



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

Millcreek Township Planning Commission Public Meeting Agenda

**Meeting Date: November 16, 2011
3:00 P.M.**

Agenda Revised November 4, 2011

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 Minutes** – Review and Approval
 - a) September 14, 2011
 - b) October 12, 2011
- 2) **Electronic Message Center Signs Ordinance Amendments** – Status Update
- 3) **Planning Commission Bylaws/Procedures**
 - a) Discussion, review and recommendation to Mayor and County Council
- 4) **Curb, Gutter and Sidewalk Plan**
 - a) Data collection/compilation status (Existing Conditions Map)
 - b) Existing processes, laws, funding mechanisms, and how other communities do it
 - c) Initial concepts and direction for plan

Public Hearings – 4:00 P. M.

Rezoning

26235 – Withdrawn by the applicant. This application will not be heard. – Jay Rice was requesting approval to Change the zoning of, approximately 6.2 acres, from R-2-10 (Residential

Two-Family, 10,000 sq. ft. minimum lot size) to RM (Residential Multiple Family and Office). The subject property is located at 1405 East 4500 South. Community Council: Millcreek – Planner: Spencer G. Sanders

Subdivisions

26234 – Ed Merrill is requesting approval of a Preliminary Plat for the Canyon Flats 1-lot Subdivision in the R-2-6.5 zone. The subject property is located at 3801 & 3805 South Wasatch Boulevard. Planner – Spencer G. Sanders

Conditional Uses

25933 – Continued from October 12, 2011 – 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

25661 – Continued from October 12, 2011 – Salt Lake County is requesting approval to amend sections of two Salt Lake County Ordinance Chapters in Title 19 *Zoning*, Chapter 19.04 *Definitions* and Chapter 19.80 *Off-Street Parking Requirements*: Section 040 Parking in Residential Zones. The proposed amendments to 19.04 more clearly define vehicles, junk, and heavy equipment that may be found in residential yards, and proposed amendments to 19.80.040 set off-street parking standards in residential zones. Planner: Curtis Woodward.

26044 – Postponed at the request of the applicant. This application will not be heard this month. Please check future agendas for this application at the following website locations:

SL County Public Meeting Agendas: <http://www.pwpds.slco.org/agendas/index.html>

State of Utah Public Notice Website: <http://www.utah.gov/pmn/index.html>

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

Adjourn

Rules of Conduct for the Planning Commission Meeting

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

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



**Millcreek Township Planning
Commission**

Wednesday, November 16, 2011

Business Meeting



**Millcreek Township Planning
Commission**

Wednesday, November 16, 2011

September 14, 2011 Minutes

DRAFT



**MEETING MINUTE SUMMARY FOR
Millcreek Township Planning Commission Meeting
Wednesday, September 14, 2011, 3:00 p.m.**

Meeting length about: 5 hours and 45 minutes

Number of public in attendance: ????

Summary Prepared by: Jeremy Goldsmith, Spencer Sanders, Todd Draper

Meeting Conducted by: Commissioner Van Frank

IN ATTENDANCE

Commissioners: *Leslie Riddle, John Janson, Gerayln Perkins, Gary Sackett, Thomas Davis, Leslie Van Frank, Tom Stephens, Allison Behjani*

Staff: *Spencer Sanders, Todd Draper, Jeremy Goldsmith, Max Johnson (3:40pm), Tom Christensen, (Additional Lawyer)*

BUSINESS MEETING – 3:00 p.m.

1) Previous Meeting Minutes Review and Approval

a) *No Minutes to be Approved*

2) Bylaws Update – They are actively working on a proposal. There is an intern assigned to formulating all the bylaws. He is taking all the issues and putting them into a template. The format will be different from what has already been approved. David White, Max Johnson, Richard, and Sheryl Ivy from the Mayor's office have all been involved in the bylaws update.

3) Sidewalk Update - Planning and Development conducted a meeting to discuss all of the data for curb and gutters. All of the data has been forwarded to Matt Shoals, who is the GIS contact for Engineering. He is currently consolidating the information. Future process for the sidewalk was discussed.

4) Electronic Message Signage – John Jensen was elected to oversee the EMS. Tom Stephens will also assist John Jensen with these duties.

Comments and Questions – Electronic Message Signage

Commissioner Van Frank appoints John Janson to lead discussions regarding Electronic Message Signage.

PUBLIC HEARINGS – 4:00 p.m.

Off Topic – Tom Stephens Issue in removing himself from the board regarding FCOZ Ordinance Update

Tom's initial question – Should I remove myself before or after the staff's presentation?

Tom Christensen asked Mr. Stephens have you distinguished a biased opinion after your interactions before coming here today?

Tom's answer is NO because I haven't heard from staff yet!

5) (#26142 – Zone Change Residential – Michael Goldberg)

Presentation by: *Spencer Sanders* – (A Copy of presentation or staff report is available upon request)

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

Recommendations: Staff recommends an approval for the zone change. (See attached staff report.)

Speaker # 1: Applicant

Name: Michael Goldberg

Address: ???????

Issues: We're not going to put a certain type of greenhouse on the property. We will be putting a nicer greenhouse there and line it all up.

Speaker # 2: Community Council

Name: David Frasier

Address: ???????

Issues: Mr. Frasier indicated that the Canyon Rim Community Council voted to recommend approval of the proposed project, subject to staff recommendations.

PUBLIC PORTION OF THE MEETING WAS CLOSED

FINAL MOTION

Motion: *Approved both the Zone change and Conditional use with the reasoning provided by staff with the issue of on-street parking be reviewed by the Engineering Department. Conditional use is subject to the Council approving the Zone Change.*

Motion by: *Commissioner Riddle*

2nd by: *Commissioner Janson*

Vote: *Unanimous*

For Motion	Against Motion	Abstain	Commissioner Name
Yes			Allison Behjani
Yes			Tom Davis
Yes			Janice Jardine
Yes			John Janson
Yes			Geralyn Parker Perkins
Yes			Leslie Riddle -
Yes			Gary Sackett
Yes			Tom Stephens
Yes			Leslie Van Frank

6) (#25966 – ZC &CU Amendment (Temporary) – Jeffrey Bennion)

Presentation by: *Spencer Sanders, (Planning Staff)* – (A Copy of presentation or staff report is available upon request)

Summary: *A previously approved transit oriented development (TOD) property and district. The owner is having extreme trouble in renting the commercial space on the ground level of the development. The applicant wants to convert 8 of the commercial units to units of residential or commercial units. There are a total of 11 current commercial units. Another issue pertains to people/building from 37 to 45. There was a request by the community council and residents for this application be issued a continuance due to invalid noticing.*

Recommendations: *Staff has been comfortable with this change. Staff recommends a temporary transference of commercial to residential on these units.*

Speaker # 1 - Applicant

Name: Jeffrey Bennion- Represents the owner

Address: 4978 Park Street # 3 - Murray, UT

Issues: No success in attracting commercial tenants. Numbers answer (10,000 sq ft) and explanation of the 8 converted units vs. the 3 units that will remain commercially focused. The parking situation is slightly congested due to the amount of residents using TRAX (so cars sit around a lot). This TOD is the vanguard of the area with 93-94% resident capacity and almost 40% of residents using TRAX.

Questions and Comments – #25966 – ZC &CU Amendment (Temporary) – Jeffrey Bennion

Commissioner Sacket - What development needs to take place in the surrounding TOD area to make your units viable?

Speaker # 2: Community Council

Name: David Frazier

Address: ????????

Issues: Recommended Approval - One community member is worried about property devaluation.

Speaker # 3: Citizen

Name: Alan Combs

Address: He owns the property across the street. (Northeast Area – Howard St).

Issues: Parking is the biggest issue in the area. The traffic issue is increasing and it appears that the traffic problem is in violation of restricted covenants of the subdivision, which is not in the prevue of the planning commission.

Speaker # 4: Citizen

Name: Richard Ellison

Address: Body Shop across the street

Issues: Parking Complaint

PUBLIC PORTION OF THE MEETING WAS CLOSED

Questions and Comments from the Commission to the Applicant (and Generally)

Thomas – Grandson lived there and never found problem in parking

Commissioner Janson – Leases – Do you limit the amount of cars per unit? 3cars for 3beds, 2for2, 3for2, and 2for1.

FINAL MOTION

Motion: *Move that we approve both the zone change and the conditional use with the provision that engineering and staff look at on-street zone change in regards to parking.*

Motion by: *Commissioner Janson*

2nd by: *Commissioner Riddle*

Vote: Unanimous

For Motion	Against Motion	Abstain	Commissioner Name
Yes			Allison Behjani
Yes			Tom Davis
Yes			Janice Jardine
Yes			John Janson
Yes			Geralyn Parker Perkins
Yes			Leslie Riddle -
Yes			Gary Sackett
Yes			Tom Stephens
Yes			Leslie Van Frank

7) (#25933 – Public Use Water Tank Reservoir Replacement/Addition – Greg Loscher)

Presentation by: *Spencer Sanders (Planning Staff).* – (A Copy of presentation or staff report is available upon request)

Recommendations: *Applicant for an amendment to the site plan. There is a proposed addition of a water tank. Metropolitan Water District of Salt Lake and Sandy currently has two tanks that are deteriorating. The addition of the Salt Lake City water tank, the slope will increase in the northwest corner of the site plan. Staff will contact UTA in regards to the bus stop on 3300S for the length of the construction project. Staff recommends approval of the proposed conditional use with 7 conditions.*

Speaker # 1: Applicant - Metropolitan Water District of Salt Lake City and Sandy

Name: Greg Loscher

Address: 154 East 14000 South – Salt Lake City, UT

Issues: Summary of Project (5 Phases) – Addresses the UDOT, UTA, TRAFFIC Issues, along with community concerns.

Speaker # 2: Community Council

Name: Spencer Sanders (as a summary of the council)

Address:

Issues: Their recommendation of approval is documented in the staff report.

Speaker # 3: Citizen

Name: Jean Edens

Address: 3141 S. 3360 East – Salt Lake City, UT 84109

Issues: Sept. 6th e-mail read to commissioners. (Many issues). She purchased the home 2 years ago. The engineering team seriously knew of the project 18 months ago.

Speaker # 4: Citizen

Name: Dirk Hawkins

Address: 3147 South 3360 East – Salt Lake City, UT 84109

Issues: Agree with Jean. He is a neighbor.

Speaker # 5: Citizen

Name: Diane Shafer

Address: 3137 South 3360 East – Salt Lake City, UT 84109

Issues: Agree with Jean's request. Noise and dust is the major issue. Sprinklers/hoses are key to keep the dust down. Lived in her residence for over 20 years. Asthmas is a concern. A buffer of trees/landscaping right after the first phase. Recommendation for a private onramp to I-215 from the site. She feels like it is key to have photos of before and after pictures. Noise levels currently are at a low-hum.

Speaker # 6: Citizen

Name: Deanne Hampson

Address: 3385 East Gregson Ave – Salt Lake City, UT 84109

Issues: Agree with Jean. Concerned with health issues – diseases, allergens. Concerned with seismic activity.

Speaker # 7: Citizen

Name: Randy Wyner

Address: 3117 South 3380 East – Salt Lake City, UT 84109

Issues: Agree with Jean. He is a neighbor. 50 years in this home. He believes a sound wall should be built. He is concerned with seismic issues to the land. He wants quick, concise, and effective resolutions. In favor of the plan and issue, but he doesn't want back up noises from trucks, diesel engines, etc. Very Emotional! Randy is concerned by the 'term' monitoring. What recourse do we have? I heard the term 'violation of approval'. What recourse do we have? We have actually witnessed winds of excess of 30mph. Randy worries about strangers jumping the fences. What is the security on the property when not occupied by the contractor? Idle heavy equipment has been addressed. "The new structure" as a temporary facility confused Randy.

PUBLIC PORTION OF THE MEETING WAS CLOSED

Questions and Comments from the Commission to the Applicant (and Generally)

Commissioner Davis wanted to clarify the bidding process and asked if you were here prematurely.

Commissioner Davis wants a summary of what has been presented tonight.

Commissioner Sackett outlines that these type of projects have been deliberated over a two phase period. He sees that there are enough issues raised that he is not ready to make a decision on approval or denial. He moves for a continuance.

Commissioner Janson sees this as an opportunity to give some guidance on this project. A couple more key points need to be elaborated on. He agrees on a 6 month or annual update to the Planning Commission for the project. He suggested that the contractor takes measurable surveys (photos, interviews, video, etc...) throughout the life of the project. He suggests some clarification on the refinement of communication solutions.

Commissioner Riddle – What is the commitment to resolution of ‘problems’ as they arise?

Greg Loscher – There are no ‘known’ hazardous materials on the site.

Communication concern between residents and (engineers, designers, contractors, etc.)

FINAL MOTION

Motion: *Motion for Continuance*

Motion by: *Commissioner Sackett*

2nd by: *Commissioner Riddle*

Vote: *Unanimous*

For Motion	Against Motion	Abstain	Commissioner Name
Yes			Allison Behjani
Yes			Tom Davis
Yes			Janice Jardine
Yes			John Janson
Yes			Geralyn Parker Perkins
Yes			Leslie Riddle -
Yes			Gary Sackett
Yes			Tom Stephens
Yes			Leslie Van Frank

8) (#26044 – Amend Sections of SLCo Ord – 19.72.060 and 070 – Salt Lake County)

Commissioner Sackett removed himself before Spencer.

Presentation by: *Spencer Sanders (Planning Staff)* – (A copy of the staff report is available upon request).

Recommendations: *I want to make it clear that this will be distributed to all the community councils in the county (not just CC's with FCOZ in their area). The reason we are going to all community councils is because other municipalities and other unincorporated areas have the right to speak at these meetings. There was a clear difference of opinions between staff and the board of adjustments amongst the language in the ordinance. The decision by the BOA raised issue of the observed interpretation of the ordinance. This was not a direct request from Snowbird or any of the resorts to address the specifics of Snowbird's application. This amendment pertains to mountain resorts having certain exceptions (water setback and slope). [Example - 'The criteria have to be looked at, but they aren't specifically applicable on all issues'.] Staff makes the recommendation of approval of the Ordinance Amendment.*

Questions and Comments - Amend Sections of SLCo Ord – 19.72.060 and 070 – Salt Lake County

Commissioner Van Frank wants to get clarified on the history in order to 'get a feel' for the ordinance and how it was analyzed.

Spencer Sanders – We want to make clear that it is the PC's decision to review the criteria and determine the evidence is provided to them.

The next section for modification is called - ("limitations"). It was very difficult to read. There is a proposed 'table' to simplify the interpretation of the text. Non-snow related activities weren't clearly defined and that is where Snowbird, the BOA, Planning Staff, and FCOZ had problems/hiccups.

There were plenty of prior activities approved on questionable slopes (i.e. – ziplines, mtn biking, horseback riding, etc...).

Multiple commissioners are concerned that the staff isn't solving their own problem. Commissioner Janson expresses that certain language is erroneous because it would be looked over and excluded every time!!!

Tom Christensen - "This gives you a basis for those conditions."

FCOZ got passed in the first place because people were looking for clubs to beat other people up.

People say there shouldn't be ski resorts in the mountains. So this amendment to FCOZ helps prevent and distinguish issues in regards to mountain resorts egregiously expanding.

Commissioner Van Frank – What are we trying to do?

Commissioner Davis – What you're trying to do is getting rid of the 'loosie-goosie' language.

Spencer Sanders – Resorts like the language because they know what they can do and what they can't.

Spencer Sanders - In the interim, this is the way we can deal with this piece and with situations like Snowbird. We wanted to avoid getting into the discussion because there are different groups that agree to disagree (extrapolated+).

The previous paragraph was an attempt to do what the table does. The interpretation was wide-ranging.

This will be delivered to the County Council after the community councils and planning councils. Staff wants your input, suggestions, and recommendations along with staff's communication delivery to County Council later on.

Speaker # 1: Applicant

Name: Salt Lake County – Spencer Sanders & Tom Christensen

Address: 2001 South State Street – Salt Lake City, UT 84190

Issues: Lots of issues regarding the language...

Community Council Hearsay

East Millcreek – Approval in favor

Canyon Rim – Reviewed and not fully understanding all of it – (continuance)

Mt Olympus – Reviewed and made recommendation for approval with minor text changes

Millcreek – Voted not to make a decision (continuance)

Speaker # 2: Citizen

Name: Alan Sanderson

Address: 1744 South 1900 East - Salt Lake City, UT

Issues: Alan did a lot of the background work on the appeal that went to the Board of Adjustment. Alan viewed this amendment as a solution in search of a problem. Language put in for relief for ski-resorts. Now there is a new type of uses in the canyons. EXAMPLES – even though the BOA denied, Snowbird could have applied under the recreational use area of FCOZ, and if the coaster was under 40 degrees, it would have been approved.

The changes in proposed ordinance are very drastic in his opinion. Alan then reads very quickly the definition of a ski resort. Permissible slope waiver ranges are eligible development activities also contains the same language to include year round or non-snow related activities to be built on slopes greater than 50%.

My suggestion is that the definition of a ski resort goes away and is replaced with 'snow-based' operation. Snow-based = snow activities with a mechanized operation.

My reading of these changes is so substantial that it guts the slope standards that have been establish! (Emphatic)

The conditional use would be allowed based on the waiver. This issue is effected based on the waiver application.

FINAL MOTION

Motion: *Motion for continuance*

Motion by: *Commissioner Behjani*

2nd by: *Commissioner Janson*

Vote: *Unanimous*

For Motion	Against Motion	Abstain	Commissioner Name
Yes			Allison Behjani
Yes			Tom Davis
Yes			Janice Jardine
Yes			John Janson
Yes			Geralyn Parker Perkins
Yes			Leslie Riddle -
Yes			Gary Sackett
Yes			Tom Stephens
Yes			Leslie Van Frank

ADJOURN

Motion by: *Comissioner Janson*
2nd by: *Commissioner Van Frank*
Time: *8:45PM*

DRAFT



**Millcreek Township Planning
Commission**

Wednesday, November 16, 2011

October 12, 2011 Minutes

DRAFT



**MEETING MINUTE SUMMARY FOR
Township Planning Commission Meeting**
October 12, 2011

Meeting length about: 4 ½ hours

Number of public in attendance: 10

Summary Prepared by: Deborah Jones

Meeting Conducted by: Leslie Van Frank, Chair

IN ATTENDANCE

Commissioners: Leslie Van Frank, John Janson, GERALYN PARKER- PERKINS, Leslie Riddle, Thomas Davis, Allison Behjani, Gary Sackett

Staff: **Planning:** Max Johnson, Spencer Sanders, Nancy Moorman, Deborah Jones, Richard Brockmeyer

District Attorney's Office: Thomas Christensen.

