NOT TO SCALE		<b>SAM PARK WEST RESERVOIR          GRADING PLAN</b>		DATE: JUNE 2011		
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

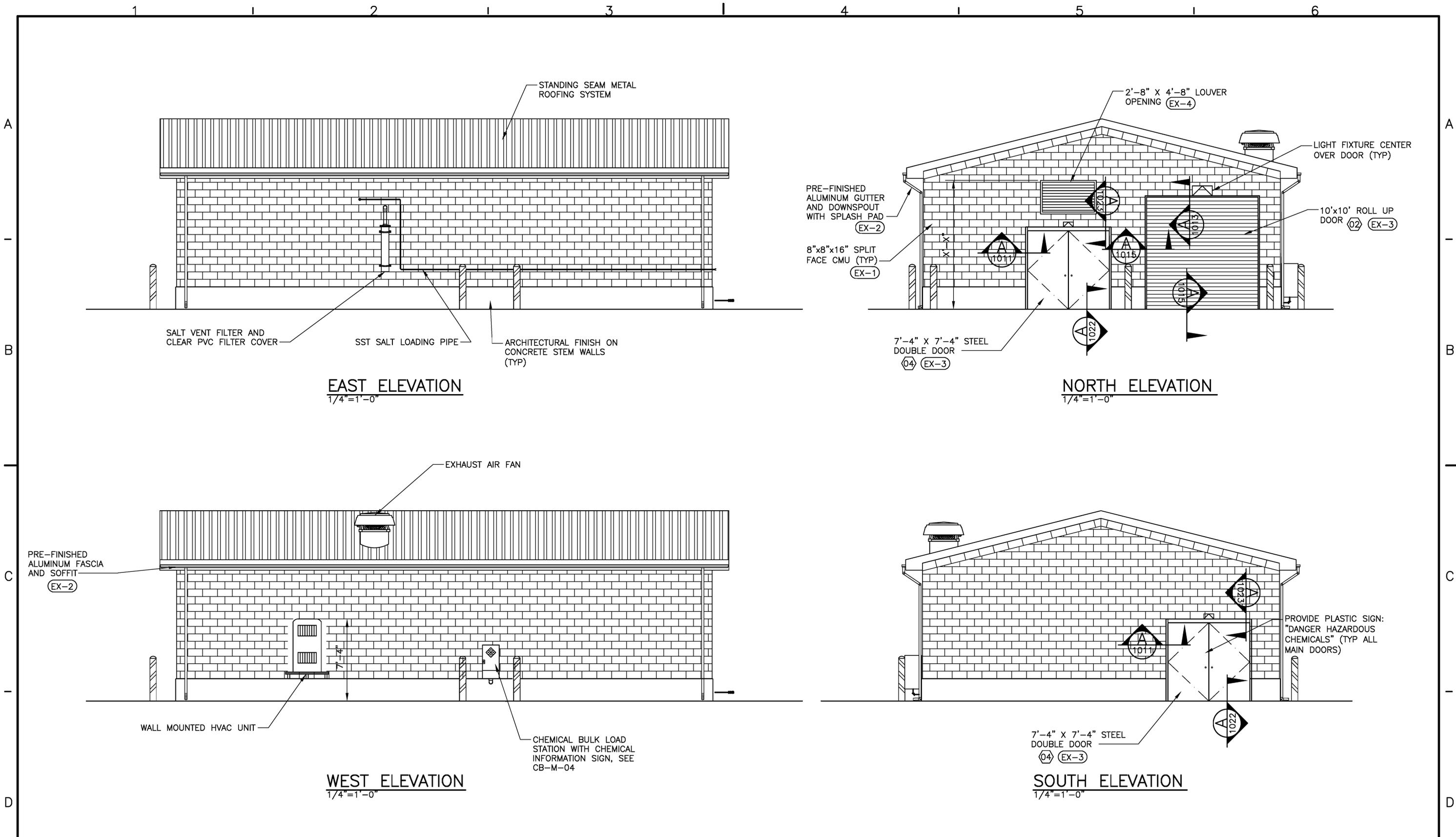
POINT #	NORTHING	EASTING	DESCRIPTION
22	178383.54	69503.11	PT
23	178464.95	69607.08	R 130'
24	178322.58	69388.30	R 130'
25	178382.61	69581.39	PC
27	178405.56	69491.44	PC
28	178466.03	69477.08	PT
29	179419.81	69527.43	PC
30	179474.91	69595.87	PT
31	178455.35	69682.89	CP NO. 1
32	179298.02	69728.27	CP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

