



Planning and Development Services

2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050

Phone: (385) 468-6700 • Fax: (385) 468-6674

<https://msd.utah.gov/agendas/>

Mountainous Planning District Planning Commission

Public Meeting Agenda

Thursday, February 3, 2022 4:00 P.M.

Location: Due to the current COVID-19 pandemic, the Public Hearing will occur electronically with no physical location, as authorized by Utah Code Ann. § 52-4-207(5) and written determinations issued by the Chair of the Mountainous Planning District Planning Commission. The public can join the Public Meeting via live broadcast using Cisco Webex.

Join meeting in WebEx

Meeting number (access code): 961 841 420

<https://slco.webex.com/join/wgurr>

Join meeting in WebEx (download available at <https://www.webex.com/downloads.html> for Windows, Android, and Apple devices)

Tap to join from a mobile device (attendees only)

[+1-213-306-3065,961841420##](tel:+12133063065961841420##) United States Toll (Los Angeles)

[+1-602-666-0783,961841420##](tel:+16026660783961841420##) United States Toll (Phoenix)

Join by phone

+1-213-306-3065 United States Toll (Los Angeles)

+1-602-666-0783 United States Toll (Phoenix)

Access code: 961 841 420

[Global call-in numbers](#)

Join from a video conferencing system or application

Dial wgurr@slco.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Need help? Go to <http://help.webex.com>

*UPON REQUEST, WITH 5 WORKING DAYS NOTICE, REASONABLE ACCOMMODATIONS FOR QUALIFIED INDIVIDUALS MAY BE PROVIDED. PLEASE CONTACT WENDY GURR AT 385-468-6707.
TTY USERS SHOULD CALL 711.*

The Planning Commission Public Meeting is a public forum where, depending on the agenda item, the Planning Commission may receive comment and recommendations from applicants, the public, applicable agencies and MSD 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, which may include: approval, approval with conditions, denial, continuance or recommendation to other bodies as applicable.

BUSINESS MEETING

- 1) Election of Chair and Vice Chair 2022. (Motion/Voting)
- 2) 2022 Planning Commission Meeting Schedule for Approval. (Motion/Voting)
- 3) Approval of the October 7, and November 4, 2021 Planning Commission Meeting

- Minutes. (Motion/Voting)
4) Other Business Items (as needed)

PUBLIC HEARING(S)

OAM2021-000494 - Amendment to Salt Lake County Code sections 19.12.030, 19.72.190, and 19.76.030

A proposed amendment of the Salt Lake County Code amending section 19.12.030 of the Salt Lake County Code to eliminate mineral extraction and processing as a conditional use and explicitly prohibiting the same and other related uses in the forestry and recreation zones; amending section 19.72.190 to eliminate mineral extraction and processing as a use for which waivers can be granted; amending section 19.76.030 regarding classification of permitted and conditional uses not listed in title 19; and enacting related regulations. **Presenter:** Melissa Anderson (Motion/Voting)

The Planning Commission will act on the proposed ordinance amendments after taking comments from the public during their respective public hearings. Public comments will be provided pursuant to the planning commission's rules of conduct. Public comments will be limited to three minutes per person. The public is also invited to review and inspect the proposed ordinances at <https://www.utah.gov/pmn/index.html> under the Planning Commission's agenda.

ADJOURN

Rules of Conduct for the Planning Commission Meeting

1. Applications will be introduced by a Staff Member.
2. The applicant will be allowed up to 15 minutes to make their presentation.
3. The Community Council representative can present their comments.
4. Persons in favor of, or not opposed to, the application will be invited to speak.
 - a. Speakers will be called to the podium by the Chairman.
 - b. Because the meeting minutes are recorded it is important for each speaker to state their name and address prior to making any comments.
 - c. All comments should be directed to the Planning Commissioners, not to the Staff or to members of the audience.
 - d. For items where there are several people wishing to speak, the Chairman may impose a time limit, usually 3 minutes per person, or 5 minutes for a group spokesperson.
5. Persons opposed to the application will be invited to speak.
6. The applicant will be allowed 5 minutes to provide concluding statements.
 - a. After the hearing is closed, the discussion will be limited to the Planning Commission and the Staff.