Other:

BUSINESS MEETING – 3:00 p.m.

1) Previous Meeting Minutes Review and Approval

- i) No Minutes to be approved. Planning Commission has requested that the previous minutes be sent via email for review, and that they be sent individually as they are completed as opposed to sending multiple minutes to be reviewed. Spencer Sanders agreed to have the minutes sent out via email prior to the next scheduled Planning Commission meeting for review.

- 2) Electrical Plan** – We are now in the process of preparing a “best practice” that will reference this document as an attachment to the “General Plans”. Our goal is to have, by next month or no later than December, an initial draft of the “best practice” to be adopted. The reason for the delay is primarily because we want to distribute and present the draft to the Community Councils for their information and feedback. A draft is currently being prepared and will be distributed to Community Councils within the next week or so. Once our staff has some initial information from the Community Councils, this item will be placed back on the agenda for consideration. Please review your copies as this item will be further discussed over the next 30-60 days.

Comments and Questions – Electrical Plan

Commissioner Van Frank – When you make a decision that you are going to put this item on the agenda, would you please let us know ahead of time? I know that you wait awhile to get the agenda to me which is reasonable because you are trying to pull everything together, but when you say review it again with the idea that we’re going to be looking at it within the next

30-60 days is what I understand. I would rather be reviewing it 60 days from now than right now. Please give us a “heads up” that is a lot longer notice than what we usually get with the agendas.

Spencer Sanders – You’ll be getting the agenda’s sooner. With Deborah on board, we should be able to get the agenda out a little sooner than I’ve been able to get them out by myself.

Commissioner – How are the major overhead powerlines and substations treated in the ordinance now?

Spencer Sanders – Substations are considered a public use, and so when they do a substation they have to go through a conditional use approval. Overhead power lines, according to FCOZ, have to be underground when they do a new development. Unless there is a specific reason when a home is being built, the powerlines must go underground.

Commissioner – Do we differentiate between high tension power lines and rails?

Max Johnson – No, I don’t think so.

3) Electronic Message Center Sign Ordinance – Jani Iwamoto, from the Council’s office, along with their attorney, are working on a draft of the ordinance, and have asked us to postpone future meetings until the draft is complete. She is actively meeting with the public, stake holders, and sign companies gathering information, and will submit a draft before the Planning Commission for review. The draft will also be submitted to Community Councils prior to distribution to the public. Council Imodo is very sensitive to the concerns of the public, and the industry, and wants to make sure that all parties are included in the discussions.

Questions and Comments – Electronic Message Center Sign Ordinance

Commissioner – When will she have that completed?

Spencer Sanders - She thought within the next month or so. She recently met with the sign companies, and there are a couple of people in our office that are giving some advice on the ordinance-primarily how to write it into our specific ordinance. She has that advice and also the advice of her attorney. Council Iwamoto has attended several community council meetings, and indicated that she is in the process of completing this draft to bring before the Planning Commission. This draft and would bring it before the Planning Commission before distributing it the public. I’m assuming this should be completed by the end of the year.

Commissioner – When you say that she met with the sign companies that’s more than “yes-go” right?

Spencer Sanders – I do not know the answer to that. That would be a question to ask her. I’m sure that at the end of the day they’ll be somebody that’s not happy with the draft.

4) Curb, Gutter, and Sidewalk Update – The Planning and Development staff is currently in discussions with the Engineering department, and they have been working specifically with another member in the engineering department to incorporate the engineering corrections

to the original map. They are still in the process of incorporating the corrections, and have also obtained data from the School Districts on their best routes to school. The engineering department is incorporating this information into their plan. Hopefully, within the next 30 days we'll have a corrected draft that we can begin working from. We'll then take this map before the Community Councils and begin talks with them about what we'd like them to help us do. We'll distribute this data to the Planning Commissions at the same time we distribute this information to the Community Councils. In short, we are still in the data collection and production stage.

Questions and Comments – Curb, Gutter, and Sidewalk Update

Commissioner – Is there a possibility to do some sort of policy discussion at the same time as trying to get the map corrections?

Spencer Sander – I don't think that there's any reason not to with this group. We also want to take the map out to the Community Councils and get them involved. We want the Community Councils to have discussions about what their policy concerns and issues are within their boundaries, and then we can raise those issues with this body.

Commissioner Van Frank – Could we get a report? I'd like to be having the conversation but I think we need a little bit more information in order to be able to have the conversation. As a body, we would like to rather than just being updated month after month have a discussion or at least have the information in front of us about what ordinances are applicable. Where does the money come from for sidewalks? There are all kinds of sources and I'm just not aware of them. We'd also like to know whether or not we can track those delay agreements? What other considerations do we have to look at? What is the current state of the law basically? What kind of constraints are there on what we're doing?

Commissioner Riddle - This type of information should also be going out to the Community Councils as well.

Commissioner Riddle – How are other communities handling the sidewalk issue? Is this something that you can look into?

Commissioner Van Frank – I'd like to give Spencer a task that he can achieve within the next 30 days. Do you think you can pull that together for us within the next 30 days? The specific task that I'm asking for you to accomplish within the next 30 days is to get us the current state of the law, and current state of the practice in the County of how sidewalks are dealt with. Can you do that?

Spencer Sanders – Yes, I can get most of it. What I'm still unclear of myself and haven't been able to get a clear answer is how does the funding occur? What are the actual mechanisms of funding. FYI – we have different programs that put sidewalk in, and there are different monies we go after. I don't even know where all those are, so I'll try to get this information from the Engineering section. How we decide how we spend those monies, at the end of the day, is unclear to me. I think you want a master plan “best practice” that talks about that also.

Commissioner Van Franken – So, this whole discussion on sidewalks could be a template for the rest of your discussions?

Spencer Sanders – Yes, I have two items that are doing that -sidewalks and bicycles “best practices”. Beginning in November, we’ll begin our discussions on bicycle “best practices” within Salt Lake County, as a whole, as well as Salt Lake County unincorporated. We will be coming back before the Planning Commission with a “best practice” on bicycle planning, and what bicycles routes and systems should look like.

- 5) Bylaws Update** – The draft was not sent out in advance as it was not our intention to discuss the draft in detail today. Instead, our goal was to give the Planning Commission ample time to review the draft, make notes, and be ready to discuss the bylaws in our next meeting. Our goal today, is to really inform the staff where we came from, why we are here, with what we have today, and then have you come back and discuss it. We feel that it’s really important to understand this perspective. It was not the intention of the group of individuals who designed these bylaws to just address Millcreek’s bylaws. It was not only our interest, but also at the request of the Mayor’s Office, to look at how Planning Commissions function and are being run in Salt Lake County as whole. We are not only looking at Planning Commissions, but we are looking at all the boards and commissions.

Comments and Questions- Bylaws

Commissioner Sackett – Before you get started here, I’m still struggling with what authority you have to do this? As I understand the ordinances that govern here, the only bodies that have the authority to deal with the bylaws are the individual commissions and the County Council. With all due respect to the Mayor Office, there’s nothing that I can find in the ordinances that gives it rules to promulgate rules for this body or any other body like us.

Spencer Sanders -.I appreciate your opinion Mr. Sackett. I do believe the ordinance does give us some authority to help us work through this process. We are staff to this body, and we have to function for you. Ultimately, the County Council has to adopt these. We were asked by the Mayor to look at how we could do that with all the Planning Commissions involved with an attempt to try to make it uniform for all the bodies. This is not just to convenience the staff, but it is to help make Planning Commissions and boards uniform and predictable to the public no matter which body they go to. It is important that all Planning Commissions operate and functions the same. I appreciate that you may disagree with that opinion, but I believe that we are trying to do here, is operate within the rules. Ultimately the County Council will make the final decision.

- 6) Alternates** – The revision would require alternates to be present at all Planning Commission meetings. This would allow the alternates to be fully trained, and familiar with the voting process when a current board member resigns, or when their term expires. When a quorum is present, all nine members would vote; however, only seven of the nine votes would count. If a quorum is not present, the alternates would vote; therefore, rendering a decision. The Chair is expected to vote. Other Planning Commissions have expressed concern with allowing alternates to vote. As a result, we are looking at the voting issue more closely. A final determination has not been made at this time. .

7) Recusal – Members are responsible for their recusal. They should recuse themselves if they have a conflict of interest, or a potentially visible perceived conflict of interest. If the Planning Commission, as a group, feels that someone should recuse themselves, and they do not, the Planning Commission could make a motion, and then second it, requesting that someone be recused. The member would be asked to leave the room as part of the recusal as to make it clear that they are not influencing the discussion in any fashion.

8) Amendments - If they come forward, amendments will go before the Mayor and the County Council for a final decision, and should be consistent with the rules and bylaws for other Planning Commissions.

Questions and Comments – Bylaws Update

Commissioner Van Frank – Can you please give us an example of where our bylaws are different from other commission's bylaws?

Questions rephrased – Can you give us an example of where are bylaws have been problematic?

Spencer Sanders – One issue has been with voting. When we go to different meetings we have people ask, "Do I vote, or do I not vote"? This is has been asked with regard to the Chair.

Commissioner Van Frank – Besides voting, what else?

Max Johnson – Some things that come to mind, for example, are attendance issues. Case in point would be when a commission gets together and has a discussion to ask a member to resign because they haven't been in attendance for the year. Currently, this is one area where the bylaws differ. For example, the dedication by which that attendance is evaluated by board members varies with each commission. Some board members keep score regarding what is an excused or unexcused absence; while other board members are more lax in keeping score, and absences are treated differently. These things are hard to manage.

Commissioner Sackett – When have you ever had, as the staff, other than our questions to council, had a problem with this commission where you didn't know what to tell us to do because you didn't know what our bylaws said, or how they are to be interpreted?

Spencer Sanders – I will say that I have only been working with this commission for less than a year. I will also say that most of the issues have had been with other commissions. I appreciate you being concerned about us taking away local interest; however, that is not my intention. My intention is to make sure that the functioning procedures function the same from board to board. Please review our bylaws, and see if there is anything about them you like. If there are things that you like, consider implementing them. We are not trying to take away your bylaws. We just want to be consistent. If there are things you don't like, please let us know. The bylaws have not been sent to Council.

Commissioner Van Frank – Gary, can you please provide me with an electronic copy of Millcreek's bylaws?

Commissioner Van Frank – Spencer, can provide us with an electronic copy of your draft of bylaws?

PUBLIC HEARINGS – 4:00 p.m.

Started at 4:01 p.m.

(#26188 – Rezone from R-2-6.5 (Residential Single Family) to C-2 (Commercial)).

Presentation by: *Spencer Sanders, (Planning Staff)* – (A Copy of presentation or staff report is available upon request)

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. Community Council: Millcreek – Planner: Spencer G. Sanders

Recommendations: *Staff is recommending approval of the proposed zone change, and believes it is consistent with the General Plan. Any specific site issues would be addressed during a site plan review or conditional use review process. (See attached staff report)*

Questions and Comments – Application # 26188

Commissioner Van Frank – If UDOT is not willing to give them access on 7th east, then their only access to a public street is Scott Court which is a public street.

Spencer Sanders – Correct, but they will also have shared access with the building next door.

Commissioner Sackett – When you say shared access, do you mean the access is actually on the northern most property, or do they get to extend that driveway and combine it with the piece that is on their property?

Spencer Sanders – The drive approach, I believe, is probably as wide as UDOT will allow it to go. They'll have to access on to that property to the north and out the driveway that exist.

Commissioner Van Frank – That's dependent on the "good will" of the neighbor to the north correct?

Spencer Sanders – That's correct.

Commissioner Janson – Has that "good will" been secured? Has this been negotiated to some end?

Spencer Sanders – Well, again, that is an issue that will we need to address with the actual proposal. If the only access is off of Scott Court, then we are probably going to look at a more limited commercial use.

Speaker # 1: Applicant

Name: Spencer Wright

Address: 1572 Woodland Park Drive Suite # 505 - Layton, UT

Issues: Mr. Wright would like to rezone the above mentioned property for commercial use. To resolve the issue of access, he has placed both parcels under contract which would allow him shared access with the north building if the rezone application is approved. He also stated that the other corners of this intersection have been developed commercially, and the reason that this property has been blighted, is because it is zoned residentially with no potential for residential use. He is proposing that 6/10 of an acre be rezoned in order to build a 3,500 square foot retail mall. Mr. Wright's intentions are to rehabilitate the convenient store on the corner at the same time the mall is being erected. The owners have signed affidavits agreeing to the rezone. In closing, he stated that he would like to revitalize this corner and provide community services in this area.

Speaker # 2: Citizen

Name: Scott York

Address: 3341/3347 South 700 East Salt Lake City, UT

Issues: Mr. York, owner of a law firm in the area, stated that Scott Court is not a viable access by any means, and that if cars are parked on either side of the street, there is only enough room for one vehicle to travel in between. He also stated that the area is very much residential in nature, and expressed deep concern about there being no real access.

According to Mr. York, the residents in this area were not informed by the applicant about their request for the rezone which he found troublesome, and wondered if they would be "good neighbors". In closing, he expressed concern about wildlife in the area, and stated that the nature of the business was going to have a huge impact on the neighborhood, and affect it adversely by the sheer volume of traffic coming into the area.

Speaker # 3: Citizen

Name: Milton Juflus

Address: 2580 Elizabeth Street South Salt Lake City, UT

Issues: Mr. Juflus is the broker representing the owner of the property. He stated that the owner, Scott's Properties Limited LLC, is 91 years old, and that the property has been in his family for more than 100 years. According to Mr. Juflus, the owner no longer has the resources to revitalize this corner and, for this reason, closed the business roughly 3 years ago. It has remained vacant since that time.

Also, according to Mr. Juflus, the owner would like to tear down the two homes to the east, thus making the property into one large parcel of roughly 1.2 acres. In closing, he stated that the owner would like the property to be rezoned for commercial use, and if granted, this blighted area would be turned into a revitalized economic boom for the township, and for Salt Lake County.

Questions and Comments – Application #26188

Tom Christensen – Sometimes, the council is concerned because the zoning is their only look at the project so they want to get as much information as they can. With this Planning Commission, you'll be able to see the entire site plan that comes in with all the details, the excess, tax abuses, and everything will be specified at that point in time. We can't require them in the zoning stage to commit to a specific use.

Commissioner Van Frank – Why do we get this back in the planning process? Why does this come back as a conditional use? We are changing this to a C2 which allows what he's talking about. Why do we have to see this again in a conditional use application?

Tom Christiansen – The rezoning is the general use of the property. The conditional use is the specific use if that's where you get the detail.

Commissioner Van Frank – If what he is proposing is an allowed use, why does it have to come back to the Planning Commission? We don't get to look at allowed uses. We only get to look at conditional uses.

Tom Christiansen – It will be a conditional use when it comes back. It wouldn't be a permitted use. It would be a conditional use with the site plan.

Speaker # 4: Citizen

Name: Bonnie Brothers Cattle

Address: 686 East 4119 South - Salt Lake City, UT

Issues: Ms. Cattle stated that when she received a conditional use permit for her property next door, it was very specific in stating that it was for "professional office use only", and that retail use was prohibited. Ms. Cattle then addressed the developer and asked the question, "What did they plan to do about the fencing?" In closing, she noted that Scott Court was not considered a public street as it has not been paved, and is only 8-10 feet wide.

Questions and Comments – Application #26188

Commissioner Van Frank – Do we know if that is a dedicated road?

Spencer Sanders – According to the maps and records we have, it is a dedicated road. As part of their development, even if they don't have access off of that road, they would have to be upgrading their side of the street to include any dedication necessary as part of a commercial site plan approval.

PUBLIC PORTION OF MEETING WAS CLOSED

FINAL MOTION

Motion: *Move to forward to the County Council recommendation that the zoning seek to be approved.*

Motion by: *Commissioner Sackett*

2nd by: *Commissioner Janson*

Vote: *Unanimous without Chair voting*

Commissioner Name	For Motion	Against Motion	Abstain
Leslie Riddle	Yes		
Geralyn Perkins	Yes		
Leslie Van Frank			
Gary Sackett	Yes		
Thomas Davis	Yes		
John Janson	Yes		

(#25661 - Off-Street Parking Requirements: Section 040 Parking in Residential Zones.)

Presentation by: Nancy Moorman, (Planning Staff) – (A Copy of presentation or staff report is available upon request)

The purpose of the amendments are to amend the definition chapter 19.04 as well as the off-street chapter 19.80. The off-street parking chapter is being amended to create standards for parking residential front yards as well as setting minimum landscaping standards. The definition chapter is being amended to clarify some of these provisions.

These standards are being proposed in response to complaints from citizens in the Magna and Kearns area. The main goal of the amendments is to preserve the “residential character” of the neighborhoods. The first draft was presented to the Community Council in April, and we have received feedback from them as well as our District Attorney, and Code Enforcement officials. As a result of the “feedback”, we have significantly shortened the amendments, and made them less restrictive. The ordinance currently restricts vehicles weighing in excess of 13,000 GVW which may be too restrictive; therefore, we are reviewing the current ordinance. Provisions of that ordinance are forthcoming.

Our staff would like the Planning Commission to review the proposed ordinance, and share your thoughts with our staff as we realize there are issues with the current ordinance. Again, our goal is to help neighborhoods maintain their “residential feel”. We are closely looking at the possibility of changing the height and length requirement of vehicles as opposed to looking at the weight.

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.

Recommendations: *Staff recommends approval of the proposed Ordinance Amendment.*
(See attached staff report)

Questions and Comments – Parking in Residential Zones - #25661

Commissioner Janson – With regard to business licensing, have we tied home occupation issues into this at all?

Nancy Moorman – Business licensing allows individuals to have a 1 ton truck or less parked in their yard if they have a home business. Some business owners, however, will park their semi-trucks in their yards overnight when inspectors aren't working. Per Salt Lake County Ordinance, this is prohibited.