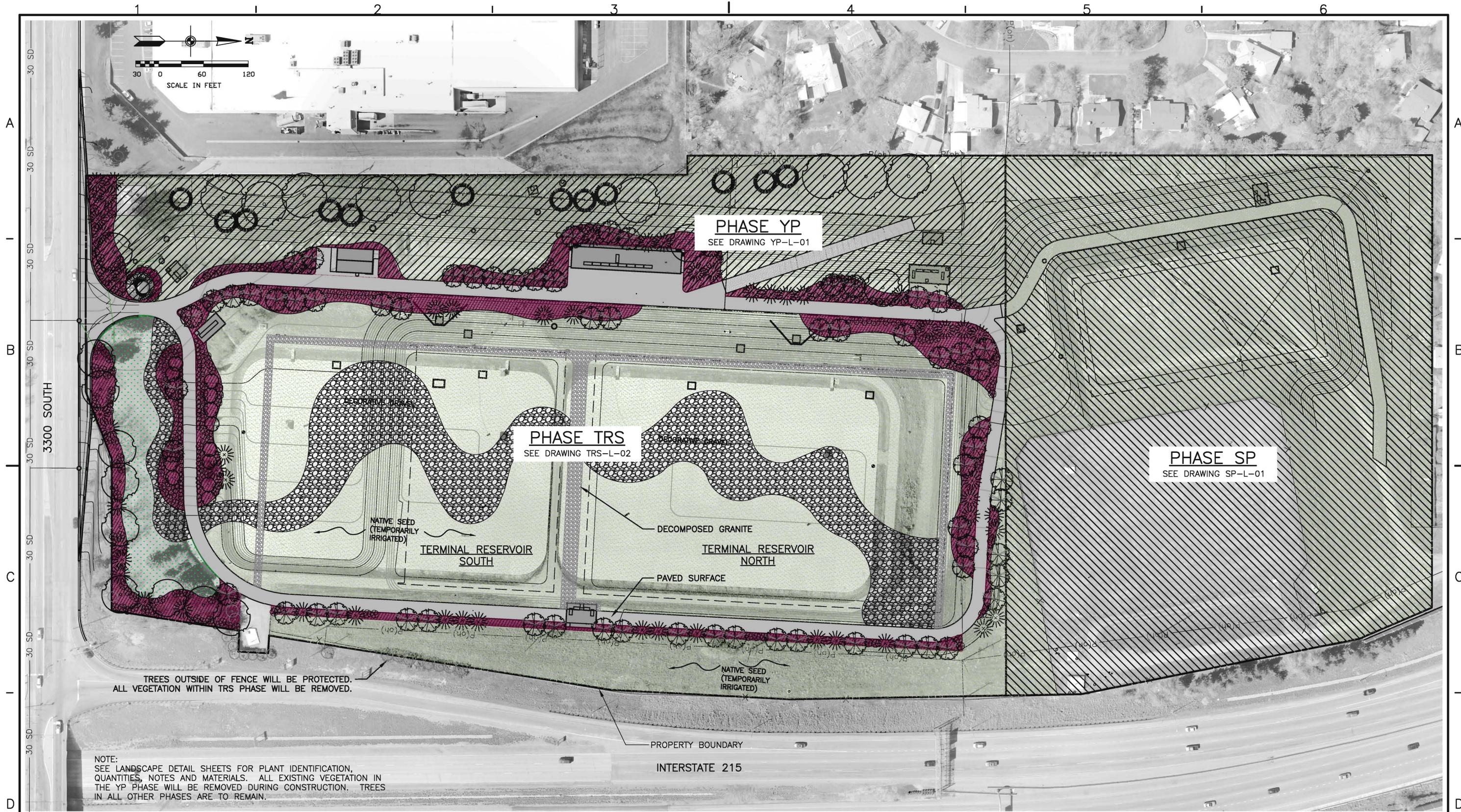
- NOTES:**
- SAM PARK WEST RESERVOIR GRADING PLAN, SEE DRAWING YP-C-14.
  - EXISTING GRADE SHOWN AS SCREENED (GRAY) CONTOURS (1-FOOT CONTOUR INTERVAL). EXISTING TOPOGRAPHY CONTOURS BASED ON 2003 SURVEY.
  - PROPOSED GRADE SHOWN AS BLACK CONTOURS.
  - LANDSCAPING PLAN, SEE DRAWING YP-L-01.
  - TERMINAL 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 <b>METROPOLITAN WATER DISTRICT          OF SALT LAKE &amp; SANDY</b>		<b>BOWEN, COLLINS &amp; ASSOCIATES</b>		<b>90% REVIEW</b>	TERMINAL RESERVOIR REPLACEMENT PROJECT <b>TERMINAL RESERVOIR          GRADING PLAN</b>		SCALE: 1"=50'
DESIGN T. OLSEN DRAW S. RIGGS		REVIEWED G. LOSCHER CHECKED M. COLLINS			VERIFY SCALE <small>IF BAR IS NOT ONE INCH ON ORIGINAL DRAWING, DRAWING IS NOT TO SCALE</small>		DATE: JUNE 2011
DISTRICT IDENTIFICATION NUMBER TR003		PROJECT NO. 018-09-04		SHEET NO. XXX			

