



**Planning and Development Services**

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**MEETING MINUTE SUMMARY**  
**EMIGRATION METRO TOWNSHIP PLANNING COMMISSION MEETING**  
**Thursday, January 17, 2019 8:30 a.m.**

**\*\*Meeting minutes were approved on July 11, 2019\*\***

**Approximate meeting length:** 2 hours 24 minutes

**Number of public in attendance:** 20

**Summary Prepared by:** Wendy Gurr

**Meeting Conducted by:** Commissioner Pinon

**\*NOTE:** Staff Reports referenced in this document can be found on the State and County websites, or from Salt Lake County Planning & Development Services.

**ATTENDANCE**

**Commissioners and Staff:**

Commissioners	Public Mtg	Business Mtg	Absent
Brent Tippetts	x	x	
Claire Clark		x	
Andrew Wallace (Vice Chair)	x	x	
Alex Pacanowsky			x
Jim Karkut			x
Robert Pinon (Chair)	x	x	
Dale Berreth	x	x	

Planning Staff / DA	Public Mtg	Business Mtg
Wendy Gurr	x	x
Curtis Woodward	x	x
Jim Nakamura		

**BUSINESS MEETING**

**Meeting began at – 8:35 a.m.**

*Commissioner Tippetts advised January 31<sup>st</sup> at 6:30 pm at the fire station for an open house by Mayor Smolka. Commissioner Clark will be stepping down from the planning commission, as she has been elected to the Community Council and Commissioner Tippetts time has expired and will not seek reappointment.*

1) Election of Chair and Vice Chair 2019

Election of Chair for 2019

**Motion:** To nominate Commissioner Pinon for Chair, Commissioner Pinon accepted.

**Motion by:** Commissioner Tippetts

**2<sup>nd</sup> by:** Commissioner Wallace

**Vote:** Commissioners voted unanimous in favor (of commissioners present)

Election of Vice Chair for 2019

**Motion:** To nominate Commissioner Wallace for Vice Chair, Commissioner Wallace accepted.

**Motion by:** Commissioner Tippetts

**2<sup>nd</sup> by:** Commissioner Clark

**Vote:** Commissioners voted unanimous in favor (of commissioners present)

2) Approval of Minutes from the November 15, 2018 meeting.

**Motion:** Continued to the next meeting.

**Motion by:**

**2<sup>nd</sup> by:**

**Vote:**

*Commissioner Clark announced she will be stepping down and resigning from the planning commission and will join the public as this would be a conflict.*

3) Other Business Items (as needed)

### **PUBLIC HEARINGS**

**Hearings began at – 8:40 a.m.**

**30473 – (Continued from 11/15/18)** - John Walsh requests conditional use approval for commercial and private recreation, including picnic area and gazebo for picnics, parties, and other gatherings, as well as two single-lane gun ranges. **Location:** 2450 Pinecrest Canyon Road. **Zone:** FR-1 and FR-20. **Planner:** Curtis Woodward

*Salt Lake County Planning and Development Services Zoning Administrator Curtis Woodward provided an analysis of the staff report.*

*Commissioner Tippetts asked if recreational use clearly identifies commercial, and if the use specifically says commercial. Mr. Woodward confirmed commercial and private recreation as one use. Commissioner Tippetts asked if they can get a clear definition on access from UFA. Mr. Woodward said they looked at it, but didn't hear back, but can see if they submitted anything and that's why he went to the fire code.*

### **PUBLIC PORTION OF MEETING OPENED**

**Speaker # 1:** Applicant

**Name:** John Walsh

**Address:** 2348 Pinecrest Canyon Road

**Comments:** Mr. Walsh said he would make an objection to James Karkut, he has a private personal conflict of interest in this matter, regarding traffic and water issues, as well as a garage and home that are within ten feet of the stream. His interest in the issues is much more personal than that of other Members of Emigration Planning Commission. He (Mr. Walsh) has taken fire marshal on the property and met with him again after the application was filed. He (fire marshal) asked if the road on the plans is the same road they looked at on site. His main concern was for clearance for emergency vehicles on the sides, having driven the road himself. Grateful to run with the matter, as the application has been pending for some time, it will be nice to get direction. It is important to note they are not deciding whether to have a gazebo, he is entitled to a gazebo. The question is whether he can use it for, commercial use, and work out the best arrangement.