This page intentionally left blank



Mountainous Planning District Planning Commission

2022 Regular Meeting Schedule

Meeting Place: Salt Lake County Council Chambers – 2001 South State Street, N1-110

Time: 4:00PM *Unless otherwise posted*

The Public is Welcome to Attend

Thursday January 6, 2022

Thursday February 3, 2022

Thursday March 3, 2022

Thursday April 7, 2022

Thursday May 5, 2022

Thursday June 2, 2022

Thursday July 7, 2022

Thursday August 4, 2022

Thursday September 1, 2022

Thursday October 6, 2022

Thursday November 3, 2022

Thursday December 1, 2022

UPON REQUEST, WITH 5 WORKING DAYS NOTICE, REASONABLE ACCOMMODATIONS FOR QUALIFIED INDIVIDUALS MAY BE PROVIDED. PLEASE CONTACT WENDY GURR AT 385-468-6707. TTY USERS SHOULD CALL 711.

The Public May Attend. Meetings May Be Closed For Reasons Allowed By Statute.



MEETING MINUTE SUMMARY
MOUNTAINOUS PLANNING DISTRICT PLANNING COMMISSION MEETING
Thursday, October 7, 2021 4:00 p.m.

Approximate meeting length: 2 hours 30 minutes

Number of public in attendance: 16

Summary Prepared by: Wendy Gurr

Meeting Conducted by: Commissioner Jones

***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	Public Mtg	Business Mtg	Absent
NEIL COHEN	x	x	
NICOLE OMER			x
DON DESPAIN (VICE CHAIR)			x
LAYNEE JONES (CHAIR)	x	x	
JAMES PALMER	x	x	
CHRISTIE HUTCHINGS	x	x	
VICTORIA REID	x	x	
F BARTON REULING	x	x	

Planning Staff / DA	Public Mtg	Business Mtg
Wendy Gurr	x	x
Travis Hair	x	x
Jim Nakamura	x	x
Jake Young	x	x
Dina Blaes		
Lupita McClenning	x	x
Helen Peters	x	x
Zach Shaw (DA)	x	x

BUSINESS MEETING

Meeting began at – 4:02 p.m.

Commissioner Jones read the Chairs Opening Statement.

- 1) Approval of September 2, 2021 Planning Commission Meeting Minutes. (Motion/Voting)

Motion: To approve the September 2, 2021 Planning Commissioner Meeting Minutes with one amendment striking the maximum four horse phrase from the motion.

Motion by: Commissioner Cohen

2nd by: Commissioner Reid

Vote: Commissioner Palmer abstained, all other Commissioners voted in favor (of commissioners present). Motion passed.

- 2) Other Business Items. (As Needed)

Commissioner Jones asked about the transportation update. Mr. Shaw said could investigate it and provide feedback.

PUBLIC HEARING(S)

Meeting began at – 4:12 p.m.

An ordinance amending the following sections of the Salt Lake County Code of Ordinances, 2001: 19.12.020 (permitted uses in the FR zone), 19.12.030(g) (conditional uses in the FR zone), and 19.54.020 (permitted uses in the FA zone) to have uniform regulations in the FR and FA zones with regards to animal uses and their associated impacts on adjoining properties, the environment, and the well-being of animals; and making other related changes. **Presenter:** Zach Shaw (Motion/Voting)

Greater Salt Lake Municipal Services District PDS Director, Lupita McClenning provided an update, Salt Lake County Watershed Manager, Bob Thompson, and Salt Lake County Counsel, Zach Shaw provided an analysis of the proposed changes to the ordinance.