CONTINUATION, SEE DRAWING YP-C-14



				PREPARED FOR		BOWEN, COLLINS & ASSOCIATES		TERMINAL RESERVOIR REPLACEMENT PROJECT		SCALE: XXXX																										
				METROPOLITAN WATER DISTRICT OF SALT LAKE & SANDY				ARCHITECTURAL ELEVATIONS		DATE: JUNE 2011																										
				DESIGNED T. CLARK		REVIEWED G. LOSCHER		DISTRICT IDENTIFICATION NUMBER TRO03		PROJECT NO. 018-09-04																										
				DRAWN E. SCOTT		APPROVED M. COLLINS		90% REVIEW		DRAWING NO. CB-A-01 SHEET NO. XXX																										
<table border="1"> <thead> <tr> <th>REV</th> <th>DATE</th> <th>BY</th> <th>APP</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>				REV	DATE	BY	APP	DESCRIPTION																					<small>VERIFY SCALE IF BAR IS NOT ONE INCH ON ORIGINAL DRAWING. 0 1" DRAWING IS NOT TO SCALE</small>							
REV	DATE	BY	APP	DESCRIPTION																																



REV	DATE	BY	APP	DESCRIPTION

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

**BOWEN, COLLINS & ASSOCIATES**

DESIGNED  
J. TSANDES  
DRAW  
B. BAUCOM

REVIEWED  
J. TSANDES  
CHECKED  
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  
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















**STAFF REPORT**

Executive Summary									
<b>Hearing Body:</b>	Millcreek Planning Commission								
<b>Meeting Date and Time:</b>	Wednesday, October 12, 2011	09:00 AM	<b>File No:</b>	2	6	0	4	4	
<b>Applicant Name:</b>	Salt Lake County	<b>Request:</b>	Ordinance Amendment						
<b>Description:</b>	Amend two sections of Salt Lake County Ord. - 19.72.060 and 070								
<b>Location:</b>	N/A								
<b>Zone:</b>	FR-0.5 Forestry & Recreation	<b>Any Zoning Conditions?</b>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>			
<b>Community Council Rec:</b>	Not yet received								
<b>Staff Recommendation:</b>	Approval								
<b>Planner:</b>	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 re viewed the language and provided the proposed ordinance amendments to resolve the issues of confusion.

**1.2 Planning Commission Previous Action**

September 14, 2011 - The Millcreek Township Planning Commission held a hearing regarding this application. The Commission voted to continue this item to their October 12, 2011 meeting to give them further time to review the proposal before making a decision.

The item is now back on the Commission's Agenda for further Consideration.