Speaker # 5 East Millcreek Community Council

Name: Judy Barnett

Address: 1909 East 3380 South - Salt Lake City, UT

Issues: Ms. Barnett agreed that there is a need to address the residential parking issue. She asked the Planning Commission to view the letter that she submitted with their packets, and thanked them for their consideration.

Speaker # 6 - Citizen

Name: Blake Keithly

Address: 3682 South 2175 East - Salt Lake City, UT

Issues: Mr. Keithly stated that parking needs have changed significantly over the years, and as a result, communities should be more tolerant of their neighbors parking needs. He also suggested that the Planning and Development staff, when rewriting the ordinance, consider GVW rating and body style. They should also consider classifying vehicles by weight (i.e. class 4, class 5, ect). Mr. Keithly then stated the proposed ordinance was a little "overreach".

He addressed the issue of inoperable vehicles, and felt the best way to solve this problem was to require these vehicles be covered and removed from the yard into the driveway. In closing, Mr. Keithly suggested that if a Landscape Ordinance was being imposed, it should be given a number that could be referred to, and placed in the same section as the Residential Parking Ordinance.

PUBLIC PORTION OF MEETING WAS CLOSED

Questions and Comments – Parking in Residential Zones # 25661

Commissioner Riddle – Can we prohibit anything parked on the street?

Tom Christensen – I can't give a definitive answer on this. We may be restricted on what we can do on these streets. I'll have to get back with you on this issue.

Commissioner Riddle -Can we address the issue of tarps on disabled vehicles?

Nancy Moorman - We are trying to make this ordinance fair. We are not trying to cause any unnecessary hardships on the owners. We are not changing the “junk” definition and it will still be enforced the same way.

Commissioner Davis – It seems to be that the detail here is a little bit of “overkill”. I’d be in favor of addressing the size of vehicles rather than their weight.

Nancy Moorman- This is ultimately the direction we will be moving in. Size will be taken into consideration. We’ll have a final draft to you next month.

Commissioner Van Frank – I don’t feel comfortable recommending approval to the County Council until we have the final language in front of us.

FINAL MOTION

Motion: *Motion for continuance*

Motion by: *Commissioner Riddle*

2nd by: *Commissioner Davis*

Vote: *Unanimous*

Commissioner Name	For Motion	Against Motion	Abstain
Leslie Riddle	Yes		
Geralyn Perkins	Yes		
Leslie Van Frank	Yes		
Gary Sackett	Yes		
Thomas Davis	Yes		
John Janson	Yes		

Commissioner Sackett – This is a matter on which I have recused myself in the prior hearing and will do so again.

(#26044 –Amend Sections of SLCo ord – 19.72.060 and 070 – Salt Lake County)

Presentation by: *Spencer Sanders, (Planning Staff)* – (A Copy of presentation or staff report is available upon request)

Recommendations: *I want to make it clear that this will be distributed to all the community councils in the county (not just CC's with FCOZ in their area). The reason we are going to all community councils is because other municipalities and other unincorporated areas have the right to speak at these meetings. There was a clear difference of opinions between staff and the board of adjustments amongst the language in the ordinance. The decision by the BOA raised issue of the observed interpretation of the ordinance. This was not a direct request from Snowbird or any of the resorts to address the specifics of Snowbird's application. This amendment pertains to mountain resorts having certain exceptions (water setback and slope). [Example - 'The criteria have to be looked at, but they aren't specifically applicable on all issues'.] Staff makes the recommendation of approval of the Ordinance Amendment.*

Speaker # 1 - Citizen

Name: Alan Sanderson

Address: 1744 South 1900 East Salt Lake City, UT

Issues: Mr. Sanderson stated that in the last month he's done an extensive amount of research on this issue, and concluded that when FCOZ was introduced in 1998 there was absolutely no provision for any of these waivers in the language. Then 2 years later, additional language was added into FCOZ, at the request of the Ski areas, for improvements of ski operations such as slopes.

Mr. Sanderson then stated that in talking to others, and in doing research, these provisions were never meant for anything other than ski runs, ski lifts, and other associated activities related to snow. Along with this provision, the definition of a ski resort was introduced. The definition is very broad according to Mr. Sanderson. In his opinion, waivers are being granted without much question in Salt Lake County.

In closing, Mr. Sanderson proposed Salt Lake County get rid of the definition of Ski Resorts altogether stating the proposed changes are not needed. He concluded that waivers should only be granted for snow-based activities only.

Speaker # 2 - Executive of Save our Canyons

Name: Carl Fisher

Address: 824 South 400 West Suite B115 Salt Lake City, UT

Issues: Mr. Fisher stated that Salt Lake County's summary was flawed, and that they have taken great liberties with the interpretation of the ordinance. As a result, Mr. Fisher created a matrix, in which he believes, is based on what is actually allowed in the ordinance. He then stated that Salt Lake County's Ordinance does not allow for development greater than 50%, ski runs, ski lifts, year around uses, and non-snow related activities. He is concerned with "exploding" of what is currently allowed under the existing code for these types of uses. In closing, Mr. Fisher argued that Salt Lake County is redefining the definition of a "ski resort" to

include year around uses, and that ski resorts currently have unregulated use to do as they wish. He then added that summer uses are a controversial matter, and that Salt Lake County is trying to legislate summer uses into the ordinance. A document was given to the Planning Commission by Mr. Fisher which outlined his concerns. The three areas of concern regarding the proposed revision of the FCOZ ordinance are as follows:

- 1). Criteria for approval – The current changes proposed by Salt Lake County would change the criteria from an “and” statement to an “or” statement, and essentially allow the picking and choosing in the criteria.
- 2). Limitations – Salt Lake County previously required that all waivers and modifications be satisfied prior to being granted. The change would allow the Planning and Development department to be selective in determining what criteria should apply when granting waivers.
- 3). Redefining “Ski Resort” – With the revision, Salt Lake County is attempting to legislate uses that are controversial, specifically as these uses relate to summer uses, which have never been the intention of this ordinance.

PUBLIC PORTION OF MEETING WAS CLOSED

FINAL MOTION

Motion: *Motion for continuance*
Motion by: *Commissioner Janson*
2nd by: *Commissioner Riddle*
Vote: *Unanimous*

Commissioner Name	For Motion	Against Motion	Abstain
Leslie Riddle	Yes		
Geralyn Perkins	Yes		
Leslie Van Frank	Yes		
Gary Sackett	Yes		
Thomas Davis	Yes		
John Janson	Yes		

(#25933- Public Use Water Tank Reservoir Replacement/Addition – Greg Loscher)

Presentation by: *Spencer Sanders (Planning Staff)* – (A Copy of presentation or staff report is available upon request)

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.

Recommendations: *Applicant for an amendment to the site plan. There is a proposed addition of a water tank. Metropolitan Water District of Salt Lake and Sandy currently have two tanks that are deteriorating. The addition of the Salt Lake City water tank, the slop will increase in the northwest corner of the site plan. Staff recommends approval of the proposed conditional use with 7 conditions. (See attached copy of the staff report)*

Speaker # 1 Applicant – Metropolitan Water District of Salt Lake City and Sandy

Name: Greg Locher

Address: 154 East 14000 South Salt Lake City, UT

Issues: Mr. Loscher conducted a meeting with the residents in the area, and with the Salt Lake County Council regarding the watershed issue. In addition to the construction, residents have expressed concerns regarding dust control and noise. Mr. Loscher stated they will do all they can to mitigate the issues of concern, by the neighbors. As a result, contractors will be required to adhere to each of these concerns. According to Mr. Loscher, the contractors have also been made aware of other concerns such as gardens, trees, etc, and will take these special situations into consideration when removing the fence. He then added that Salt Lake City may consider letting the residents back in, but will not make a final decision regarding this issue until the project has been completed.

In closing, Mr. Loscher addressed the question of whether the reservoir could be pushed into the ground. He stated that for specific reason, the tank could not be placed underground, and indicated that there would be an impact on their view of the area. He then added that although there would be an impact on their view, the mountains would not be blocked out entirely

Comments and Questions – Watershed issue

Commissioner Riddle - How will the embankment be landscaped?

Greg Locher – Native Grass. We are putting in permanent irrigation systems to help get as much native grass to grow as possible.

Commissioner Van Frank- What's there now?

Greg Locher – Native Grass.

Commissioner Riddle- Who enforces those contract details like dust abatement issues, etc? The contractors agree to do that, but who checks up on them?

Greg Locher – We do. The district has a fulltime representative onsite. The issue of dust abatement, which is governed by the local jurisdiction's regulations, would also enforce them. The contractor has to obtain a dust permit, and comply with that permit. We will reinforce that permit on the site, and Salt Lake County Health Department enforces it as well.

Commissioner Riddle - What will you do to help residents on the weekends and after hours? The issue of dust abatement after hours needs to be addressed.

Greg Locher – We may put in an irrigation system to help with the dust abatement issue.

Commissioner Davis – I think you should put an irrigation system on the fence.

Commissioner Riddle – I want to know that you have a system in place that doesn't only deal with dust abatement when a complaint occurs. Be proactive and do something before the construction.

Commissioner Van Frank – Can the County implement a hotline to address the issue of dust abatement?

Spencer Sanders – We will finalize the details of this project and get back with the Millcreek Planning Commission on this issue. The County staff will have a contact in place before the construction begins.

Commissioner Riddle – I would like to have a third-party control the matter.

Spencer Sanders – If the applicant doesn't comply, the issue can be brought back before the Planning Commission.

Greg Loscher– We are willing to go back before departments such as the health department to make adjustments to the existing dust abatement plan.

Speaker # 2 - Canyon Rim Community Council

Name: Derrick Sorenson

Address: 2965 South 2700 East Salt Lake City, UT

Issues: Mr. Sorenson stated that while Canyon Rim Community Council was unable to prevent the instillation of the tank, they are concerned about preserving the things that are most important to the residents. He added that residents purchased their homes in this area for specific reasons. Mr. Sorenson, on behalf of Canyon Rim Community Council, is recommending that Salt Lake City consider restoring the permitted use once the construction is completed.

He is urging the Planning Commission to recommend this proposal to the County Council. Mr. Sorenson also noted that the watershed issue will continue to appear on their monthly agenda until construction has been completed. In doing so, residents will have an open forum to discuss their concerns as they arise. His sentiments were also that residents don't want this area to look like a military camp. I

In closing, Mr. Sorenson, on behalf of the Canyon Rim Community Council, recommended approval with the condition that the dust control issue, which is a huge concern for the residents, be addressed. According to Mr. Sorenson, it appears that this issue has been addressed.

Speaker # 3: Citizen

Name: Peggy McCandless

Address: 3450 East 3020 South - Salt Lake City, UT

Issues: Mrs. McCandless stated that after the 911 event, the city installed a security fence in the area. She stated that having the fence in place has provided a great buffer zone in the event of a fire, and that her family mows the lawn on a regular basis to help prevent fires from occurring. Mrs. McCandless then added that they would like to preserve the green and open for wildlife in the area, and would also like to preserve their view of Mount Olympus. In closing, she added they have been great stewards of the land, and often share their produce with neighbors. She would like the easement to be returned after the construction if possible.

Questions and Comments – Watershed issue

Commissioner Van Frank –We will make a recommendation to Salt Lake City to return the easement after construction.

Speaker # 4: Citizen

Name: Betsy Jensen

Address: 3430 East 3020 South - Salt Lake City, UT

Issues: Mrs. Jensen stated that they would like the fence to remain for security purposes. Her concern is that the tank will block their view of the houses as well as their view of Mount Olympus. Mrs. Jensen, in opposition to the reservoir being placed above ground, stated they will be looking at essentially a "dirt wall", and that this would be very disappointing. She added that there must be a way to lessen the impact on the residents, and proposed the applicant review the situation to see if there are alternatives. In closing, Mrs. Jensen noted that dust will be an issue, and thinks the irrigation system is a great idea that should be allowed to run throughout the night.

Questions and Comments – Watershed issue

Greg Locher - The City is considering the idea of returning the easement after the construction. There are draw backs to implementing a pumping system as proposed by the residents.

Commissioner Van Frank- Residents should start talking to Salt Lake City now about returning the easement.

Speaker # 5: Citizen

Name: Ralph Paisley

Address: 3460 East 3020 South - Salt Lake City, UT

Issues: Mr. Paisley stated that it will cost the city a considerable amount of money to remove the fence, and they should considering keeping the fence in place.

Mike Wilson – The contractor is going to be doing a lot of pre-loading which will create the need to utilize this space we are talking about. Removing the fence and replacing it with a temporary fence, and then a future fence, will be a less expensive option than hauling this material in and out. This is what is driving the sequencing and the need to utilize this space.

Speaker # 6: Citizen

Name: Jeannie Edens

Address: 3141 South 3360 East - Salt Lake City, UT

Issue: Ms. Edens stated that noise, dust, seismic activity, and soil qualities are issues of concern. She is very concerned that a budget has not been determined for this project regarding the issue of dust remediation after hours and on weekends. Ms. Edens suggested trees be planted along the fence line, and then asked the question, “Why is this project not being considered as new construction?” In closing, she added that traffic concerns, alone, on 3300 South would affect individuals at a much greater distance than 300 feet, and that public notices should have gone out to these residents and business owners.

Speaker # 7: Citizen

Name: Deanne Hampson

Address: 3385 East Gregson Ave – Salt Lake City, UT

Issue: Mrs. Hampson expressed concern regarding the following:

- 1) .Drainage ditch
- 2). Valve box – will the cement box be covered by soil?
- 3). Landscaping
- 4). Rodent control – What will happen? The open field will provide a breeding ground for mice, rats, and moles.
- 5) Dust
- 5) Boulders- will they be placed under ground to protect against erosion?
- 6). Berm- will it cause a wind tunnel?
- 7). Fencing
- 8). Theft and security – this is a huge concern.
- 9). Overall Plan – there needs to be a better plan in place.

Speaker # 8: Citizen

Name: Stuart McCandless

Address: 3450 East 3020 South- Salt Lake City, UT

Issue: Mr. McCandless stated that the irrigation system being proposed to be placed on the east west fence would not be beneficial as the wind blows east west; and therefore, the water would not hit the ground. He also noted that this is the reason residents do not water their lawns until evening. In closing, Mr. McCandless feels there needs to be a more effective plan in place before construction begins.

Speaker # 9: Metropolitan Water District of Salt Lake City and Sandy

Name: Mike Wilson

Address: 3430 West Cottonwood Heights – Salt Lake City, UT

Issue: Mr. Wilson stated that his staff has, in place, an on-call personnel staff to deal with concerns such as security and dust abatement issues, and noted that staff personnel will respond in a timely manner.

PUBLIC PORTION OF MEETING WAS CLOSED

FINAL MOTION

Motion: *Continue discussion until next month*

Motion by: *Commissioner Riddle*

2nd by: *Commissioner Perkins*

Vote: *Unanimous*

Commissioner Name	For Motion	Against Motion	Abstain
Leslie Riddle	Yes		
Geralyn Perkins	Yes		
Leslie Van Frank	Yes		
Gary Sackett	Yes		
Thomas Davis	Yes		
John Johnson	Yes		

Adjourned: 7:33pm



Millcreek Township Planning Commission

Wednesday, November 16, 2011

Electronic Message Center Sign Ordinance Amendment

Commissioners,

I spoke with Councilwoman Iwamoto's Aid Krissy Nelson last week. I asked her about the status of Councilwoman Iwamoto's proposed ordinance amendment. She indicated the amendment draft was not yet complete, that Ms. Iwamoto was still working through it with the Council Attorney. Still did not have a specific date on when the draft would be ready but indicated that it would probably be a few more weeks. I asked Krissy to keep me up to date on the progress and express to her that the Commission was anxiously waiting to see what Ms. Iwamoto will be proposing.

I will follow up again in a couple of weeks.

Spencer G. Sanders, Planner



Millcreek Township Planning Commission

Wednesday, November 16, 2011

Bylaws/Rules and Procedures

Commissioners,

Earlier this week, Max Johnson, Richard Brockmyer and I from the staff sat down with John Jansen from the Commission and went over John's and Tom Stephens' comments and recommendations that were sent out last week. I believe we had a very productive discussion. While we may not agree on all points, there were a significant number of recommendations that we felt very comfortable incorporating into the staff's proposed draft. In addition, staff's latest draft has eliminated the provision regarding Alternate Members voting, the more we thought of it the more we agreed with many of you that the idea was too fraught with problems of confusion and complication. However, we are still proposing that the Alternates attend all meetings and participate in the discussion on the dais on all matters before the Commission.

I have included the version with John and Tom's comments in your packet along with staff's updated version for your review.

Thank you again for your consideration, I look forward to further discussion on this matter.

Respectfully,

Spencer G. Sanders, Planner

“ ___ ” Planning Commission RULES OF PROCEDURE

These Rules of Procedure shall govern the proceedings of the “ ___ ” Planning Commission (herein “the Commission”) and shall be consistent to the greatest extent possible with applicable provisions of the Utah Code and Salt Lake County Code of Ordinances.

I. Authority and Duties

This ~~policy~~ Commission shall act on all planning matters that arise within the “ ___ ” jurisdiction as required or permitted by the Salt Lake County Code of Ordinances.

II. Membership

Section 1. Appointment of Members– Any resident ~~citizen~~ of “ ___ ” interested in the authority and duties of this Commission may be appointed a Member. Membership shall be available without regard to race, color, creed, sex, religion, age, disability, sexual orientation, marital status, or national origin.

1. Membership – The Commission shall be composed of seven (7) Regular Members and two (2) Alternates Members appointed by the Mayor with the advice and consent of the County Council.
2. Alternates – Two (2) appointed Alternates designated as “Alternate One” and “Alternate Two” shall serve in place of any absent Regular Member. Alternates shall equally attend and participate as Commission Members at each meeting, including voting. An Alternate’s vote shall only count when not all Members are present. If only one Alternate is needed, the designated “Alternate One” shall serve as a Regular Member for that meeting. If “Alternate One” is not present, “Alternate Two” shall serve as a Regular Member for that Meeting. If two Alternates are needed, “Alternate One” and “Alternate Two” shall both serve as Regular Members for that ~~meeting~~.

Section 2. Rights of Members– All Members, including the Chair, shall be entitled to one vote on all matters properly brought before the Commission for action. Proxy votes shall not be permitted and Members must be present to vote.