Commissioner Cohen confirmed that under the current ordinance horses in FR zone is a conditional use, that current ordinance doesn't mention setbacks, that the proposed setback requirement comes from concerned agencies, and that FCOZ currently has setbacks if the proposed ordinance is not adopted. He also asked why grants would be jeopardized. Staff and Counsel provided information about setbacks in FCOZ. Mr. Thompson said that for Salt Lake County to obtain grant funding, it must have an accepted and updated plan. Commissioner Cohen confirmed that manure management and setback would satisfy the requirement to have a plan.

Commissioner Reid inquired about additional stream buffers and whether additional buffers would be eligible for grants. Mr. Thompson said individual owners can provide their own buffers, and grant money isn't required. He confirmed that under the proposed ordinance vegetated buffers aren't required. Commissioner Cohen asked where most of the streams are, FA or FA. Mr. Shaw said Hi-Country I is primarily FR, but other FR areas in the county that have streams are impacted by this ordinance. Other areas in the county that are FR, but not in watershed include Millcreek Canyon, lower half of Parleys Canyon, and there may be others. Mr. Nakamura said Emigration Canyon is also in this category. Commissioner Cohen confirmed the only input received is within Hi-Country. Mr. Nakamura said majority of streams are in Hi-Country II, five to six streams. Mr. Shaw said that a number of parcels in Hi-Country II are zoned FR. Commissioner Reid asked if doing this would solve the problem, or just be moving in the right direction. Lupita said streams are impaired and this ordinance won't be the only mechanism to protect water quality and quality related management practice. Commissioner Palmer said at several points the updated staff report references Appendix A and inquired where the appendix was located. Mr. Shaw said Appendix A was attached to the original staff report; this month is a reproduction of portions of the original staff report.

Mr. Shaw said Salt Lake County Planning Commission reviewed the same ordinance at their last meeting, and the recommendation was to not approve the ordinance. Emphasis today is to outline the water quality concerns and consequences of not adopting an ordinance to mitigate those concerns. Commissioner Jones said MPD has a focus on water quality in the canyons.

Mr. Shaw went through the Planning Commission changes requested at September's meeting. Commissioner Cohen said the draft ordinance matches what commission asked for, except for four horse maximum. Commissioner Jones asked if the ordinance applies to other animals. Mr. Shaw said the ordinance applies to horses and family food production animals. Mr. Shaw said llamas aren't included in the ordinance or family food production, meaning they aren't allowed under the current ordinance or proposed ordinance.

Commissioner Reid motioned to open the public hearing, Commissioner Palmer seconded that motion.

PUBLIC PORTION OF HEARING OPENED

Speaker # 1: Citizen

Name: David Winters

Address: 15495 South Rose Canyon Road

Comments: Mr. Winters said he has been a property owner in FA for over 30 years and has served in law enforcement for over 33 years and requested to leave zoning as is. Current zoning and code enforcement can address issues. Concerned about water quality. Staff stated rose creek is listed as an impaired water way and he has reviewed, and it is not impaired. Seven miles away from the Jordan river. He asks that Rose Creek not be treated as a watershed, it has never been a watershed and should not be zoned as a watershed. Public has been against rezoning.

Speaker # 2: Citizen

Name: Laurice Lake

Address: 7841 West Canyon Road

Comments: Ms. Lake said she has questions. Where did we come up with two horse minimum per acre, when surrounding has four horses per acre.

Mr. Shaw clarified public hearing is for statements, not question and answer, but Commission could note the question and discuss the same. Ms. Lake said it would be helpful to understand how the ordinance puts limitations on her property. She said she would like Llamas.

Speaker # 3: Citizen

Name: Carolyn Nielsen

Address: 8032 West Canyon Road

Comments: Ms. Nielsen feels public comment wasn't addressed. The greenbelt people take a quarter acre out for your house, and the remainder will not qualify for greenbelt. Water management should consider the impact of fertilizers and pesticides. Robert Thompsons report said 20% would be horses or cows and 60% is unidentified. Problem with cows in Rose Canyon not addressed; residents don't own any—they are owned by corner canyon cattle company. Agrees with Dave Winters. Allow residents to take care of their properties and other things to protect the properties. Don't pick on the horse people when other things need addressing.