*Mr. Walsh showed his drone video going downhill and showed the drone video going uphill, pointing out "turn-outs" where cars may pull off to pass one another*

Commissioner Wallace asked where the house was located. Mr. Walsh said his personal residence is in lots twenty-three and twenty-four of block eight. Important to note the question is not whether he can build a gazebo, but whether it is for personal or recreational use. His family meaning, immediate family own 480 lots of record, 450 beyond the gate. Contrast the impact of a bus during the weekend, vs. the impact of 480 residential lots on traffic in the canyon. When the county put in the road restrictions, they acted in good faith. Otherwise, we create a problem by making the road too narrow, then saying "you can't do this because the road's too narrow." The bottom line focusing on the different uses: Shooting in the area is legal, but to make commercial or recreational use, conditions on that are reasonable can be put on it to make it safe. It's not illegal to discharge a firearm in the canyon if you are so far from the house. Mr. Walsh said he met with the fire department, discussed capturing the bullet, and keeping the area clean of combustibles. Conditions could be applied requiring compliance to code with necessary inspections. Gazebo is private use; the issue is whether it can be used for commercial purposes. The storage containers, sledding (already occurring privately), zipline would be by appointment only, least minimal impacts. Commissioner Pinon referred to the video and asked of the road on pullouts and is it private or public and posted. Mr. Walsh said pull outs typically allow plenty of room between road and garage to allow for use without interfering with residential use. He submitted a map of an aerial showing the platted road parallel to the travelled road on public land. The pullouts are primarily on public property within the platted right of way, the travelled road stops at the gate., Judge Baldwin placed no limits on the sides of the road, just "as wide as reasonably necessary." Mr. Walsh submits that therefore the pull-outs on both sides are public. There are places where there are designated signs with no parking, that was part of the analysis when put together. Commissioner Tippets asked about recent health department review and facilities one hundred feet from the creek. Mr. Walsh said he will do what's appropriate, working with public health, and he clearly believes he can be at least one hundred feet from the stream. Regarding "permanent" restroom facilities, he proposes a temporary and contained system he can haul off each year rather than putting in the ground (in a septic system). Commissioner Tippets said it's up to the Health Department, but it would affect the quantity on uses and a trailer solution would not comply with the quantity needed for a resort. Mr. Walsh said he would submit that simply getting health department approval be one of those conditions, rather than the planning commission naming the specific solution. Let the board of health mandate and monitor the solution. Commissioner Wallace said outhouses would be insufficient for commercial use as an alternative, they're not permanent enough to withstand a strong wind, can't control how often cleaned, defer to the health department, use of outhouses would be insufficient. Mr. Walsh agrees with having the health department oversee that. Commissioner Tippets said he is concerned about fires, and he doesn't have solutions as to mitigation of risk of fire for gun ranges, which are documented to have fire risks with or without safety precautions. How do they anticipate not increasing the fire risk. Mr. Walsh said the current risk is unregulated discharged firearms, which goes on today, as opposed to approval by this body with fire department conditions to address fire safety. Have fire department confirm their conditions are complied with. Commissioner Wallace said there is not adequate fire protection and no plan to upgrade and handle a fire adequately and response time will be long. If a fire happened, you will have gridlock in the canyon and residents in peril. "Legal to discharge," may be true, and it's strictly up to the person to behave, but when taken to a commercial level, it's adding a lot more risk, which has not been addressed adequately to be approved. Mr. Walsh said the fire department officials are the experts and would have to approve the specific conditions. Commissioner Wallace said regarding public access through the canyon, he saw ski tracks on existing trails through the shooting ranges in the video presentation, and asked "will the trails be blocked off?" Mr. Walsh said the map shows where the trails are as defined by the plat, and the ranges aren't over public property. Otherwise, one could come through and want to ski through his private backyard. The gun range doesn't cross over public land (either one). Commissioner Berreth said his concern as far as gun and fire safety, at this point, there's an occasional hunter person discharging, once you put in a gun range you're inviting people to come in, incidents of gun use will be greater, which is a concern for fire. Mr. Walsh said family goes up there and shoots rather frequently, but an increase will increase the risk. Commissioner Wallace said just having more people going up there increases the fire