**1.3 Community Council Response - \*\* Updated Information \*\***

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.

Canyon Rim Community Council - Staff was in attendance at their August 18, 2011 meeting. The Council indicated that they would review the ordinance and provide a recommendation to the Millcreek Township Planning Commission's by the September meeting date. 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 October 4, 2011 voted to recommend approval of the proposed FCOZ Amendments as proposed. Staff has not yet received the written response, but was present at the meeting where the decision was made.

Mount Olympus Community Council at their September 6, 2011 meeting voted to support the proposed amendments with some changes. Their letter of recommendation dated September 7, 2011, is attached to this report.

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

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.





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





September 7, 2011

Millcreek Township Planning Commission  
c/o Spencer G. Sanders, Planner  
Salt Lake County Planning & Development Services  
451 South State, Room 406  
PO Box 145480  
Salt Lake City UT 84114-5480

**Mount Olympus Community Council Comments on  
Proposed FCOZ Ordinance Amendments regarding Ski Resorts**

Dear Members of the Planning Commission:

Thanks to Spencer Sanders for presenting the “FCOZ Ordinance Amendments regarding Ski Resorts” at our Community Council meeting on September 6, 2011. Members of our council worked hard with Cal Schneller years ago to help draft the initial FCOZ ordinance and we lobbied for its passage in response to the too common practice of the former County Commission granting waivers of slope and other protections/restrictions for hillside development, so we are quite reluctant to see any change to the ordinance which would allow for liberalizing a waiver procedure. We strongly believe that the current restrictions in the FCOZ ordinance are necessary and appropriate to insure the safety and aesthetics of our community which interfaces with the foothills and canyons of the Wasatch Front. In addition to our general opposition to liberalizing FCOZ requirements, we are particularly opposed to and concerned about several specific proposed changes.

Below are items where the amended FCOZ could be interpreted to be less stringent than the existing FCOZ. We are concerned that a weakening of the FCOZ may lead to unintended consequences and result in a return to the unsustainable hillside development we worked so hard to curb. Please incorporate our suggestions for wording changes into your proposed FCOZ amendments.

- 1) In section 19.72.060 C. 5. Criteria for Approval:  
We are concerned that the phrase “Waivers... may [~~only~~] be approved subject to any of the following criteria deemed applicable” is not as strong as the original phrase.  
Please change the proposal to “Waivers ... may **only** be approved subject to **all** of the following criteria deemed applicable”
  
- 2) In section 19.72.060 C. 7. Permissible Slope Waiver Ranges:  
We are concerned that the table of Permissible Slope Waiver Ranges could be interpreted to be less stringent than the original “Limitations” wording.  
On the “Greater than 40% up to 50%” section, the phrase “Motorized vehicle roads and trails” does not include the original language of “vehicular access”. Thus the “Greater than 50%” section could be erroneously interpreted to allow motorized vehicle access.  
Please change “Motorized vehicle roads and trails” to “Motorized vehicle roads, trails, or access”.

We also generally question why these changes are being proposed in connection with uses as broad and varied as ski resorts to mining (extraction) activities. We believe that it would be appropriate to limit them to ski resorts.

Thank you considering our concerns. We can support the proposed changes if and only if our recommended changes are incorporated.

Sincerely,

/s/

Jeff Silvestrini

Mount Olympus Community Council



**STAFF REPORT**

Executive Summary									
<b>Hearing Body:</b>	Millcreek Planning Commission								
<b>Meeting Date and Time:</b>	Wednesday, October 12, 2011	04:00 PM	<b>File No:</b>	2	5	6	6	1	
<b>Applicant Name:</b>	Salt Lake County - PDS	<b>Request:</b>	Ordinance Amendment						
<b>Description:</b>	Amend sections of two SLCO Ord. Chapters: 19.04 and Chapter 19.80								
<b>Location:</b>	N/A								
<b>Zone:</b>	R-1-3 Residential Single-Family	<b>Any Zoning Conditions?</b>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>			
<b>Community Council Rec:</b>	Not yet received								
<b>Staff Recommendation:</b>	Approval								
<b>Planner:</b>	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