Speaker # 4: Citizen

Name: Ed Marshall

Address: 6451 East Millcreek Canyon Road

Comments: Mr. Marshall thanked counsel and planning commission for including proposed revision number 7. There is a discrepancy between number 7 and new text for this months meeting. The word protected should be included in sections relates to horses and household pets; change is included in F1, but not subsection G regarding household pets. He requests the change to be included in subsection 19.12.020G.

Speaker # 5: Citizen

Name: Kathryn Fuller

Address: 15467 South Rose Canyon Road

Comments: Ms. Fuller said two horses per acre is based on horses feeding in pasture. More can be accommodated if bringing in the hay and feeding daily. Other areas allowing 4 horses per acre aren't pasturing them. Concerns about buffers along the stream. In Hi-Country II, she knows of only one mainstream--Rose creek-- and other are ephemeral streams that show up when it rains. She contests assertion that property owners could have 20 horses; no one has enough land for 20 horses. She has tested

water upstream in yellow fork trails, way above any houses, and has taken a water sample at her home and down around 7000. Her tests conclude that creek is being contaminated before any houses. Robert Thompson's report is an assumption that horses impair the water, but no DNA for horse group, and horse manure does not create an E. coli problem that can be transferred to humans. Would appreciate people to come and tour the area. Rose canyon is a tiny stream.

Speaker # 6: Citizen

Name: Randy Crane

Address: 13682 South Mt Shaggy Drive

Comments: Mr. Crane said reviewing FR change, very little concern but recommend the conditional use remain for FR. Conditional use permits would come before commission and impacts could be addressed. When approving permits in FR zone, conditions should be reviewed and added. Under 19.04.448, recreation commercial does not include trail riding business, but commercial uses limited to home businesses conducted in the dwelling entirely or attached garage and shall not occupy more than 25% or 500 square feet or less. If FR zone allows for trail riding business, doesn't allow the business to leave the property. To have legitimacy it must be enforced, not responsibility of an HOA or homeowner to enforce county code.

Ms. Gurr read the email received for the record:

From: Altavi

Re: HOA eradication

Some late thoughts this afternoon. If riding stuff business is allowed, the HOA actually ceases to exist according to our covenants and bylaws. There is no need for a gate. There is no guarantee of privacy. There is no assurance of homeowner safety, or a guarantee of property solvency. Many home owners bought into the HOA for those vary elements.

Any type of recreational business violates, or tempts non -HOA members to violate such covenants. Since this BOD refuses to enforce even the CC & R's that we do have, how can you expect them to do anything with, or without new CC & R's?

Who is going to be assigned to legally enforce violations by outsiders? We do NOT have a sheriff, or police force. Most of us, do have guns handy for predators, etc Is that to be an unspoken method of resolving issue that will arise?

Is such an activity that will only be directly financially profitable for two, or three, HOA members worth the problems that will be confronted by the other 100 something other HOA members? I think not.

Last night, an "old timer" HOA member mentioned the wonderful riding trails the HOA had. Well, another HOA member stated, "Really? Were exactly are they?"

This was met with no reply.

In reality, there are no official, mapped, or county certified trails within the HOA.. All this is a figment of whatever a member decides is a riding trail. It's wherever they have chosen to ride their horse and that attitude perpetuates the attitude that all HOA property is some type of open range, except where one's actual house is.

Well, you are trespassing. I know from experience, because you have trespassed on my property, in the past.

The prior "old timer" eventually did cite a trail going on the road through the SQ area, which does not belong to the HOA. Imagine when SQ homeowners eventually put up their own gate., blocking access to this "trail."...Go imagine that.