~~Section 3. Supporting Agency – Salt Lake County Public Works, Planning and Development Services shall be the supporting agency of the Commission and shall digitally record all meetings, make recordings available to the public within three (3) business days, take written minutes, and post all agendas, staff reports that detail each application, staff’s analysis and recommendations and meeting activities to the Utah Public Notice website twenty four (24) hours prior to each meeting.~~

~~1. Creation of Agenda – The Supporting Agency Staff shall create the agenda for each regular meeting and shall send an agenda to the Commission. Additional items may be placed on the business meeting section of the agenda at the business meeting by the Commission or supporting staff.~~

~~2. Other County and State agencies are encouraged to attend meetings and build partnerships with the Commission. These agencies include but are not limited to:~~

Comment [JJ1]: I don’t think you can always guarantee that these policies will be consistent
TS: have to be consistent with the law.

Comment [JJ2]: Not all we do

Comment [JJ3]: Sorry, I think this section is the best way to handle alternates. This gives them a responsibility, training, and a reason to show up!

Comment [JJ4]: Not sure why we need this – see below (JJ6)
TS: see staff report language addition
TS: the district attorney is also a supporting entity. If the “supporting agency” language remains, then we need to add language for the DA office.

Comment [JJ5]: If this needs to stay, staff should get the Chair’s agreement to add items to the agenda
TS: I suggest all planning staff created agendas must first be approved by the Chair. The MTPC should not be required to accept the desired agenda of the planning staff in the absence of consultation with the Chair.

- a. ~~UDOT~~
- b. ~~UTA~~
- d. ~~SLCo Engineering~~
- e. ~~SLCo Parks and Recreation~~
- f. ~~Unified Police Department~~
- g. ~~Unified Fire Department~~

Section 4. Commission Member Terms– Regular and Alternate Members shall be appointed for a term of three (3) consecutive years. Members shall not be appointed for more than two (2) consecutive three (3) year terms. All appointments shall be made with consideration for staggered terms.

Section 5. Training – Within three (3) months of being first appointed, all Members shall meet with Planning and Development Staff to review Rules of Procedure, the General Plan, and County Ordinances and Policies. Failure to comply with this provision shall result in removal of the Member from the Commission, **subject to consultation with and approval of the Mayor.**

Section 6. Attendance – Members shall regularly attend meetings. A Member shall be removed from the Commission if he/she has three (3) unexcused absences from Commission meetings within a one-year time period, **subject to consultation with and approval of the Mayor.**

Section 7. Excused and Unexcused Absences – A Member unable to attend a meeting must contact the Chair or the supporting agency at least twenty-four (24) hours prior to the scheduled meeting and indicate the reason for being absent. Members who give less than 24 hour notice shall be considered unexcused, except when the Chair has approved a valid reason. Any absences, excused or unexcused, shall be recorded in the meeting minutes.

New section 8 – Member Responsibilities – as a Member of the Commission, each member shall be responsible to:

Prior to the scheduled public meeting, Read and study the packet agenda, staff reports and all attached documents prepared by staff so that they are fully informed about each application.

Act in a courteous and respectful manner to ~~you~~ their fellow Members, the staff, and the public, during all meetings.

Declare and recuse themselves in the case of any real or perceived conflict of interest. This includes the potential for personal gain, future investments, the inability to be objective, and any potential for an implied conflict.

Attend the meetings and arrive on time. Failure to attend more than 2 meetings in a row may be cause for Member removal. Failure to attend at least 8 of the Commission meetings, either with or without cause, in any calendar year may also be grounds for removal, subject to consultation with and approval of the Mayor.

Section 8. Removal Proceedings – Any Member shall be removed from the committee in accordance with these bylaws and County Ordinance. In the event the Commission determines, by a two-thirds majority vote of all Members, that it is in the best interest of the Commission and the County that a Member be

Comment [JJ6]: I see no point to this section. These bylaws are about the commission, not the supporting agency. It should just identify what office provides support.

Comment [JJ7]: This may not cover everything here but I think all Members should have an idea of what the expectations are.

removed, the ~~Chair or Vice Chair~~ Commission shall make a recommendation to the Mayor or his/her designee and the County Council to initiate removal proceedings.

Comment [JJ8]: This should probably be the Commission since it is possible that the person being removed is the Chair or Vice chair

Section 9. Vacancies – A Member may resign at any time by giving written notice of such resignation to the Chair and supporting agency. Resignations shall be recorded in the meeting minutes. Any vacancy in a Member’s position shall be filled in the same manner as a regular appointment and the person appointed shall serve the remainder of the unexpired term.

Section 10. Compensation and Reimbursement – Members shall receive no compensation for their services. If authorized by the Mayor or his/her designee, Members may be reimbursed for any reasonable expense they may incur for activities conducted. All reimbursements shall be processed through the Mayor and must be in accordance with Utah Code and County Ordinances.

III. Officers

Section 1. Election of Officers – As the first order of business at the first regularly scheduled meeting of the year, the Commission shall hold elections for the positions of Chair and Vice Chair from among Members by a ~~two-thirds~~ majority vote of the total Membership. All election practices shall comply with Robert’s Rules of Order.

Section 2. Officer Terms - Officers shall serve a term of one (1) year and are allowed to serve up to two (2) consecutive terms. Members shall not serve in an office beyond their Commission appointment term.

Section 3. Officers Duties

1. The Chair Shall:

- a. Serve as the Presiding Officer of the Commission
- b. Implement the Rules of Procedure
- c. Coordinate with the Supporting Agency Staff to provide an agenda for each public meeting, and timely reports and other relevant information to the Commission
- d. Execute all official documents and letters of the Commission
- e. Identify and bring before the Commission such policy matters as are within the purview of the Commission

2. The Vice Chair Shall:

- a. Assist the Chair in all necessary capacities
- b. Assume the duties and responsibilities for the Chair in all instances where the Chair is not available or unable to carry out the duties and responsibilities
- c. Identify and bring before the Commission such policy matters as are within the purview of the Commission

Section 4. Chair *pro tem* – In the absence or incapacity of both the Chair and the Vice Chair for a Commission meeting, the Regular Members present at the meeting shall elect a Chair *pro tem* to serve as Presiding Officer only for that meeting.

IV. Meetings of ~~Member~~ Commission

Section 1. A Quorum shall consist of four (4) of the current appointed Members and shall be necessary to conduct any business of the Commission.

Section 2. Adherence to County, State, and Federal Law – All meetings shall generally adhere and comply with Roberts Rule of Order, the Utah Open Meetings Act, and the Government Records Access Management Act (GRAMA).

Section 3. Regular Meetings – Meeting locations will be publicly noticed and held each month. Annual notice of meetings shall be published at the beginning of each calendar year. In addition, dates and times of the meeting shall be posted on the Utah Public Notice website a minimum of twenty-four (24) hours prior to each meeting.

Section 4. Special Meetings – Special meetings may be called by the Chair at any time, provided that a minimum of twenty-four (24) hours' notice is given to each Member before the meeting is held and notice is posted on the Utah Public Notice website. Such meetings may include fieldtrips.

Section 5. Meeting Cancellation – Notice of cancellation of a meeting shall be posted. If a meeting is rescheduled the new meeting time, date, and location shall be posted on the Utah Public Notice website a minimum of twenty-four (24) hours prior to the meeting.

V. Subcommittees

The Chair may create nine-month time limited subcommittees as deemed necessary. Members of subcommittees shall be Commission Members.

VI. Procedures

A. Business Meeting

Section 1. The Commission ~~shall~~ may conduct a business meeting an hour prior to each regularly scheduled meeting. The supporting staff, or the Commission, by a majority vote, may adjust this time limit as needed. Members of the public may attend such meetings, but will not participate unless invited to do so by the Chair or supporting staff.

Comment [JJ9]: There could be times when we do not need a business meeting

Section 2. The first order of business at each business meeting shall be the review and acceptance of the agenda. Additional items may be added to the business meeting section of the agenda by the supporting staff or the Commission, by a majority vote. The Commission may also discuss policy issues and administrative matters. Special presentations, reports, and updates from the supporting staff that do not require a decision may also be made. There shall be no discussion of applications, requests, or approvals.

Comment [JJ10]: I don't follow why we should not have any discussion of regular agenda items in the business meeting. It might be that we have questions that need to be researched or to help the staff prepare for the meeting. Many Commissions simply have a "business" meeting to go over the agenda to help prepare both staff and Members

B. Regular Meeting.

Section 1. Order – The order of business at the regular meeting shall follow the noticed agenda. The Chair, with the consent of the Commission, by a majority vote, or upon recommendation of the supporting staff, may consider matters out of the agenda order.

Section 2. Decisions – A matter for decision will be placed before the Commission by motion made by any Regular Member present at the meeting. The Chair shall not make motions before the Commission

except in the absence of a response from other Regular Members to an invitation by the Chair that a motion on a pending matter would be in order. Any Regular Member may second a motion. Alternates may make motions and second motions only if they are serving as a Regular Member for the meeting.

Section 3. An affirmative vote of the majority of the Regular Members present at the meeting shall decide all matters under consideration by the Commission.

Section 4. Following a seconded motion, the Boards and Commissions Coordinator shall ask each Member to verbally pronounce their vote from left to right of the audience and shall record each individual vote in the written minutes as an “aye” or a “nay”.

C. Procedures for Applications

Section 1. Notice of Meeting – The Commission, through the supporting staff, shall mail notices of the first meeting at which an application for a conditional use or zoning amendment is to be considered to all property owners appearing on the latest plat in the Salt Lake County Recorder’s Office who own property within 300 feet of the boundary of the premises that are the subject of the application.

Section 2. Deferral of Action – Lack of notification to the designated property owners shall not constitute incomplete or improper legal notice of an application, and a hearing or action taken on such an application shall not be deemed invalid or illegal because of the failure to mail notices provided for in this section. **It is at the discretion of the Commission to defer action on an application that is subject to a lack of notice being sent to property owners as required in paragraph C. Section 1, above.**

Section 3. Application Hearing Procedure

1. Any person or entity may appear in person or be represented by an authorized agent at any meeting of the Commission
2. Unless altered by the Chair, the order of the procedure at a hearing on an application shall be:
 - a. Presentation of the application by the Planning Staff, including its **analysis of relevant zoning ordinances and** recommendations and a summary of pertinent written comments and reports concerning the application
 - b. The applicant’s presentation, not to exceed fifteen (15) minutes
 - c. Any group representing the area in which the subject property is located, not to exceed five (5) minutes, **or longer at the discretion of the Chair.**
 - d. Persons other than the applicant in favor of, or not opposed to, the application, not to exceed three (3) minutes per person, **or longer at the discretion of the Chair.**
 - e. Persons opposing the application, in whole or in part, not to exceed three (3) minutes per person, **or longer at the discretion of the Chair.**
 - f. Rebuttal by the applicant as necessary to respond to new issues raised by other parties, not to exceed five (5) minutes, **or longer at the discretion of the Chair.**

Comment [JJ11]: I differ here – most Commissions have to still have a majority of the full commission to get a motion to pass. So I would suggest 4 votes is the minimum. This means a unanimous vote (4 ayes or nays) is required if only 4 members are there (4 votes if 5 are present). It seems odd that less than a majority of the full Commission gets to make a final decision/recommendation due to absences
TS: generally I agree with John Janson on this subject. Question: does an applicant have a higher hurdle to overcome if there are only four members present and four affirmative votes are required for approval? The pool of available “aye” votes, with only four members present, is less than if the full seven members were present. What does County code say on this subject?

Section 4. Application Hearing Rules

1. Each speaker, before talking, shall give his or her name and address
2. ~~No~~ Questions ~~shall~~ ~~may~~ ~~be~~ ~~asked~~ ~~by~~ ~~the~~ ~~speaker~~ ~~or~~ ~~be~~ ~~offered~~ ~~by~~ ~~the~~ Members ~~after~~ ~~each~~ ~~identified~~ ~~procedure~~ ~~in~~ ~~2~~ ~~above~~ ~~either~~ ~~through~~ ~~without~~ the consent of the Chair ~~or~~ ~~without~~.
3. Only one speaker is permitted before the Commission at a time
4. All submissions must be made at the hearing
5. The discussion must be confined to essential points stated in the application bearing on the desirability or undesirability of the application
6. The Chair, **at his/her discretion**, ~~shall~~ **may** cease any presentation or information that has already been presented and acknowledge that it has been noted in the public record
7. No personal ~~ities~~ **attacks** shall be indulged in by either side, and such action shall be sufficient cause for stopping the speaker from **proceeding**
8. No applause, ~~or~~ public outbursts, ~~or~~ **personal attacks on character** shall be permitted

Comment [JJ12]: This seems more like how we operate – seems awkward to get the chair’s consent for every question.

Section 5. Decisions –A decision of the Commission on an application shall be documented in writing **by the support staff** and shall include reasons for the decision. The written decision shall be **posted** within three (3) business days.

Comment [JJ13]: What process is employed if the Members, Staff, or public become unruly? Can the chair ask for police support and removal of offending individuals?

Comment [JJ14]: Where? Some staffs do a follow up letter to the applicant within 3 days

~~Section 6 Decisions – failure to reach a decision within 3 hearings shall result in the automatic approval of the application~~, **but only if the applicant has responded to all Commission questions and requests for additional information and clarifications.**

Comment [JJ15]: Hearings/applications should not go on and on indefinitely
TS: sometimes applicants come before the commission with conceptual plans only that, if approved, have the potential for a high impact on the County or nearby residents. Of course, the commission can always deny an application based on the absence of reasonably required detailed information – so that too is a decision.

Section 7 – our section on “Reconsideration”

VII. Ethics and Conflicts of Interest

Section 1. Compliance -All Members shall abide by Utah Code and, at the first meeting of each calendar year, complete the following documents:

1. Salt Lake County Conflict of Interest Form
 - a. This form must be completed and signed by every Member, regardless if the Member has a conflict of interest, and shall be on file with the supporting agency. If a Member’s conflict of interest status changes, a new form shall be submitted.
2. Salt Lake County Volunteer Contract (after reading and agreeing to abide by the Salt Lake County Sexual Harassment Rules and Regulations).

Section 2. Voting Recusal: Member– A Member shall not vote on any matter in which they may have a conflict of interest ~~(see section “new 8” with some language about including but not limited to)~~. When a

Comment [JJ16]: Possibly this is a better place to discuss the details of conflict of interest – let’s make sure we all know about these conflicts as opposed to referring to a changing State Law

Member believes that a conflict exists, the nature of the conflict shall be declared, and the Member shall be recused and shall not participate, or be present, during any discussion and vote on the matter.

Section 3. Voting Recusal: Commission – If the Commission, by a majority vote, determines that a Member holds a perceived or actual conflict of interest, the Member must recuse themselves and shall not participate, or be present, during any discussion and vote on the matter.

Section 4. Disclosures and reasons for recusal shall be made part of the meeting minutes.

Amendments and Adoption

A. Adoption and Amendment Procedure

The Commission shall, following a majority vote, recommend approval and/or amendments to these Rules of Procedure to the Mayor or his/her designee and the County Council. All amendments must be consistent with all other County Planning Commission Rules and Procedures.

DRAFT 10/11/11

“ ___ ” Planning Commission

RULES OF PROCEDURE

These Rules of Procedure shall govern the proceedings of the “ ___ ” Planning Commission (herein “the Commission”) and shall be consistent with applicable provisions of the Utah Code and Salt Lake County Code of Ordinances.

I. Authority and Duties

This Planning Commission shall act on all planning matters that arise within the “ ___ ” jurisdiction as required or permitted by the Salt Lake County Code of Ordinances.

II. Membership

Section 1. Appointment of Members– Any resident of “ ___ ” interested in the authority and duties of this Commission may be appointed a Member. Membership shall be available without regard to race, color, creed, sex, religion, age, disability, sexual orientation, marital status, or national origin.

1. Membership – The Commission shall be composed of seven (7) Regular Members and two (2) Alternates Members appointed by the Mayor with the advice and consent of the County Council.
2. Alternates – Two (2) appointed Alternates designated as “Alternate One” and “Alternate Two” shall serve in place of any absent Regular Member. Alternates shall equally attend and participate as Commission Members at each meeting, but shall only vote when not all Members are present. If only one Alternate is needed, the designated “Alternate One” shall serve as a Regular Member for that meeting. If “Alternate One” is not present, “Alternate Two” shall serve as a Regular Member for that Meeting. If two Alternates are needed, “Alternate One” and “Alternate Two” shall both serve as Regular Members for that meeting.

Section 2. Rights of Members– All Members, including the Chair, shall be entitled to one vote on all matters properly brought before the Commission for action. Proxy votes shall not be permitted and Members must be present to vote.

Section 3. Supporting Agency – Salt Lake County Public Works, Planning and Development Services shall be the supporting agency of the Commission and shall digitally record all meetings, make recordings available to the public within three (3) business days, take written minutes, and post all agendas and meeting activities to the Utah Public Notice website twenty-four (24) hours prior to each meeting.

1. Creation of Agenda – The Supporting Agency Staff, with consultation from the Chair, shall create the agenda for each regular meeting and shall send an agenda to the Commission. Additional items may be placed on the business meeting section of the agenda at the business meeting by the Commission or supporting staff.
2. Other County and State agencies are encouraged to attend meetings and build partnerships with the Commission. These agencies include but are not limited to:

- a. UDOT
- b. UTA
- c. SLCo Engineering
- d. SLCo Parks and Recreation
- e. SLCo Public Works Operations
- f. SLCo Transportation
- g. SLCo DA Office
- g. Unified Police
- h. Unified Fire
- i. Salt Lake Valley Health Department
- j. “_____” Community Council
- k. SLC Public Utilities
- l. U.S. Forest Service
- m. U.S. Army Corp of Engineers
- n. Utah State Department of Natural Resources Division of Water Rights

Section 4. Commission Member Terms– Regular and Alternate Members shall be appointed for a term of three (3) consecutive years. Members shall not be appointed for more than two (2) consecutive three (3) year terms. A Regular Member who has served two (2) consecutive terms shall not be appointed as an Alternate Member immediately following their final term. All appointments shall be made with consideration for staggered terms.

Section 5. Training – Within three (3) months of being first appointed, all Members shall meet with Planning and Development Staff to review Rules of Procedure, the General Plan, and County Ordinances and Policies. Failure to comply with this provision shall result in removal of the Member from the Commission.