risk. Noise coming from the gun range isn't compatible with the residential area, daily sessions will drive wildlife off from the area. Mr. Walsh stated, the gun ranges are designed to shoot away from down canyon residents, shooting into the larger "uphill" mountain, and based on mountain terrain, feels that the noise won't travel as far as an open area gun range. Noise will be heard, but the board of health would be the gate keeper. Commissioner Wallace said he can hear the rifle fire from Parley's Canyon every day in a separate canyon, miles away. Mr. Walsh said you can see the gun range from their home and isn't obstructed by the mountain. Commissioner Wallace said he's talking about the range further down the canyon, not the one across from the golf course, and that residents from Pinecrest would hear every shot, which cannot be mitigated. Commissioner Wallace asked where a fire truck would turn around. Mr. Walsh said: one, right in front of home, in front of 2348, two, at the very top below the gazebo, three, another area over by the trailers. Instead of trying to guess, he suggests letting the fire department make the decision. Commissioner Wallace asked if those areas would be full of cars during an event. Mr. Walsh said only on Friday and Saturday nights would they have events with 20 or more cars, and they would not be filling up those areas. Commissioner Pinon asked if the fire marshal asked if the road needed to be improved to support the weight of a fire truck. Mr. Walsh said no, the clearance with foliage was all the fire marshal discussed.

**Speaker # 2:** Emigration Canyon Community Council

**Name:** Catherine Harris

**Address:** 696 Donner Hill Circle

**Comments:** Ms. Harris said her term starts on the 27<sup>th</sup>. Community Council entered a specific and detailed letter opposing this.

**Speaker # 3:** Citizen

**Name:** Catherine Harris

**Address:** 696 Donner Hill Circle

**Comments:** Ms. Harris said already entered comments. Hijacking conversation, private conversation with fire marshal, does not mean meets current ordinances or through process. Decision made by the county to adopt maintenance of the road but doesn't meet county standards. County recognizes, if there is a new venue or variance or conditional use and road should be looked at again. Should meet 2019 code with new commercial venue and should be up to date. Planning Commission needs to consider that. Applicant acknowledges public right of way and gun use would impact right of way and should look to reconciliation. Almost fire safety body, says if not when you have a fire, it's when. Fire department is not in charge of determining risk. Applicant seems to feel the fire department will determine if risk is ok, it's not their job.

**Speaker # 4:** Citizen

**Name:** Tom Johnson

**Address:** 2326 Pinecrest Canyon Road

**Comments:** Mr. Johnson said 8 unidentified issues. He read from his letter submitted this morning as part of the record. Addressed some issues Mr. Walsh brought up. A third of distance of his gate and subdivision. The existing road coincides, that isn't true. There isn't a beaver dam, Mr. Walsh created a dam up there. 480 lots could be 480 homes and more traffic, not legitimate, only handful of developable lots. Width of the road, this is private property, people's homes all sit next to the road, to imagine save claim it's a public road for width, not applicable, his going up and shooting guns.