All properties are locked into each other and some border BLM property. There are NO pass throughs. There are several utility roads, however, these should not be considered trail path throughs since the easements are still financially liable to the bordering property owners. Why should they be financially liable to law suits for accident? This treatment of the few could be considered an unfair and unasked for potential hardship.. Thus, said homeowners would be open to multiple problems and threats of their rights to privacy and trespass of property.

Speaker # 7: Citizen

Name: Patricia Stanko

Address: 15145 South Rose Canyon Road

Comments: Ms. Stanko said what leads to the other issues in Hi-Country I is separate from Hi-Country II. Had no issues for 40 years and now it's an issue. Puts a financial burden on homeowners. Can do different things to manage manure and limit horses. The problem in creek is not the horses. Other animals contributing, have seen dead animals in the creek and this is unfair for small number of horses and homeowners with horses. This is not a watershed.

Speaker # 8: Citizen

Name: Jim McDermott

Address: West Mountain Road

Comments: Mr. McDermott said it would be helpful to have questions and answers. Property is not in the protected drinking water protection area, one main river through Hi-Country II.

Commissioner Cohen motioned to close the public hearing, Commissioner Hutchings seconded that motion.

Commissioner Reuling excused himself at 5:36pm.

PUBLIC PORTION OF HEARING CLOSED

Commissioners, staff, and counsel had a brief discussion regarding best practices, greenbelt, restrictions regarding protected watersheds and other watersheds, household pets and other animals, animal sanctuary, and non-conforming uses.

Motion: To recommend approval to the County Council of an ordinance amending the following sections of the Salt Lake County Code of Ordinances, 2001: 19.12.020 (permitted uses in the FR zone), 19.12.030(g) (conditional uses in the FR zone), and 19.54.020 (permitted uses in the FA zone) to have distinct regulations in the FR and FA zones with regards to animal uses and their associated impacts on adjoining properties, the environment, and the well-being of animals, as drafted/updated by staff in the October 2021 staff report ("updated ordinance"), with the following changes:

- 1) Add the word "protected" before watershed on page 3 of the updated ordinance, 19.12.020 G, to read: Household pets, provided the area proposed for animals is not in a protected watershed area, primary water supply recharge area, or drinking water source protection area, as determined by the Salt Lake County health department or Utah Department of Environmental Quality; and
- 2) Change 19.12.020(F)(5)'s reference to subsection 2(d) and 3(c) to the correct references of 2(c) and 3(b). Also removing limit of four horses from subsection 2(c).

Motion by: Commissioner Reid

2nd by: Commissioner Palmer

Vote: Commissioner Cohen voted nay, all other Commissioners voted in favor (of commissioners present). Motion passed.

OAM2021-000275 - A proposed ordinance of the Salt Lake County Council creating Chapter 19.15 of the Salt Lake County Code of Ordinances allowing for and regulating Accessory Dwelling Units (ADUs) and Interior Accessory Dwelling Units (IADUs) in single-family detached dwellings in accordance with limits in State Law and to enact related regulations. **Planner:** Travis Hair (Motion/Voting)

Greater Salt Lake Municipal Services District Planner Travis Hair provided an analysis of the Staff Report.

Commissioners and Staff had a brief discussion regarding definition of a family, townhomes, grammar references, and code references.

Commissioner Hutchings motioned to open the public hearing, Commissioner Reid seconded that motion.

PUBLIC PORTION OF HEARING OPENED

No one from the public present to speak.

Commissioner Hutchings motioned to close the public hearing, Commissioner Palmer seconded that motion.

PUBLIC PORTION OF HEARING CLOSED

Commissioners had a brief discussion regarding favor, and front and side yards, ten feet behind front façade in the rear yard.

Motion: To recommend approval to the County Council on file #OAM2021-000275 for a proposed ordinance of the Salt Lake County Council creating Chapter 19.15 of the Salt Lake County Code of Ordinances allowing for and regulating Accessory Dwelling Units (ADUs) and Interior Accessory Dwelling Units (IADUs) in single-family detached dwellings in accordance with limits in State Law and to enact related regulations with grammar change to section 19.15.110(B) (“A building permit may not be issued...”)