Section 6. Attendance – Members shall regularly attend meetings. A Member shall be removed from the Commission if he/she has three (3) unexcused absences from Commission meetings within a one-year time period.

Section 7. Excused and Unexcused Absences – A Member unable to attend a meeting must contact the Chair or the supporting agency at least twenty-four (24) hours prior to the scheduled meeting and indicate the reason for being absent. Members who give less than 24 hour notice shall be considered unexcused, except when the Chair has approved a valid reason. Any absences, excused or unexcused, shall be recorded in the meeting minutes.

Section 8. Member Responsibilities – As a Member of the Commission, each member shall be responsible to:

1. Prior to the scheduled public meeting, Read and study the agenda, staff reports and all attached documents prepared by staff so that they are fully informed about each application.
2. Act in a courteous and respectful manner to their fellow Members, the staff, and the public, during all meetings.
3. Attend the meetings and arrive on time.

Section 9. Removal Proceedings – Any Member shall be removed from the committee in accordance with County Ordinance by the Mayor with the advice and Consent of the County Council. In the event the

Commission determines, by a two-thirds majority vote of all Members, that it is in the best interest of the Commission and the County that a Member be removed, the Commission shall make a recommendation to the Mayor or his/her designee and the County Council to initiate removal proceedings.

Section 10. Vacancies – A Member may resign at any time by giving written notice of such resignation to the Chair and supporting agency. Resignations shall be recorded in the meeting minutes. Any vacancy in a Member’s position shall be filled in the same manner as a regular appointment and the person appointed shall serve the remainder of the unexpired term.

Section 11. Compensation and Reimbursement – Members shall receive no compensation for their services. If authorized by the Mayor or his/her designee, Members may be reimbursed for any reasonable expense they may incur for activities conducted. All reimbursements shall be processed through the Mayor and must be in accordance with Utah Code and County Ordinances.

III. Officers

Section 1. Election of Officers – As the first order of business at the first regularly scheduled meeting of the year, the Commission shall hold elections for the positions of Chair and Vice Chair from among Members by a two-thirds majority vote of the total Membership. All election practices shall comply with Robert’s Rules of Order.

Section 2. Officer Terms - Officers shall serve a term of one (1) year and are allowed to serve up to two (2) consecutive terms. Members shall not serve in an office beyond their Commission appointment term.

Section 3. Officers Duties

1. The Chair Shall:
 - a. Serve as the Presiding Officer of the Commission
 - b. Implement the Rules of Procedure
 - c. Coordinate with the Supporting Agency Staff to provide an agenda for each public meeting, and timely reports and other relevant information to the Commission
 - d. Execute all official documents and letters of the Commission
 - e. Identify and bring before the Commission such policy matters as are within the purview of the Commission
2. The Vice Chair Shall:
 - a. Assist the Chair in all necessary capacities
 - b. Assume the duties and responsibilities for the Chair in all instances where the Chair is not available or unable to carry out the duties and responsibilities
 - c. Identify and bring before the Commission such policy matters as are within the purview of the Commission

Section 4. Chair *pro tem* – In the absence or incapacity of both the Chair and the Vice Chair for a Commission meeting, the Regular Members present at the meeting shall elect a Chair *pro tem* to serve as Presiding Officer only for that meeting.

IV. Meetings of Members

Section 1. A Quorum shall consist of four (4) of the current appointed Members and shall be necessary to conduct any business of the Commission.

Section 2. Adherence to County, State, and Federal Law – All meetings shall generally adhere and comply with Roberts Rule of Order. All meeting shall adhere to the Utah Open Meetings Act, and the Government Records Access Management Act (GRAMA).

Section 3. Regular Meetings – Meeting locations will be publicly noticed and held each month. Annual notice of meetings shall be published at the beginning of each calendar year. In addition, dates and times of the meeting shall be posted on the Utah Public Notice website a minimum of twenty-four (24) hours prior to each meeting.

Section 4. Special Meetings – Special meetings may be called by the Chair at any time, provided that a minimum of twenty-four (24) hours' notice is given to each Member before the meeting is held and notice is posted on the Utah Public Notice website. Such meetings may include fieldtrips.

Section 5. Meeting Cancellation – Notice of cancellation of a meeting shall be posted. If a meeting is rescheduled the new meeting time, date, and location shall be posted on the Utah Public Notice website a minimum of twenty-four (24) hours prior to the meeting.

V. Subcommittees

The Chair may create nine-month time limited subcommittees as deemed necessary. Members of subcommittees shall be Commission Members.

VI. Procedures

A. Business Meeting

Section 1. The Commission shall conduct a business meeting an hour prior to each regularly scheduled meeting. The supporting staff, or the Commission, by a majority vote, may adjust this time limit as needed. Members of the public may attend such meetings, but will not participate unless invited to do so by the Chair or supporting staff.

Section 2. The first order of business at each business meeting shall be the review and acceptance of the agenda. Additional items may be added to the business meeting section of the agenda by the supporting staff or the Commission, by a majority vote. The Commission may also discuss policy issues and administrative matters. Special presentations, reports, and updates from the supporting staff that do not require a decision may also be made. There shall be no discussion of applications, requests, or approvals.

B. Regular Meeting.

Section 1. Order – The order of business at the regular meeting shall follow the noticed agenda. The Chair, with the consent of the Commission, by a majority vote, or upon recommendation of the supporting staff, may consider matters out of the agenda order.

Section 2. Decisions – A matter for decision will be placed before the Commission by motion made by any Regular Member present at the meeting. The Chair shall not make motions before the Commission except in the absence of a response from other Regular Members to an invitation by the Chair that a motion on a pending matter would be in order. Any Regular Member may second a motion. Alternates may make motions and second motions only if they are serving as a Regular Member for the meeting.

Section 3. A minimum of four (4) votes in favor of a motion shall carry the motion. In the event of a minimum quorum, a unanimous vote in favor of a motion shall be required to carry the motion.

Section 4. Following a seconded motion, the Boards and Commissions Coordinator shall ask each Member to verbally pronounce their vote from left to right of the audience and shall record each individual vote in the written minutes as an “aye” or “nay”.

C. Procedures for Applications

Section 1. Notice of Meeting – The Commission, through the supporting staff, shall mail notices of the first meeting at which an application for a conditional use or zoning amendment is to be considered to all property owners appearing on the latest plat in the Salt Lake County Recorder’s Office who own property within 300 feet of the boundary of the premises that are the subject of the application.

Section 2. Deferral of Action – Lack of notification to the designated property owners shall not constitute incomplete or improper legal notice of an application, and a hearing or action taken on such an application shall not be deemed invalid or illegal because of the failure to mail notices provided for in this section.

Section 3. Application Hearing Procedure

1. Any person or entity may appear in person or be represented by an authorized agent at any meeting of the Commission
2. Unless altered by the Chair, the order of the procedure at a hearing on an application shall be:
 - a. Presentation of the application by the Planning Staff, including its recommendations and a summary of pertinent written comments and reports concerning the application
 - b. The applicant’s presentation, not to exceed fifteen (15) minutes
 - c. Any group representing the area in which the subject property is located, not to exceed five (5) minutes
 - d. Persons other than the applicant in favor of, or not opposed to, the application, not to exceed three (3) minutes per person
 - e. Persons opposing the application, in whole or in part, not to exceed three (3) minutes per person
 - f. Rebuttal by the applicant as necessary to respond to new issues raised by other parties, not to exceed five (5) minutes

Section 4. Application Hearing Rules

1. Each speaker, before talking, shall give his or her name and address
2. No questions shall be asked by the speaker or Members without the consent of the Chair
3. Only one speaker is permitted before the Commission at a time
4. All submissions must be made at the hearing
5. The discussion must be confined to essential points stated in the application bearing on the desirability or undesirability of the application
6. The Chair shall cease any presentation or information that has already been presented and acknowledge that it has been noted in the public record
7. No personal attacks shall be indulged in by either side, and such action shall be sufficient cause for stopping the speaker from proceeding
8. No applause or public outbursts shall be permitted
9. The Chair or supporting staff may request police support to remove offending individuals who refuse to abide by these rules

Section 5. Decisions –A decision of the Commission on an application shall be documented in writing by the supporting staff and shall include reasons for the decision. The written decision shall be posted within three (3) business days.

VII. Ethics and Conflicts of Interest

Section 1. Compliance -All Members shall abide by Utah Code and, at the first meeting of each calendar year, complete the following documents:

1. Salt Lake County Conflict of Interest Form
 - a. This form must be completed and signed by every Member, regardless if the Member has a conflict of interest, and shall be on file with the supporting agency. If a Member's conflict of interest status changes, a new form shall be submitted.
2. Salt Lake County Volunteer Contract (after reading and agreeing to abide by the Salt Lake County Sexual Harassment Rules and Regulations).

Section 2. Voting Recusal: Member– A Member shall not vote on any matter in which they may have a conflict of interest. This includes the potential for personal gain, future investments, the inability to be objective, and any potential for an implied conflict. When a Member believes that a conflict exists, the nature of the conflict shall be declared, and the Member shall be recused and shall not participate, or be present, during any discussion and vote on the matter.

Section 3. Voting Recusal: Commission – If the Commission, by a majority vote, determines that a Member holds a perceived or actual conflict of interest, the Member must recuse themselves and shall not participate, or be present, during any discussion and vote on the matter.

Section 4. Disclosures and reasons for recusal shall be made part of the meeting minutes.

Amendments and Adoption

A. Adoption and Amendment Procedure

The Commission shall, following a majority vote, recommend approval and/or amendments to these Rules of Procedure to the Mayor or his/her designee and the County Council. All amendments must be consistent with all other County Planning Commission Rules and Procedures.

DRAFT 11/8/11



**Millcreek Township Planning
Commission**

Wednesday, November 16, 2011

***Curb, Gutter and Sidewalk
Background Report
Current Practices and Regulations***

Salt Lake County Public Works - Sidewalk Report

Prepared by Jeremy Goldsmith

INTRODUCTION:

How does the County install sidewalks Now?

Salt Lake County Ordinance stipulates that individual property owners are required to maintain curbs, gutters, and sidewalks in front of their property. Salt Lake County Public Works is the primary department that handles sidewalk improvement and installation projects (Engineering, Operations, and Planning). The county obtains sidewalk with development, public requests, priority lists, and in cooperation with multiple organizations (private and public).

What has the County done in Recent History?

Prior to 1990, sidewalks were not always required to be installed at the time of development. This has created a need for installation of sidewalks in cooperation with safety and health requirements. In the early 1990's (1991-1994) county ordinances were established in accordance with all **new** construction/developments. Curb and gutter and/or sidewalk installation plans are to be presented in the application process and installed during construction.

FACTS:

- Over 100 areas within the Unincorporated County have requested sidewalk installation. Funding level is approved annually.
- In the past 3 years, **over 50%** of Salt Lake County's annual sidewalk budget is dedicated to improvements in Millcreek each year.

Where does FUNDING come from?

Funding sources stem from a variety of organizations, people, and taxes.

1. **Class B Gas Tax** contributes to county funds for Engineering's' Safer Sidewalk Program
2. **CDBG** (Community Development Block Grant) grants are federally funded concrete replacements
 - a. These areas are defined "target areas" based on restrictive federal guidelines
 - b. Call (801)-535-7961 for more info
3. **UDOT Safe Routes to School** Projects help establish sidewalk in needed areas around schools
4. The county will get **reimbursed by UDOT** for projects on federally owned right-of-ways.
5. **50/50 Program** where the County and Private Owners split the installation costs
 - a. Property owners must pay their portion before construction begins. (Please
6. **Bond Completion/Guarantee Bond program**
 - a. If the property owner or representing contractor defaults on the successful completion of the project, the guarantee bond covers the completion of the 'Right-Of-Way' and the owner is responsible to pay the county
7. **Operations Repair Budget** – Only used to repair specific sidewalk (*See Operations Section)

SALT LAKE COUNTY – PUBLIC WORKS

Planning

Ordinances

- Chapter 14.12 – Sidewalk Features & ADA Requirements
- Chapter 14.32 – Sidewalk Maintenance & Inspection
- Chapter 18.24 – Subdivision Curbs and Gutters
- Chapter 19.76 – Off-Site Improvements Required (Zoning)

Please see actual ordinance language under *Salt Lake County Relevant Ordinances* below

Exceptions

- Chapter 14.12.150 – This part of the ordinance stipulates certain exceptions for abutting property owners to request an exception where unusual topographical, aesthetic, or other exceptional conditions exist. These exceptions may be approved by the mayor after receiving recommendations from the planning commission and the public works engineer. The recommendations made cannot conflict or be detrimental to the public safety or welfare.

Delay Agreements

- The county no longer accepts delay agreements with abutting property owners on sidewalk installation.

Salt Lake County Public Works - Sidewalk Report

Prepared by Jeremy Goldsmith

Operations

The County will provide assistance with the repair of failing curb, gutter, or sidewalk by hauling the old concrete away provided the owner/contractor has broken up the concrete into pieces less than 3 feet long and placed it in a pile where a front end loader can pick it up. (Only concrete removed from the sidewalk, curb, gutter, and drive approach). The County will also pave the road adjacent to the new concrete curb and gutter provided the sawcut of the asphalt is at least 2 feet from the new lip of the gutter and the old asphalt is removed. Contact Larry Helquist at 562-6434 to schedule the concrete and asphalt tie-in.

Operations will provide assistance with the repair of failing curb, gutter, or sidewalk on an “as-needed” basis. We are waiting to hear from Leon Berrett in Operations on how they determine an “as-needed” basis.

Engineering

Current Sidewalk Installation Options

Option 1: Request the County to analyze a street for sidewalks which will place them on a priority list based on number of vehicles on the road, number of pedestrians, schools in the area and the accident rate. The higher the project is on the priority list the sooner the project can be completed when funds become available. Requests must be made in writing. These request can come from the general public, residents on a street, a school district, a community council, or even internally.

Option2: Create a Local Improvement District (LID) where the residents pay for sidewalks and the County performs the installation.

Engineering’s Safer Sidewalk Program

The safer sidewalk program provides for safer local roadways through the installation of curb, gutter and sidewalk along at least one side of the roadway.

This program is a request driven program which uses safety data to establish a hazard index (HI) which assists with prioritizing the requests. The HI includes values for speed limit, traffic volume, pedestrian volume, schools in the area and existing walkways along the roadway.³ The matrix is a replica of the UDOT matrix to determine a R.O.W’s hazard index.

PHASE 1 - Safer Sidewalk Program Hazard Index Analysis⁴ - (Please See Matrix on next page)

- Vehicle Criteria
 - Posted speed limit
 - Traffic volume
- Pedestrian Criteria
 - Pedestrian volume
 - Type of schools benefited
 - Ratio of school age pedestrians to total
 - Accident rate
- Existing Path Width Criteria

PHASE 2 – Priority Feasibility Analysis

- Factors
 - Neighborhood Impact
 - Right-Of-Way (ROW) Impact
 - Budget
 - Right-Of-Way (ROW) Ownership/Acquisition Process
 - Utility Logistics (Electric, Sewer, etc...)

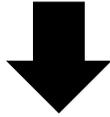
Salt Lake County Public Works - Sidewalk Report

Prepared by Jeremy Goldsmith

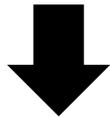
5

COMMUNITY REQUESTS

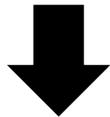
(from individuals + community councils)



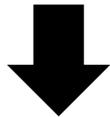
PHASE 1 - HAZARD INDEX Analysis



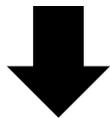
Priority List of Potential Safe Sidewalks Projects



PHASE 2 – Priority Feasibility Analysis



Public Input Process and/or Validation



Shovel Ready for Construction

Salt Lake County Safer Sidewalk Hazard Index Point Criteria		
Criteria		Points
Posted Speed Limit	Over 40 mph	6
	35-40 mph	4
	30-34 mph	2
	<29 mph	1
Traffic Volume	Over 20000 ADT	6
	15001-20000 ADT	4
	10001-15000 ADT	2
	<10000 ADT	1
Pedestrian Volume	Over 200	6
	101-200	4
	51-100	2
	0-50	1
Schools Benefitted	Elementary	6
	Junior High	4
	High School	2
	None	1
Ratio (School Age/Total Peds)	76-100%	6
	51-75%	4
	26-50%	2
	0-25%	1
Accident Rate (3 year total)	4 or more	6
	3	4
	2	2
	1 or less	1
Existing Path Width	1-3 feet	6
	4-6 feet	4
	7-10 feet	2
	>10 feet	1

Example of Public Input Process

"Once a sidewalk project gets to the top of the list, then we look at what the need is," Jena Walker said, citing an example of a resident-requested project on 3365 South from 2770 East to 2880 East in East Mill Creek. Money had been set aside to add sidewalk along the street but when engineers sent out survey cards to the property owners that would be impacted by the project, engineers discovered the property owners didn't want it.¹

While this situation doesn't necessarily result in the cancellation of a project, it is important to note that we try to illicit the opinion of the property owners and residents along a street being considered as part of the second evaluation process. This done by sending the affected property owners a mailed survey asking them to provide their input.

Salt Lake County Public Works - Sidewalk Report

Prepared by Jeremy Goldsmith

Salt Lake County Relevant Ordinances

-The following sections of ordinance pertain to sidewalk improvements and installation.