**Speaker # 5:** Citizen

**Name:** Dr. Cynthia Furse

**Address:** 2295 North Pinecrest Canyon

**Comments:** Dr. Furse said she is representation on the lower portion of the road and went over the video going up the road. Identifying the driveways, turnouts and steepness and narrowness of the road. Double

amount of snow, and emergency services and fire. Unable to pass a car, doubling amount of homes and traffic would be throughout the day, consider a quick flow of traffic. Mr. Walsh has parties and may have ten to twenty cars, not 100. All future owners would be allowed to do what the conditional use permits. Major issues for a family living in this canyon. Rarely plowed on pullout. Since decision of turnarounds, rocks have been added and signs blocking the turnaround. 10 mph listed, just the general public in mask is an unreasonable expectation. How deep the stream drops, with people driving up and down. Commercial event with 4-wheel drive is zero. Mentioned pullouts is private property, driveway paved and has added both garbage cans are not a public pullout. Don't assume road has sufficient pullouts. All fire marshal concerned with is bushes. All bushes along her line were pruned, likely the fire marshal came up were pruned and on my private property, there was illegal pruning representing. Encourage everything evaluated and don't trust anyone but own evaluation. No source of fire protection water is sufficient. Not proposed putting in sufficient water tank, increased fire risk and insufficient fire protection and fire access.

**Speaker # 6:** Citizen

**Name:** Vides Backman

**Address:** unable to identify

**Comments:** Mr. Backman said the planning commission takes fire seriously, increased risk, three fires in Idaho and two in Utah directly related to target shooting and climate change. Governor declared state of emergency, drought worsens wildfire conditions. Estimated over fifty percent increase in 2018, pipeline along main canyon, if wildfire gets to that point emigration canyon is toast, winds spread flames of wildfire. Studies indicated ground water mining, has proven fire increase, significant role in California wildfire, firetrucks not there in five minutes and not easily reached. Not location for development. Conditional use standards shall not pose serious threat to residents and property and should be denied. Noise pollution, 140 to 190 decibels. Health department standards implementing sound cannot exceed 70 decibels, this should be denied. Road access should be twenty feet wide. In 1983 settlement between county and residents to obtain rural mountain setting, county considered mitigating measures with shuttle services. Narrow road is rural mountain setting. If you change the nature of area, you would have to reconsider access to the roads. Increased in traffic and he has counted cars and four to twenty per day, weddings up to twenty-five cars, only for guests. Conditional use standards and shall not pose traffic hazards, doesn't feel the development complies and should be denied.

**Speaker # 7:** Citizen

**Name:** Sarah Bennett

**Address:** 64 North Silver Oak Road

**Comments:** Ms. Bennett said she was involved in the review of general plan and mayors blue ribbon commission to review FCOZ. At no time did they ever conceive a commercial development in the upper regions of the canyon. Maintain public access and public recreation and trails, open space. Specifically considered restriction of commercial development. Respect owner rights, commercial development is far outside of ever conceived of planning reviews of FCOZ. Fire concerns, lack of water, impacts to wildlife and public lands. Given applicants track record intentionally discourage public access, cannot or do not approve.

**Speaker # 8:** Citizen

**Name:** Matt Velinder

**Address:** 5222 Emigration Canyon Road

**Comments:** Mr. Velinder said there are three choices, numerous things in direct contact with general plan. Private mountain feel in the canyon. Gun use, noise, fire risk. He's unable to mitigate within his proposal and deny on that basis. Toilets and water issues not mitigated. Water change applications with Utah state engineer, for operation of wells, would be dependent on those applications approval. Highlights the facts and telling things not any other resident shows support. Strong opposition and haven't had ample



notifications of the meetings and doing grass roots efforts. Bad faith arguments, these aren't pullouts, they are private driveways.

**Speaker # 9:** Citizen

**Name:** Linda Evans

**Address:** 5864 East Emigration

**Comments:** Ms. Evans said her husband went to the water rights meeting and didn't get an answer. Gazebo, no permit and how many feet from the stream. He already violated the law, rocks and signs, also violated our rules. Not a good standard to give a permit.