Motion by: Commissioner Hutchings

2nd by: Commissioner Palmer

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

Commissioner Jones adjourned.

MEETING ADJOURNED

Time Adjourned – 6:32 p.m.

File # OAM2021-000494

Ordinance Amendment

Related to Mineral Extraction and Processing in the Forestry and Recreation zone

Public Body	Mountainous Planning District Planning Commission Salt Lake County Planning Commission
Meeting Dates	February 3 rd and 16 th , 2022
Proposal	An Ordinance amending Section 19.12.030 of the Salt Lake County Code to eliminate mineral extraction and processing as a conditional use and explicitly prohibiting the same and similar uses in the Forestry and Recreation zones; amending Section 19.72.190 to eliminate mineral extraction and processing as a use for which waivers can be granted; amending section 19.76.030 regarding classification of permitted and conditional uses not listed in title 19; and enacting related regulations.
Planner	Melissa Anderson
Recommendation	Recommend approval of the proposed ordinance to Salt Lake County Council

DESCRIPTION OF THE PROBLEM

The County has recently been engaged in the process of assessing and considering amendments to the Forestry and Recreation (FR) zone in unincorporated Salt Lake County (and related ordinances). In that context, the recent Notices of Intention to Commence Small and Large Mining Operations, filed by Tree Farm, LLC with the Utah Division of Oil, Gas, and Mining for certain property in Parley's Canyon, raised the question of whether mineral extraction and processing should continue to be a conditional use in the Forestry and Recreation (FR) zone in the unincorporated Salt Lake County. On December 10, 2021, the Salt Lake County Council (Council) voted to formally initiate proceedings to amend certain sections of the Salt Lake County Code to:

- A. Eliminate mineral extraction and processing as a conditional use and explicitly prohibit the same and similar uses in the FR zone,
- B. Eliminate mineral extraction and processing as a use for which waivers can be granted in the Foothills and Canyon Overlay Zone (FCOZ), and
- C. Provide clarification regarding how permitted and conditional uses are classified.

The purpose of these changes is to eliminate mineral extraction and processing as a conditional use in the FR zone, to eliminate acknowledgement of this use within FCOZ boundaries, and to eliminate the possibility of similar uses in the FR zone. These changes would not apply to property within the FR zone that currently has approved, permitted, and operational mineral extraction/processing and similar uses; such uses would be legal nonconforming uses.

DESCRIPTION OF THE PROPOSED ORDINANCE

It is proposed that three different sections of the Salt Lake County Code be amended. First, it is proposed that section 19.12.030 be amended to eliminate mineral extraction and processing as a conditional use, and to explicitly prohibit mineral extraction and processing, mine, quarry, gravel pit, including crushers or concrete batching plants used in connection with and as a part of an operation for the removal of sand, gravel and/or rock aggregate in the FR zone.

In the event an applicant attempts to argue that Salt Lake County has not explicitly prohibited a particular use not mentioned in the above list, it is proposed that section 19.76.030 be amended to provide that any uses not listed are prohibited unless there is an administrative determination that a proposed use has the same character as an existing permitted or conditional use in the zone.

Finally, it is proposed that section 19.72.190 of FCOZ be amended to eliminate acknowledgement of the possibility of mineral extraction and processing within FCOZ boundaries.

PUBLIC COMMENT

Public notice was provided in accordance with Utah Code 17-27a-205. Public notice was mailed to affected entities on January 13, 2022. Notice was also posted in three public locations and on the Utah Public Notice Website at least 10 days prior to the public hearing. In addition, Salt Lake County Community Councils were notified of the proposed ordinance on December 17, 2021. The notice explained how the Community Councils may submit comments on the matter and how they can provide comments at the Planning Commission meeting.