- Salt Lake County Ordinance 14.12.025 – All public and private curb ramp, ramp and sidewalk development located within the unincorporated county subject to the jurisdiction of Salt Lake County shall meet the requirements of this chapter. Where specific elements of design and construction are not addressed in this chapter, curb ramp, ramp and sidewalk construction shall comply with the minimum guidelines for design set forth in the ADAAG, July 26, 1991, and any successor editions. The public works engineer shall utilize the ADAAG in setting appropriate design requirements.
- Salt Lake County Ordinance 14.12.150 – In cases where unusual topographical, aesthetic, or other exceptional conditions or circumstances exist, variations or exceptions to the requirements of this chapter may be approved by the mayor after receiving recommendations from the planning commission and the public works engineer; provided, that the variations or exceptions are not detrimental to the public safety or welfare.
- Salt Lake County Ordinance 14.32.010 – Individual property owners are required to maintain curbs, gutters, and sidewalks in front of their property.
- Salt Lake County Ordinance 14.32.020 – The department of public works, may inspect the condition of the public curbs, gutters and sidewalks to determine any defects or needed repairs.
- Salt Lake County Ordinance 14.32.030 – Notice of needed repairs or defects in the public curbs, curb ramps, gutters and sidewalks shall be sent to the owner of the abutting property as shown on the records of the county recorder. Such notice shall specify the repairs needed or the defect and shall state a deadline for completing the repairs. A review of such deadline shall be not earlier than thirty nor later than sixty days from the date of the notice. The notice shall specifically instruct the property owner of his obligation under this chapter and of his opportunity for review.
- Salt Lake County Ordinance 14.32.040 – No permits shall be necessary for such repairs unless it is necessary to alter the grade, location or dimensions of the curbs, curb ramps, gutters or sidewalks. In such event, there shall be no charge for the permit.
- Salt Lake County Ordinance 14.32.100 – In order to better protect the safety of pedestrians, it is unlawful for the owner, occupant, lessor or agent of property abutting on a paved sidewalk to fail to remove or cause to be removed from such paved sidewalk and any existing curb ramp all hail, snow or sleet falling thereon, within twelve hours after the hail, snow or sleet has ceased falling, provided that in case of a storm between the hours of five p.m. and six a.m., the sidewalk and any existing curb ramp shall be cleaned before eight a.m. following the storm.
- Salt Lake County Ordinance 14.32.110 – It is unlawful for any person removing snow from a sidewalk or curb ramp to deposit snow, dirt or other material in a gutter so as to clog the same, or prevent the free flow of water therein.
- Salt Lake County Ordinance 18.24.090 – Subdivision Curbs and gutters.
 - A. After October 7, 1963, curbs and gutters on all streets shall be concrete of the standard high-back-type unit, not less than two feet, six inches in overall width, and not less than seven inches thick where the curb abuts the street pavement.
 - C. The subdivider shall install curbs, gutters and sidewalks on existing and proposed streets in all subdivisions.
- Salt Lake County Ordinance 19.76.210 – Zoning (Off Site Improvements) - Off-Site Improvements Required. The applicant for a building or conditional use permit for all dwellings, commercial or industrial uses, and all other business and public and quasi-public uses shall provide curb, gutter and sidewalk along the entire property line which abuts any public road or street in cases where it does not exist at county standards. Vehicular entrances to the property shall be provided as required in Section 14.12.110. Height, location, structural specifications, maximum and minimum cut radii and minimum roadway approach angles to the centerline of the street are subject to the approval of the agency concerned.

Salt Lake County Public Works - Sidewalk Report

Prepared by Jeremy Goldsmith

Other Cities:

Salt Lake City

Engineering Division:

By City Ordinance, the repair or replacement of deteriorated sidewalk and curb and gutter in the public way is the responsibility of the adjacent private property owner. Property owners can hire a contractor to accomplish the required concrete repairs, which requires a [permit to work in the public way](#), or property owners can take advantage of one of the following programs offered by the City.

Streets Division 50/50 Concrete Replacement Program

This cost-sharing program splits the actual cost of replacement between the adjacent residential property owner and the City on a 50/50 basis. Property owners must pay for the work before the start of construction. Construction estimates are provided without charge and work is scheduled on a "first come first serve" basis. Further information can be obtained by emailing Andy Bath at andrew.bath@slcgov.com or calling 801-535-6934.

Special Assessment Area

A concrete replacement [Special Assessment Area \(SAA\)](#) is created to resolve all of the deteriorated concrete problems within a defined district. The City and the adjacent private property owners share the replacement costs on a 50/50 basis. Property owners have the option of paying off the concrete replacement assessment over a five-year period. Further information can be obtained by contacting Lynn Jarman at lynn.jarman@slcgov.com or 801-535-6016.

Community Development Block Grant (CDBG) Concrete Replacement

These federally funded concrete replacement projects are accomplished with no cost to the adjacent private property owner; however, funding is limited and work can only be accomplished in defined "target areas" based on restrictive federal guidelines. Further information can be obtained by calling 801-535-7961.

Cottonwood Heights

Sidewalk, Curb and Gutter Repair and Replacement Policy

Sidewalks Make Good Neighborhoods

Sidewalks have a way of tying together neighborhoods. Real estate professionals will attest that where sidewalks are good, the neighborhood becomes a more desirable place to live. Sidewalks serve so many purposes: recreation space for joggers and children with tricycles and pull toys, an informal meeting place for neighbors, and an encouragement for people to make more use of the most basic form of transportation – walking.

Be proud of your sidewalks. Take care of them and enjoy them.

Cottonwood Heights is committed to maintaining our curb, gutter, and sidewalks in the best condition possible. Each year the City Council budgets funds to repair and maintain our curb gutter and sidewalks. Once every 5 years the Public Works Department conducts a sidewalk condition inventory. From this inventory we budget funds to make repairs and install sidewalks in areas which have none. Residents can also report sidewalk that are in need of repair. The public works inspector will come and evaluate each maintenance request and the sidewalk repair will be prioritized according to the level of hazard it present. As requests are received by the City, one of three things will happen:

1. The sidewalk will be scheduled for grinding to remove the trip hazard. An eligible trip hazard is a vertical displacement not exceeding 1 1/2 inches in height. This type of request takes 60 to 90 days to repair.
2. If curb gutter or sidewalk are not a candidate for #1 above, the repair request will be placed on a list and prioritized according to the level of hazard it presents. The City repairs as many hazards as possible based on available funding.

Salt Lake County Public Works - Sidewalk Report

Prepared by Jeremy Goldsmith

3. The home or business owner may repair the sidewalk. The City has initiated a Matching Grant Curb, Gutter, Sidewalk Replacement Program to provide an opportunity for citizens to participate financially to expedite sidewalk repairs or replacement of eligible sidewalks. The City will fund 50% of the costs up to \$1000.

Sidewalk, curb, and gutter damaged by carelessness, neglect or by specific activities of the home owner such as construction are not eligible for this program.

Cottonwood Heights Ordinance - Chapter 14.32.010 – Installation of Street Improvements Required

A. An owner of property located on streets designated as a collector street or an arterial street on the city's road map, who constructs upon or otherwise improves that property to the extent of \$25,000 or more in value as computed by the city's building official when issuing the applicable building permits, shall also improve the adjacent public right of way. The improvements required by this section include the installation of curb, gutter, sidewalk and street paving along the entire frontage of the property being improved, and also include the replacement of existing pavement, curb, gutter or sidewalk if any of these improvements have deteriorated to a degree that replacement or repair is required, as determined by the city engineer.

B. The issuance of a building permit, and the subsequent final inspection approval and permanent certificate of occupancy, shall be conditioned upon the owner's compliance with this section.

C. The city's manager may approve a written deferral of installation of improvements required by this section upon the recommendation of the director of the department, and under such terms and conditions as will assure future installation of required improvements.

History Report of Sidewalk Projects in Millcreek

2010 – Design and Construction

- 1025 East (4400 South & 4500 South)
- 1300 East (3200 South) - \$32,000
- 2000 East (3231 South to 3300 South)
- Austin Ave
- Tina Way

2011 – Design and Construction - \$225,000+

- Neff's Lane (2300 East to 2600 East)
- 3900 South (3250 East to Wasatch Blvd)
- *2700 East (3535 South to 3900 South)
- 3300 South (1100 East to 1200 East) – UDOT Funded
- 1100 East (3300 South to 3750 South)
- *900 East (4100 South to 4123 South)
- Evergreen Avenue

*Request submitted by Community Council, all other requests were submitted by individual residents

2012 – Design and Construction

- Neff's Lane (2300 East to 2600 East)
- Kempner Road
- *Patrick Leary Budgeted for 3 more sidewalk projects beyond the initial budget*

2015 – Future Planned State Funding

- 2300 East Environmental Study

Salt Lake County Public Works - Sidewalk Report

Prepared by Jeremy Goldsmith

Sources:

1. News Article – Midvale Journal - Millcreek Sidewalks (2010)
http://www.midvalejournal.com/full_story/3679/East-Mill-Creek-to-get-county-money-for-sidewalks/
2. USDOT Recommendations (Ped & Bike)
<http://www.fhwa.dot.gov/environment/bikeped/design.htm>
3. Public Works Citizen’s Guide 2010
<http://www.pw.slco.org/pdf/pwCitizensGuide.pdf>
4. Public Works – Empowering People Document – 2010 Accomplishments Report
<http://www.pw.slco.org/pdf/empoweringPeople.pdf>
5. Salt Lake County Safer Sidewalk Hazard Index – Point System
www.canyonrimnews.org/PDFs/SidewalkHlcriteria.xls
6. Salt Lake County Ordinance – Sidewalk Use and Maintenance
http://library.municode.com/HTML/16602/level2/TIT14HISIPUPL_CH14.32SIUSMA.html#TOPTITLE



**Millcreek Township Planning
Commission**

Wednesday, November 16, 2011

Public Hearings



**Millcreek Township Planning
Commission**

Wednesday, November 16, 2011

26235

Rezone from R-2-6.5 to RM

Jay Rice

***Withdrawn by Applicant. This item will
not be heard.***



**Millcreek Township Planning
Commission**

Wednesday, November 16, 2011

26234

Subdivision

Canyon Flats 1-lot

Preliminary Plat



STAFF REPORT

Executive Summary						
Hearing Body:	Millcreek Planning Commission					
Meeting Date and Time:	Wednesday, Nov. 16, 2011	04:00 PM	File No:	2	6	2 3 4
Applicant Name:	Ed Merrill	Request:	Subdivision			
Description:	Preliminary Plat approval for the Canyon Flats 1-lot subdivision					
Location:	3801 & 3805 South Wasatch Boulevard					
Zone:	R-2-6.5 Residential Two-Family	Any Zoning Conditions?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Community Council Rec:	Not Applicable					
Staff Recommendation:	Approval with Conditions					
Planner:	Spencer G. Sanders					

1.0 BACKGROUND

1.1 Summary

The Applicant is requesting approval of a Preliminary Plat for the Canyons Flat one lot subdivision. The subject property is approximately 6700 Square feet in size and fronts on 3800 South and Wasatch Boulevard. The property is an unsubdivided remnant parcel that has been in existence for many years. The subject property was recently reclassified from the R-2-8 zone to R-2-6.5 zone. The subject property is actually two unsubdivided parcels. The proposed subdivision would consolidate the two very small parcels into one parcel large enough for development.

The subject property is steeply sloped; however, it is not located within the Foothills and Canyons Overlay Zone (FCOZ). Therefore, it is not subject to FCOZ slope protection standards. It is only subject to standard zoning requirements. Building on the slope is then addressed under Building Code regulations which will require any proposed structure to be engineered to meet the site's specific constraints. Structural as well as Geotechnical expertise will be required as part of any building permit review.

The applicant proposing to build a duplex on the property. The subject property complies with the minimum lot area and width requirements of the R-2.65 zone. In addition the applicant has show that a proposed duplex should be feasible under Residential Compatibility Overlay Zone (RCOZ) as well.

1.2 Hearing Body Action

This application is on the Planning Commission agenda for approval of the proposed Preliminary Plat. Subdivision is a "use by right" or Permitted Use in County Ordinance and State Law. This means that if the proposed subdivision complies with applicable regulations, the County is obligated to approve the subdivision. Further, it is not subject to Public Hearing requirements. Subdivision Preliminary Plats must be approved by the Land Use Authority (in Salt Lake County this means the applicable Planning Commission for Preliminary Plats) in a public meeting. The Commission may choose to take public comment if members of the public are present; however, a mailed notice to property owners within 300

feet of the subject property is not required by State Law or County ordinance.

1.4 Community Council Response

In accordance with County Ordinance 2.56.100, subdivision applications are not subject to community council review.

2.0 ANALYSIS

2.1 Applicable Ordinances

The proposed subdivision is subject to Zoning Regulations 19.32 - R-2 Medium Density Zones. This is not inclusive of all applicable regulations within County ordinances. There are other regulations dealing with engineering requirements and so forth that may also be applicable. The proposed Preliminary Plat is in compliance with the applicable zoning regulations.

2.2 Subdivision Requirements

The proposed Preliminary Plat complies with the minimum requirements of Title 18, the Subdivision regulations.

2.3 Other Issues

Preliminary and Final Plat Final Approval Process - The applicant will need to complete Final Preliminary Plat, and Final Plat review and approval process with Staff and applicable outside agencies prior to recording of the Final Plat.

Telephone Utility Box Easement - There is an existing utility box on the subject property owned by the telephone company. However, according to the applicants' surveyor, the easement for said utility box is not in the same place as the box itself. The easement is actually about 20 feet further to the east from the box. This can be easily remedied with the telephone company on the Final Plat. The old easement can be shown abandoned and the new easement shown dedicated to the telephone company. The three major utility companies, telephone, fuel and electricity, must sign a copy of the Final Plat before the County can allow it to be recorded.

3.0 STAFF RECOMMENDATION

3.1 Staff recommends APPROVAL of the proposed Subdivision with the following conditions:

- 1) On a revised Preliminary Plat, show the dimensions on street rights-of-way for the Transportation Engineer's final review, if required.
- 2) Work with US West phone company (or successor) to relocate the easement over the actual constructed facility. The old easement can be shown as Abandoned and new shown on to be dedicated to the Telephone Company on the Final Plat. A Signature from Telephone Company as well as all utility companies will be required on a paper copy of the Final Plat prior to Final Plat approval.

3.2 Reasons for Recommendation

- 1) The proposed Preliminary Plat subdivision complies with all applicable ordinances.

The screenshot displays the ArcGIS Viewer for Flex interface. At the top left, the logo for Salt Lake County Planning and Development is visible, along with the text "Interactive GIS Map". The main map area shows a residential and commercial area with various streets and zoning districts. A circular inset highlights a specific area on Wasatch Blvd. An "Enhanced Search" window is open in the bottom right corner, displaying two search results:

Address	Owner
3801 S WASATCH BLVD	KAP PROPERTIES LTD
3805 S WASATCH BLVD	PARSONS, ALAN T

The search window also includes a "Features Selected: 2" indicator and "Zoom Clear" buttons. The map includes a scale bar (100m / 400ft) and coordinate information (Latitude: 40.690038, Longitude: -111.796231) at the bottom left. The ESRI logo is in the bottom right corner.

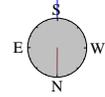


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Modification Date: Jun 07, 2010 16:50

Average Scale: 1 inch = 123.3 feet

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Distance between tick marks: 115.752134 feet



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Creation Date: Mar 21, 2010 14:53
Modification Date: May 11, 2010 09:15

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Distance between tick marks: 129.273079 feet

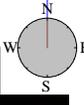


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Modification Date: May 11, 2010 09:14

Average Scale: 1 inch = 140.7 feet

Distance between tick marks: 130.794537 feet



Creation Date: May 30, 2010 12:29
Modification Date: Jun 08, 2010 12:04

Scale: 1 inch = 160.7 feet

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Distance between tick marks: 160.754706 feet



Creation Date: May 30, 2010 13:07
Modification Date: Jun 07, 2010 16:50

Average Scale: 1 inch = 137.2 feet

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Distance between tick marks: 127.434556 feet

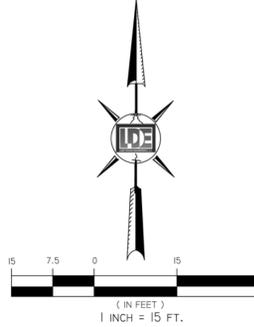
FOUND SECTIONAL MON.
WEST 1/4 CORNER OF
SECTION 36, T. 1 S., R. 1 E.
S.L.B.&M.

8" CLAY SEWER LINE
7'-8" BELOW SURFACE
SEWER DISTRICT DWGS.
NO MANHOLE EXIST

LEGEND

- ◆ SECTIONAL CORNER
- ⊕ STREET MONUMENT
- ⊙ FOUND REBAR AND CAP
- ⊕ SET REBAR AND CAP
- REPRESENTS PROPERTY LINE
- △ SURVEY CONTROL POINT
- ⊕ EXISTING FIRE HYDRANT
- ⊕ EXISTING WATER VALVE
- ⊕ STORM DRAIN CLEANOUT
- ⊕ EXISTING CATCH BASIN
- ⊕ EXISTING SEWER MANHOLE
- ⊕ ELECTRIC METER
- ⊕ EXISTING TRANSFORMER
- ⊕ EXISTING POWER POLE
- ⊕ EXISTING GUY WIRE
- OVER HEAD UTILITY WIRES
- ⊕ EXISTING CHAINLINK FENCE
- ⊕ WOOD FENCE

NORTH



VICINITY MAP
N.T.S.



SURVEYORS CERTIFICATE
I, R. Shane Johanson, do hereby certify that I am a Land Surveyor, and that I hold certificate No. 7075114, as prescribed under the laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, hereafter to be known as CANYON FLATS SUBDIVISION, and that same has been surveyed and shown on this plat. This survey was performed within the accordance of the minimum accuracy of an urban survey, Class "A", or a linear closure of 1:15,000'. The purpose of this survey is to locate the boundaries of the described parcel and create a plat for a legal consolidation of these two parcels of record.

Prepared this 1st day of Sept. 2011

BOUNDARY DESCRIPTION

Beginning South 0°13'44" West 269.27 feet and East 80.89 feet from the West quarter corner of section 36, Township 1 South, Range 1 East, Salt Lake Base & Meridian,
Thence North 6°30'00" West 64.80 feet; thence Northerly along a 24.87 foot radius non-tangent curve to the right 5.92 feet, having a chord of North 81°07'01" East 5.90 feet; thence North 87°56'10" East 252.30 feet; South 02°04'00" East 5.26 feet; thence South 87°56'10" West 181.96 feet. thence South 25°10'12" East 69.15 feet; thence West 98.39 feet to point of beginning.

Containing 0.154 Acres

OWNER'S DEDICATION

Know all men by these presents that _____, the undersigned owner(s) of the above described tract of land having caused same to be subdivided into lots and streets to be hereafter known as
CANYON FLATS SUBDIVISION

do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for public use.
In witness whereof _____ have here unto set this _____ day of _____ A.D., 20____.

ACKNOWLEDGMENT

STATE OF UTAH } S.S.
County of SALT LAKE }
On the _____ day of _____ A.D., 20____, personally appeared before me _____, who being by me duly sworn did say the he/she is the _____ of _____, and that the within and foregoing instrument was signed voluntarily for said corporation and for the uses and purposes herein mentioned.