**Speaker # 10:** Citizen

**Name:** Melinda McIlwaine

**Address:** 2148 Pinecrest Canyon Road

**Comments:** Ms. McIlwaine said if she put rocks on boundaries of her property, you wouldn't be able to drive up past her house, 400 square feet of her property has been procured for that road and called task commission and if she was paying taxes, many pullouts are on private property. Has a map for additional parking on emigration canyon road and all dirt pullouts, you never see many cars in any of those places and precreation of public property of private use. Did well application, provide him with additional water, real water issues in holding capacity. Surprised you can shoot on your property when there is a hunting restriction. Wouldn't appreciate the noise. Private road is subject to prescript use and dirt road has been used by the public extensively, before Mr. Walsh. Tom Johnson built illegal ponds and saying anything about Mr. Karkut ten feet from creek and he's impaired the flow of the creek with the ponds. Read a portion of letter sent to the tribune. Plow fell in the creek and had to remove part of the bank to get a vehicle up, behind the vehicle and replaced with big rocks. This should not move forward.

**Speaker # 11:** Citizen

**Name:** Ben Doblin

**Address:** 2230 Pinecrest Canyon Road

**Comments:** Mr. Doblin said there will be increased traffic up the canyon, narrowest stretch of road in front of his house one way. Cars meet head to head, they pull into the nearest driveway, his has received three direct hits to his garage door and would be increased to fill up Mr. Walsh parking spaces. It's illegal to discharge firearm on southern side of ridge. Wildlife found refuge and why we enjoy living there and driven from the property and further east. Give wildlife a break. This is inappropriate, and a man wants to make something happen and entirely reasonable and encourage to deny outright. If passes will be back here looking for a zoning change and his house has a huge operation as a Pinecrest Inn. No public support.

**Speaker # 12:** Citizen

**Name:** Greg White

**Address:** 1990 North Pinecrest Canyon Road

**Comments:** Mr. White said sewage is a big issue with the quantity, especially with proximity of his venues to the creek, huge issue. Removing outhouses and putting them in is not a solution. Mr. Walsh care for the creek over the last decade has extracted fill on the road, that is his road, with literally hundreds of dump truck roads and claims would never want to endanger the creek and has dumped cement into the creek. SWPPP is aware and hasn't made any criteria. Statement is false in relationship to his care of the creek. Example of how he does projects and won't budge, permit should have been applied for his gazebo, and dam constructions. Containment done, except cutting diversions across his road. Erosion factor is unprecedented no fish left in Pinecrest creek, has broadened, no depth. Fill brought in, brought nauseous weeds and seeds. County issued an extreme care guide. Damage can be pointed at the Walsh project, look at the road, creek runs amuck. Sure, of what he says in relationship to this. Eye sore for Pinecrest with no sight on view what this will become. Condition of creek due to run off, this is unacceptable, and points need

to be taken into consideration for future decisions. What is this building going to be, is it a resident or foot in the door for commercial property.

**Speaker # 13:** Applicant

**Name:** John Walsh

**Address:** 2348 Pinecrest Canyon Road

**Comments:** Mr. Walsh said there are water rights, provide documents. Stop work order on gazebo and now lifted. Maps submitted on pullouts and his project doesn't change state engineer, no people going simultaneously. Solution is fire and health cover what need covered.

**Speaker # 14:** Citizen

**Name:** Mike Bogart

**Address:** 6324 East Lefthand Fork Lane

**Comments:** Mr. Bogart said he has lived her for 34 years. Mr. Walsh is negligent.

**PUBLIC PORTION OF MEETING CLOSED**

*Commissioners and staff had a brief discussion regarding public easement, platted right-of-way, paved surface within thirty-three feet, vacated trails, preliminary approval, definition of gun use, driveway, water, fire hazards and firetrucks, traffic issues.*

**Motion:** To deny conditional use application #30473 for commercial and recreational use, where the anticipated detrimental effects of the proposed use could not substantially be mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards.

**Motion by:** Commissioner Tippetts

**2<sup>nd</sup> by:** Commissioner Wallace

**Vote:** Commissioners voted unanimous in favor (of commissioners present)

**MEETING ADJOURNED**

**Time Adjourned – 10:59 a.m.**