As of the writing of this staff report, the MSD planning staff have not received any public comment related to the proposed ordinance amendment.

OPTION FOR THE PLANNING COMMISSION

The Planning Commission has three options with respect to the proposed ordinance amendment:

- Option 1: Recommend approval of the ordinance as proposed to Council; or
- Option 2: Recommend approval of the ordinance with amendments to Council; or
- Option 3: Recommend denial of the ordinance to Council.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of the ordinance as proposed to the Salt Lake County Council.

ATTACHMENT

1. Proposed Ordinance

SALT LAKE COUNTY ORDINANCE

ORDINANCE NO. _____, 2022

AN ORDINANCE OF THE SALT LAKE COUNTY COUNCIL AMENDING SECTION 19.12.030 OF THE SALT LAKE COUNTY CODE TO ELIMINATE MINERAL EXTRACTION AND PROCESSING AS A CONDITIONAL USE AND EXPLICITLY PROHIBITING THE SAME AND OTHER RELATED USES IN THE FORESTRY AND RECREATION ZONES; AMENDING SECTION 19.72.190 TO ELIMINATE MINERAL EXTRACTION AND PROCESSING AS A USE FOR WHICH WAIVERS CAN BE GRANTED; AMENDING SECTION 19.76.030 REGARDING CLASSIFICATION OF PERMITTED AND CONDITIONAL USES NOT LISTED IN TITLE 19; AND ENACTING RELATED REGULATIONS

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. Section 19.12.030 of the Salt Lake County Code of Ordinances is amended as follows in order to eliminate Mineral extraction and processing as a conditional use and explicitly prohibiting the same and other related uses in the Forestry and Recreation zones; and to enact related regulations.

19.12.030 Conditional uses.

The following conditional uses are subject to the requirements of this chapter, all general and specific conditions, criteria, and approval procedures set forth in Chapter 19.84, "Conditional Uses," and for properties situated within the foothills and canyons overlay zone, the procedures and provisions of Chapter 19.72, "Foothills and Canyons Overlay Zone" and Chapter 19.73, "Foothills and Canyons Site Development and Design Standards." The following uses are explicitly prohibited in this chapter: mineral extraction and processing; mine; quarry; gravel pit;

including crushers or concrete batching plants used in connection with and as a part of an operation for the removal of sand, gravel and/or rock aggregate.

....

~~[J. Mineral extraction and processing; provided that:~~

~~1. The applicant shall comply with all applicable regulations of this chapter, including but not limited to site grading and drainage, landscaping, and environmental standards, and all applicable provisions in Chapter 19.72, "Foothills and Canyons Overlay Zone," and Chapter 19.73, "Foothills and Canyons Site Development and Design Standards," and~~

~~2. Such use shall not be located within one thousand feet of any residential use or lot, and~~

~~3. The perimeter of the site shall be screened from adjacent properties and roads with a buffer yard of adequate width and opacity as determined by the county, and~~

~~4. The applicant submits a plan, prepared by a qualified professional, that shows the location of existing and proposed watercourses and drainage systems, including lakes, ponds, and detention basins, and~~

~~5. Water accumulating on the site shall be removed to a drainage way and any contaminated water shall be treated before being allowed to enter a drainage way, and~~

~~6. The applicant shall present evidence of all necessary state and/or federal permits and approvals, and~~

~~7. Access shall be provided, either directly or over a private haul road, to an arterial street that is designed for heavy truck traffic, and~~

~~8. A haul road entering the site from a public street or road shall be paved for at least a distance of five hundred feet from the public street or road, and~~

~~9. The property shall be posted with a notice of dangerous conditions and warning trespassers away, and~~

~~10. Operations shall be conducted in compliance with health department regulations and standards regarding noise, odor, vibrations, dust, blowing debris, hazardous materials, and air quality, and~~