My commission expires: _____ Notary Public
residing in: _____

LAND DESIGN ENGINEERING

LAND DESIGN ENGINEERING
P.O. BOX 701168
SALT LAKE CITY, UTAH 84170-1168
PHONE: (801) 815-2541
lidesurvey.com



CANYON FLATS SUBDIVISION

A PORTION OF LAND LOCATED IN THE A PART OF THE S.W.
1/4 SEC. 36, T. 1 S. R. 1 E. S.L.B.&M., SALT LAKE COUNTY, UTAH.

Salt Lake County Address Approved this _____ day of _____ A.D., 20____ Coordinator	Salt Lake County Zoning Zone _____ Width _____ Area _____ Setback _____ Zoning Coordinator	Salt Lake County Services Div. I hereby certify that this office has examined this plat and it is correct in accordance with information on file within this office. Director	Board of Health Approved this _____ day of _____ A.D., 20____ Director, S.L.Co. Board of Health	Planning Commission Approved this _____ day of _____ A.D., 20____ by Salt Lake County Planning Commission	Approval as to Form Approval as to form this _____ day of _____ A.D., 20____ Salt Lake County City Attorney	Salt Lake County Commission Presented to the Board of Salt Lake County Commissioners this _____ day of _____ A.D., 20____ at which time this subdivision was approved and accepted. Attest County Clerk Chair of the Board of Commissioners	Recorded # _____ State of Utah, County of Salt Lake, recorded and filed at the request of _____ Date _____ Time _____ Book _____ Page _____ Fee \$ _____ Salt Lake County Recorder	PRELIMINARY SUB-AMENDED Sheet 1 of 1
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**Millcreek Township Planning
Commission**

Wednesday, November 16, 2011

25933

***Conditional Use/Amended Site Plan
Terminal Reservoir Water Tank Site***



**STAFF REPORT
Addendum**

Executive Summary					
Hearing Body:	Millcreek Planning Commission				
Meeting Date and Time:	Wednesday, Nov. 16, 2011	04:00 PM	File No:	2	5 9 3 3
Applicant Name:	Greg Loscher	Request:	Conditional Use		
Description:	Amended Site Plan for Public Use Water Tank Reservoir Replacement				
Location:	3400 S. 3300 E.				
Zone:	R-1-8 Residential Single-Family	Any Zoning Conditions?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
Community Council Rec:	Approval with Conditions				
Staff Recommendation:	Approval with Conditions				
Planner:	Spencer G. Sanders				

1.0 BACKGROUND

1.1 Summary

Addendum Report

This report is an addendum to the Staff Report provided to the Commission on October 12, 2011. The October 12th Staff Report is attached to this report for reference.

Planning Commission Previous Action

At the October 12th meeting, the Planning Commission, took additional public comment and then continued this application to their regularly scheduled November 16, 2011 meeting. The Commission directed the applicant to address dust control mitigation on the site after regular working hours and on weekends. The Commission indicated that the applicant's proposal to have a site manager on call 24 hours a day 7 days a week and an onsite watering truck was insufficient due to the site's unusual windy conditions.

The site experiences significant windy conditions on an almost daily basis due to its proximity to the mouth of Parley's Canyon. Blowing dust to the extraordinary windy conditions at the site was made evident a few years ago, when the current water tank on the Sam Park Reservoir site was replaced. During construction of that tank, the excavated materials dried out very quickly resulting in significant blowing dust issues. Resolution of dust issues was difficult, particularly on evenings after regular operations had ceased and on weekends.

The Applicant's Dust and Erosion Control Plan

The applicant has provided a letter, attached to this report, which indicates the additional measures the applicant and their contractor propose to take to mitigate blowing dust during the off construction hours. The letter is attached to this report. In summary, the letter addresses the following topics please refer to the letter for specific information:

DUST CONTROL

1. Required Fugitive Dust Permits form Salt Lake Valley Health Dept.
2. Dust Abatement measures.
3. Application of Dust Palliatives.
4. Nights and Weekends - dust palliatives and 24-7 on call staff.
5. Use of Erosion and Dust Control Blankets
6. On-site watering with tanker truck in accordance with U.S. EPA recommended control methods.
7. Construction and final landscaping and irrigation in phases
8. Vehicle Speeds, Wheel Washing and Street Cleaning

EROSION CONTROL

1. Required General Storm Water Permit from the Utah DEQ, including approval of SWPPP.
2. Erosion Control and Restoration Measures.

1.2 Hearing Body Action

This item is 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.

Please refer to that attached October 12th Staff Report attached hereto for additional details.

3.0 STAFF RECOMMENDATION

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

- 1) The Conditions indicated in the attached October 12th Staff Report;

In addition staff also recommends the following:

- 2)The General Dust and Erosion Control Plan - Draft shall be incorporated into the final approval documents as requirements.

3.2 Reasons for Recommendation

- 1) The reasons noted in the October 12th Staff Report.



**GENERAL DUST AND EROSION CONTROL PLAN – DRAFT
TERMINAL RESERVOIR REPLACEMENT PROJECT
METROPOLITAN WATER DISTRICT OF SALT LAKE & SANDY**

DUST CONTROL

Permit

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

Dust Abatement

Alder will furnish all labor, equipment, and methods required to prevent, control, and mitigate fugitive dust from construction activities. In complying with this requirement, Alder will conform to all local requirements in all circumstances. Dust abatement measures will be continued through the duration of the project.

Dust Palliatives

To mitigate fugitive dust from construction activities as conditions require, Alder may apply a dust palliative to unpaved roads and non-paved work areas. Dust palliatives (i.e. dust suppressants) work by either agglomerating the fine soil particles, adhering/binding the surface soil particles together, or increasing the density of the soil surface material. They reduce the ability of the surface particles to be lifted and suspended by vehicle tires or wind.

As conditions require, Alder may apply a dust palliative appropriate for traffic areas as approved by the Engineer. For non-traffic work areas as conditions require, Alder will apply a soil-stabilizing dust palliative derived from natural organic plant sources and containing no landscape growth- or germination-inhibiting materials as approved by the Engineer. Application will be effective for dust suppression according to the Salt Lake County Health District Air Pollution Control Division dust regulations.

Nights and Weekends

It is expected that the application of dust palliatives will extend dust suppression through non-working hours. In addition, the District has staff on call 24 hours each day, 7 days per week to monitor and respond to problems as they arise. Alder's Project Manager lives 5 minutes from the site and can respond if additional palliatives and watering applications are required outside of normal working hours. Alder will closely monitor the performance of dust control measures during working and non-working hours, and adapt measures as necessary to mitigate fugitive dust.

Erosion and Dust Control Blankets

For all embankments with slopes of 3H:1V or greater (i.e. all embankment slopes at the site), upon completion of grading and application of seed material, erosion control mats (Curlex Type 1, Natural Aspen or QuickGrass Green) will be placed to completely cover embankments and protect newly graded embankments from wind and soil erosion. These blankets consist of natural aspen fibers and will biodegrade over time as permanent landscape establishes.

Watering

Alder will maintain and operate a water truck on site continuously to water active construction sites and unpaved roads. If effective dust control cannot be maintained under windy conditions, Alder will temporarily suspend all excavating and grading operations. In general, Alder will follow the U.S. Environmental Protection Agency's recommended control methods for aggregate storage pile emissions to minimize dust generation including watering of equipment staging areas, dirt, and gravel roads, and vehicle speed reduction.

Landscaping

The project is separated into three landscape phases:

Landscape Phase 1: Yard Piping Area

Landscape Phase 2: Sam Park Site Area

Landscape Phase 3: Terminal Reservoir North and South Areas

This will allow large areas of the site to be completed, stabilized and permanently landscaped as construction progresses. Landscape phases include a permanent irrigation system to completely cover the site, control dust and accelerate the re-establishment of permanent vegetation. Landscape for Phase 1 will be completed by June 2013. This phase consists of an approximately 150-foot wide area adjacent to the west fence, from 3300 South to the Sam Park property. Landscape for Phase 2 will be completed by February 2015. This phase includes the entire Sam Park site at the north end of the project.

Vehicle Speeds, Wheel Washing and Street Cleaning

Vehicle speeds on the site will be restricted to 15 mph or less on unpaved roads as required to control dust.

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.

To control dust and mud tracking onto paved roads, Alder will provide a means to remove soil that adheres to the wheels of trucks and any equipment leaving the site on each trip, and/or sweep the paved street at the end of each shift with a Mobil Atthey or similar water spray pick up broom type street sweeper.

EROSION CONTROL

Permit

Alder Construction will obtain a General Storm Water Permit for Construction Activities from the Utah Department of Environmental Quality. This permit requires the preparation of a Storm Water Pollution Prevention Plan. Alder will be subject to the requirements of the permit and approved SWPPP.

Erosion Control Measures

Alder will prepare and submit to the Engineer a drainage and erosion control plan for all soil stockpiles. The plan will include measures such as silt fences, straw bales, rerouting of runoff, and sediment traps and basins downslope of the stockpiles.

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.

Alder will restore disturbed surfaces to as close to pre-construction conditions as possible and avoid and minimize erosion.

Temporary slope breakers will 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. Permanent trench breakers will be built to stop the flow of subsurface water along trenches.



STAFF REPORT

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

1.0 BACKGROUND

1.1 Summary

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

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

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

1.2 Hearing Body Action - **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.

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 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

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



TERMINAL RESERVOIR REPLACEMENT PROJECT

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	Smiller@alderconstruction.com
2	Wayne Winsor	Engineering Manager	MWDSLS	(801) 942-9631	(801) 718-8981	winsor@mwdsls.org
3	Gardner Olson	Project Engineer	MWDSLS	(801) 942-9667	(801) 718-4272	olson@mwdsls.org
4	Greg Loscher	Project Manager	Bowen, Collins, & Associates	(801) 495-2224	(801) 557-6480	Gloscher@bowencollins.com
5	Robert Sperling	Project Engineer	Salt Lake City Public Utilities	(801) 483-6888		robert.sperling@slcgov.com

Information regarding the project scope and scheduling can be found at the District's website 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
 - 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
 - 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
 - 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
 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

PART 2 – PRODUCTS (NOT USED)

PART 3 – EXECUTION (NOT USED)

END OF SECTION

Spencer G Sanders

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

Dear Mr. Sanders:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Again, I appreciate your attention in this matter.

Thank you very much for your time.

Kind regards,

Catherine Miller

Home Address: 3140 So 3360 East

SLC, UT

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>
To: "SSanders@slco.org" <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>
To: "SSanders@slco.org" <SSanders@slco.org>
Cc: "ritalund@msn.com" <ritalund@msn.com>; "derrick@soldsorenson.com" <derrick@soldsorenson.com>; "jiwamoto@slco.org" <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

Spencer G Sanders

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

Dear Mr. Sanders:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Again, I appreciate your attention in this matter.

Thank you very much for your time.

Kind regards,

Catherine Miller

Home Address: 3140 So 3360 East

SLC, UT

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. 12th 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.

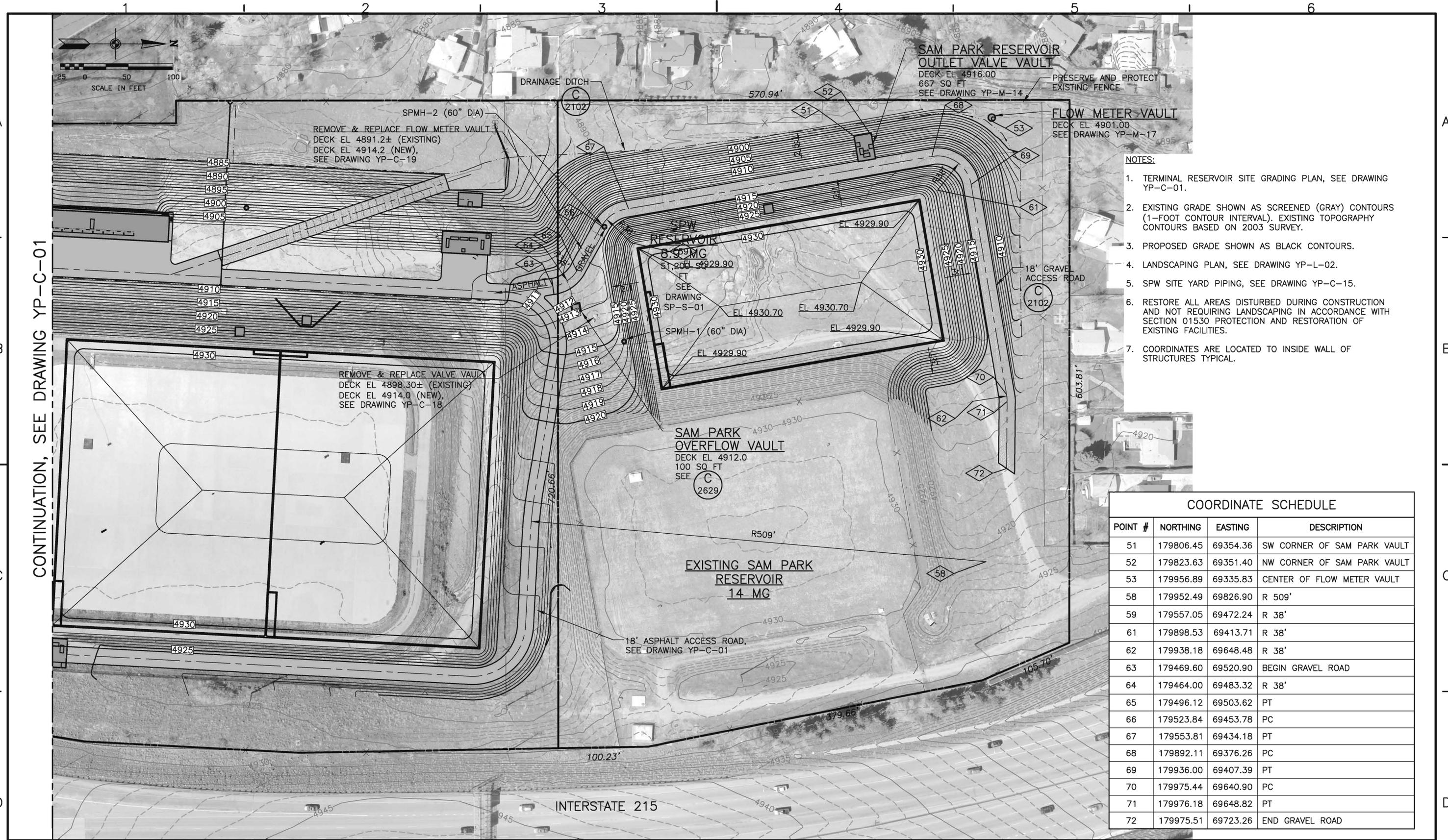
1. Apparently, Metropolitan Water District has organized a meeting for this Thursday, Oct. 6th at 6:00 at their small building on 33rd South above Smith's Market Place. You'll have to park at Smith's and walk up the hill along 33rd South. Consequently, our block has not been informed about this meeting 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. 12th 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



CONTINUATION, SEE DRAWING YP-C-01

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

PRESERVE AND PROTECT
EXISTING FENCE

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

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

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

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

**EXISTING SAM PARK
RESERVOIR
14 MG**

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

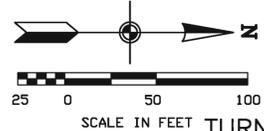
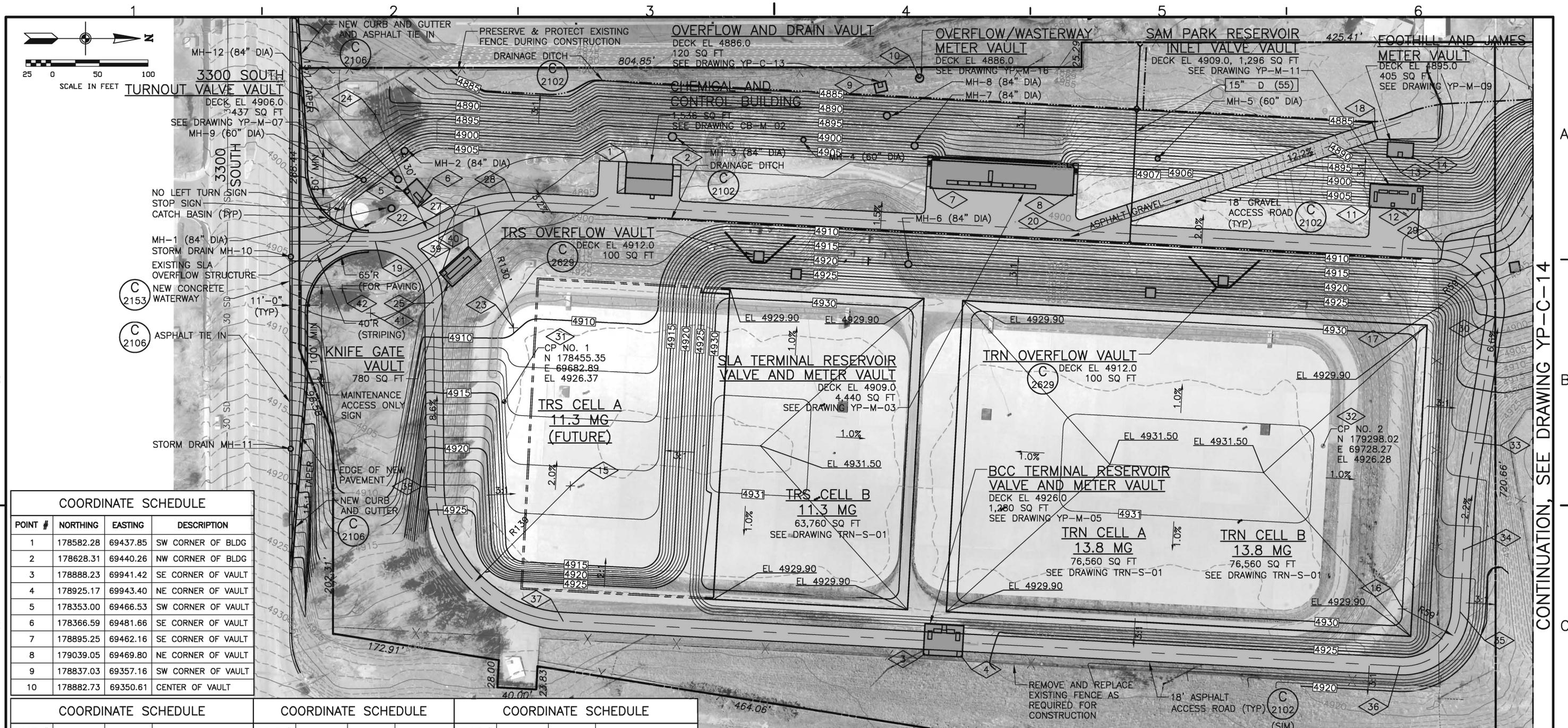
NOTES:

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

COORDINATE SCHEDULE

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

PREPARED FOR				BOWEN, COLLINS & ASSOCIATES			90% REVIEW		TERMINAL RESERVOIR REPLACEMENT PROJECT		SCALE: 1"=50'		
METROPOLITAN WATER DISTRICT OF SALT LAKE & SANDY				DESIGNED T. OLSEN			REVIEWED G. LOSCHER		DATE: JUNE 2011		DRAWING NO. YP-C-14		
DRAWN S. RIGGS				CHECKED M. COLLINS			VERIFY SCALE IF BAR IS NOT ONE INCH ON ORIGINAL DRAWING, DRAWING IS NOT TO SCALE		DISTRICT IDENTIFICATION NUMBER TRO03		PROJECT NO. 018-09-04		
SHEET NO. XX													



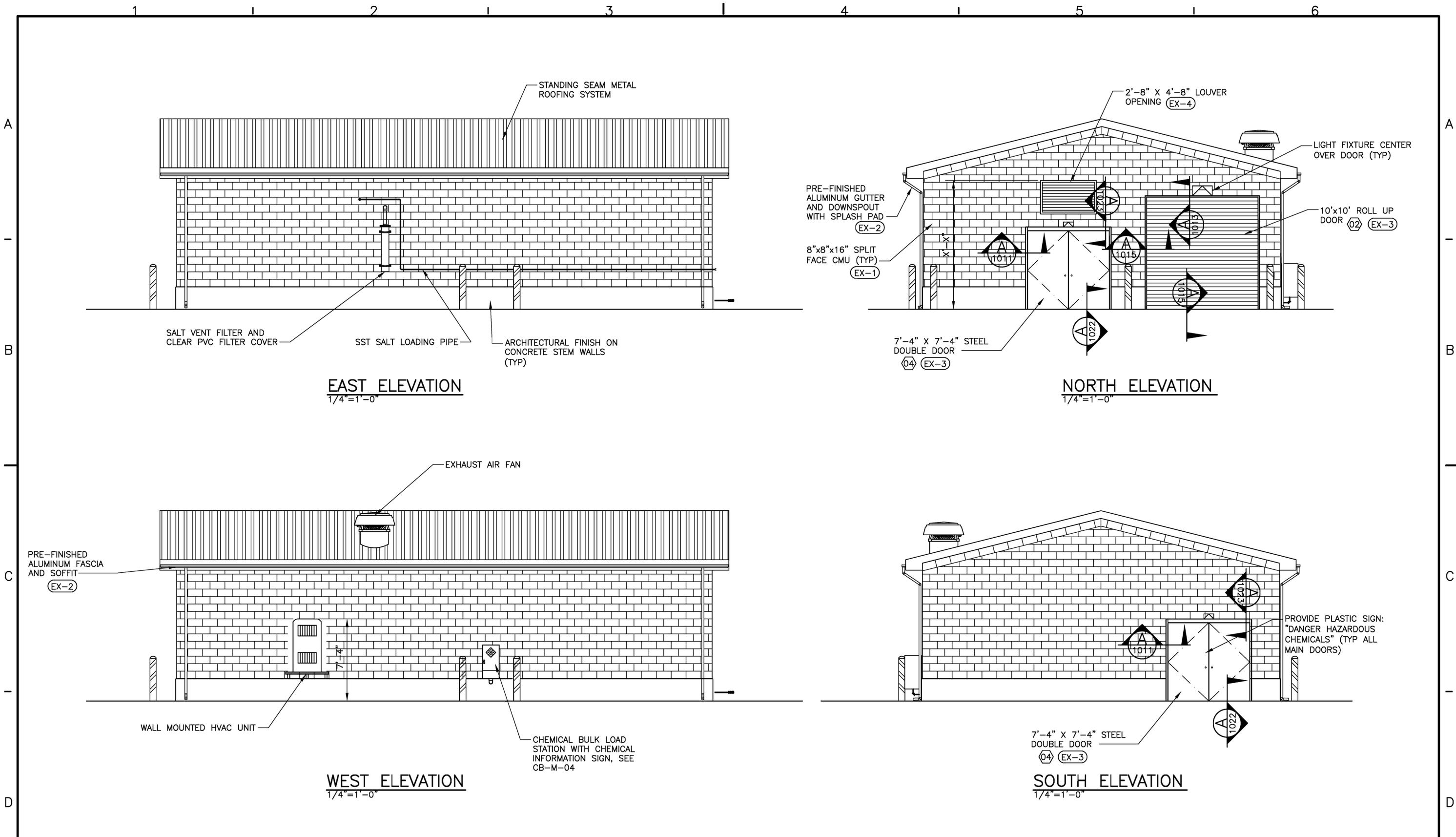
COORDINATE SCHEDULE			
POINT #	NORTHING	EASTING	DESCRIPTION
1	178582.28	69437.85	SW CORNER OF BLDG
2	178628.31	69440.26	NW CORNER OF BLDG
3	178888.23	69941.42	SE CORNER OF VAULT
4	178925.17	69943.40	NE CORNER OF VAULT
5	178353.00	69466.53	SW CORNER OF VAULT
6	178366.59	69481.66	SE CORNER OF VAULT
7	178895.25	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

COORDINATE SCHEDULE				COORDINATE SCHEDULE				COORDINATE SCHEDULE			
POINT #	NORTHING	EASTING	DESCRIPTION	POINT #	NORTHING	EASTING	DESCRIPTION	POINT #	NORTHING	EASTING	DESCRIPTION
11	179347.51	69481.17	SE CORNER OF VAULT	22	178383.54	69503.11	PT	33	179453.83	69724.79	PC
12	179395.95	69483.74	NE CORNER OF VAULT	23	178464.95	69607.08	R 130'	34	179442.20	69835.00	PT
13	179365.17	69429.96	SE CORNER OF VAULT	24	178322.58	69388.30	R 130'	35	179438.98	69898.61	PC
14	179389.14	69431.23	NE CORNER OF VAULT	25	178382.61	69581.39	PC	36	179376.90	69954.40	PT
15	178523.39	69769.40	R 139'	27	178405.56	69491.44	PC	37	178515.95	69908.20	PC
16	179380.06	69895.49	R 59'	28	178466.03	69477.08	PT	38	178384.40	69770.80	PT
17	179416.68	69586.35	R 59'	29	179419.81	69527.43	PC	39	178390.84	69550.48	SE CORNER OF VAULT
18	179351.47	69404.98	END GRAVEL ROAD	30	179474.91	69595.87	PT	40	178418.37	69525.76	SW CORNER OF VAULT
19	178322.58	69518.30	PC	31	178455.35	69682.89	CP NO. 1	41	178317.79	69591.88	65' R PAVING
20	179043.45	69507.52	Y	32	179298.02	69728.27	CP NO. 2	42	178288.65	69566.90	40' R STRIPING

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

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

CONTINUATION, SEE DRAWING YP-C-14



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

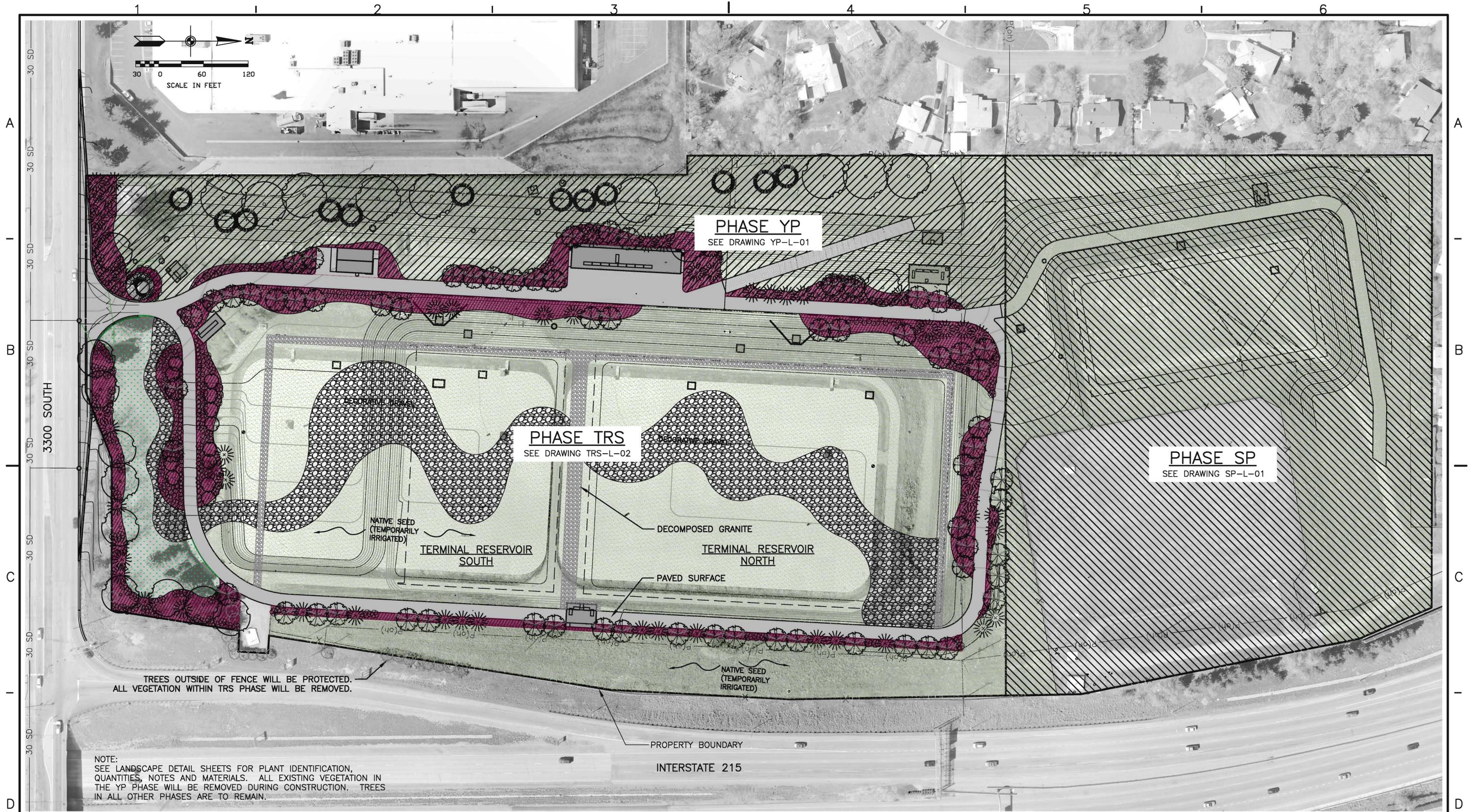












REV	DATE	BY	APP	DESCRIPTION

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

BOWEN, COLLINS & ASSOCIATES

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

90% REVIEW

TERMINAL RESERVOIR REPLACEMENT PROJECT

**TERMINAL RESERVOIR
OVERALL PLAN**

DISTRICT IDENTIFICATION NUMBER TR003

PROJECT NO. 018-09-04

SCALE:
1"=50'

DATE:
JUNE 2011

DRAWING NO. TRS-L-01

SHEET NO. XXX



**Millcreek Township Planning
Commission**

Wednesday, November 16, 2011

25661

Ordinance Amendment

Amending 19.04 and 19.80

Parking Regulations



STAFF REPORT

Executive Summary											
Hearing Body:											
Meeting Date and Time:						File No:	2	5	6	6	1
Applicant Name:	Salt Lake County PDS			Request:	Ordinance Amendment						
Description:	Amend sections of two SLCO Ord. Chapters: 19.04 and Chapter 19.80										
Location:	N/A										
Zone:	R-1-8 Residential Single-Family			Any Zoning Conditions?	Yes <input type="checkbox"/>		No <input checked="" type="checkbox"/>				
Planning Commission Rec:	Not Yet Received										
Community Council Rec:	Approval										
Staff Recommendation:	Approval										
Planner:	Curtis Woodward										

1.0 BACKGROUND

1.1 Summary

Salt Lake County is requesting approval to amend sections of two Salt Lake County Ordinance Chapters in Title 19 *Zoning*, Chapter 19.04 *Definitions* and Chapter 19.80 *Off-Street Parking Requirements: Section 040 Parking in Residential Zones*. The proposed amendments to 19.04 more clearly define private and commercial vehicles that may be parked 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 was sent to community councils in late September. Written responses were received from the Big Cottonwood Canyon, East Mill Creek, Emigration Canyon, and Granite Community Councils. A presentation was also made at the Association of Community Councils Together meeting, and most members reported back a positive response from their communities with no changes to the ordinance. A few expressed the concern to have the ordinance apply to A-1 (agricultural) zones. Concerns were also raised regarding the limitation of a 12,000 max GVWR for commercial vehicles to be parked in the front yard and whether this was appropriate or too strict.

1.4 Planning Commission Response

The first public draft was sent to the Planning Commissions for discussion and possible recommendation to the County Council at their September meetings. Input was received, and most of the commissions decided to continue the item until an edited draft is available. Discussion from the Planning Commissions was largely focused on the appropriate type of commercial vehicle that could be parked in the front yard, ensuring landscaping requirements allow for xeriscaping, and fixing inconsistencies with the language of the proposed ordinance.

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: Three new definitions are created through the ordinance amendment: 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

) 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.

Curtis Woodward

From: Zachary Shaw
Sent: Thursday, October 27, 2011 1:42 PM
To: Curtis Woodward; Spencer G Sanders; Paul Bringhurst
Cc: Patrick Leary; Scott Baird; Thomas L Christensen
Subject: parking ordinances

Gentlemen: as you know, the Planning and Development Services Division (“Division”) is proposing an ordinance that, among other things, regulates parking of commercial vehicles on private property. The current draft of this proposed ordinance is attached. In the course of various planning commission meetings on this ordinance, the question arose whether Salt Lake County had authority to regulate parking on streets within unincorporated Salt Lake County. In my research of this issue, I learned the following.

The county governing body has sole jurisdiction and control over Class B and D roads within the county (essentially all roads that are not State Highways or roads within municipalities). See Utah Code Sections 72-3-103, 105. Under Utah Code Section 72-7-105, a highway authority (which includes the legislative, executive, or governing body of a county) may prohibit vehicles on any roads under its jurisdiction. Pursuant to this statutory authority, Salt Lake County has passed an ordinance regulating parking on County roads—Chapter 11.20 of the Salt Lake County Code.

Section 11.20.060 of this Chapter addresses parking of trucks and commercial vehicles. It defines “commercial vehicle” as “a vehicle in excess of 3/4- ton capacity of whatever make or type designed for or adapted to commercial or agricultural purposes, regardless of the use to which such vehicle is put at any particular time, provided such vehicle is of a type, kind or adaptation commonly known as a commercial or agricultural vehicle.” The term “truck” is defined as “any truck-tractor, panel truck, pickup or other truck in excess of ¾-ton capacity.” This section prohibits the parking of any commercial vehicle, trailer, truck tractor, or truck on any residential street for more than three consecutive hours unless the vehicle is being used to service adjacent properties or streets.

These criteria for a commercial vehicle or truck are different than the criteria currently being discussed for commercial vehicles/trucks parked on private property adjoining the streets. These differences include allowance of a much larger vehicle (12,000 lbs.) to be parked on private property, i.e., a driveway. This raises the question whether the off-street and on-street parking ordinances should be consistent. Any change to Chapter 11.20 should come from the Department of Public Works, as evidenced by the significant role that the traffic engineer has in the Chapter 11.20 parking ordinance scheme. It would not be appropriate for the various planning commissions to propose amendments to Chapter 11.20. It may be helpful for the Department of Public Works and Division of Planning and Development Services to coordinate their efforts in regulating the parking of commercial vehicles on and adjacent to residential streets. Accordingly, I have cc’d Patrick and Scott on this response.

Should you have any questions, please do not hesitate to contact me.

Zachary Shaw
Deputy District Attorney
Office of the District Attorney
2001 S. State Street, S3600
Salt Lake City, Utah 84190-1210

Office: (801) 468-3270
Fax: (801) 468-2646
Zshaw@slco.org
www.districtattorney.slco.org

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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

19.04.315 – 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 – and which is characterized by any of the following:

- A. Heavy equipment, such as earth movers, backhoes, cranes, forklifts, bulldozers, and the like, which are commonly used for construction, excavation, demolition, or lifting;

vehicles used to haul equipment or materials, such as dump trucks, tanker trucks, semi-tractors, semi-trailers, cement trucks or other similar vehicle.

- B. Pickup trucks over one ton with a commercial modification, such as a flat bed, a dumping mechanism, mechanical lifts or arms for loading and unloading materials/equipment, aerial buckets or platforms, or other similar feature.
- C. Vehicles with more than two axles.
- D. Vehicles that exceed eight (8) feet in height.

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 R-1 and R-2 Residential Zones

- A. Only private or recreational vehicles may be parked outside of an enclosed building 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 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. One commercial vehicle may be parked outside of an enclosed building in the R-1 or R-2 zones upon issuance of a permit by Planning and Development Services, as long as all of the following criteria are met:
- a. The operator of the vehicle is required to be on call 24 hours a day in response to an emergency;
 - b. The commercial vehicle is parked on a paved 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;
 - c. The commercial vehicle is parked entirely on private property, not parked on or over the street or sidewalk; and
 - d. The commercial vehicle does not exceed 28 feet in length or 8 feet in height.

D. Commercial vehicles may be parked outside of an enclosed building on a property in conjunction with lawfully-permitted construction, maintenance, or site development activities so long as said activities are 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, xeriscaping, and other similar features in compliance with the applicable provisions of this title regulating landscaping..

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.



**Millcreek Township Planning
Commission**

Wednesday, November 16, 2011

26044

FCOZ Ordinance Amendments

***Application withdrawn by applicant and
postponed to the December 14, 2011
meeting***