~~11. The applicant shall submit a general plan for proposed rehabilitation of the site, including a schedule of rehabilitation measures and proposed ground cover and landscaping to be installed following the completion of the operation or the expiration of the conditional use approval (see Sections 19.72.030H, "Tree and Vegetation Protection," and 19.72.030C, "Grading Standards"), and~~

~~12. If a change in ownership occurs, the new owner shall submit a new application for conditional use approval. Approval of the new application shall not be granted until all new federal and/or state permits are issued to the new owner, and~~

~~13. Any suspension or revocation of required state or federal permits shall constitute a violation of this chapter and will result in automatic suspension or revocation of all county approvals and permits, and~~

~~14. The county may require a bond in favor of the county to be posted by the applicant to cover damages that may occur to county roads as a result of hauling materials excavated from the permitted site. The amount of the bond less any sums needed to correct damages shall be refunded to the excavator within one year after the conclusion of the excavation, and~~

~~15. The county may impose additional conditions addressing access, circulation, operations, noise, hours of operation, and similar impacts it deems necessary to minimize potential significant impacts on adjacent properties and streets;]~~

....

SECTION III. Section 19.72.190 of the Salt Lake County Code of Ordinances is amended as follows to eliminate mineral extraction and processing as a use for which waivers can be granted.

19.72.190 Waivers for mountain resort improvements that are not within a mountain resort zone[,] and public uses [and mineral extraction and processing].

A. Authority to Grant Waivers. The topographic conditions, soil characteristics, hydrologic patterns, climatic constraints, susceptibility to natural hazards, vegetation, wildlife habitat concerns, and aesthetic considerations of foothill and canyon areas often create circumstances in which strict compliance with adopted standards is not only difficult but sometimes impossible to achieve. As these challenges are frequently created by the very nature and operational characteristics of mountain resorts[~~-, mineral extraction and processing operations,~~] and many public uses, and are therefore most often self-imposed, other avenues of administrative relief are sometimes necessary and appropriate. Accordingly, the land use authority may waive or modify the development standards for these uses.

....

SECTION IV. Section 19.76.030 of the Salt Lake County Code of Ordinances is amended as follows to clarify the classification of permitted or conditional uses not listed in Title 19.

19.76.030 – Uses not listed are prohibited unless [—]Administrative determination of newly identified uses is made

~~[Determination as to the classification of]~~ Permitted or Conditional uses not specifically listed in this title shall be prohibited, unless allowed by the following process. If a previously unidentified

use not contemplated in this Title is proposed, a property owner may submit a written request for
[made by] the planning and development services division director to interpret the zoning
ordinance pursuant to the procedural steps of this Section to determine whether the proposed use
has the same character as an existing permitted or conditional use allowed in the zone designated
for the owner's property. [and] The Director's determination shall be subject to appeal to the
planning commission as provided in this Section. Such appeal shall be filed in writing within ten
days after written notification to applicant of the planning and development services division
director's determination. The procedure shall be as follows:

A. Written Request. A written request for such a determination shall be filed with the planning
and development services division director. The request shall include a detailed description of the
proposed use and such other information as may be required.

B. Investigation. The planning and development services division director shall thereupon make
such investigations as are deemed necessary to compare the nature and characteristics of the
proposed use with those of uses specifically listed in this title, and to make a determination of its
classification.

C. Determination. The determination of the planning and development services division director
shall be rendered in writing within thirty days unless an extension is granted by the planning
commission. The determination shall state the zone classification in which the proposed use will
be permitted as well as the findings which established that such use is of the same character as
uses permitted in that zone classification. If the director determines that the proposed use does not
have the same character as an existing permitted or conditional use allowed in the designated zone,
the proposed use is prohibited. Upon making this decision, the planning and development services

division director shall forthwith notify the applicant, the planning commission and the development services division.

D. Effect. The determination and all information pertaining thereto shall become a permanent public record in the office of the planning and development services division director. Such use shall thereafter become a permitted or conditional use in the class of district specified in the determination, and shall have the same status as a permitted or conditional use specifically named in the regulations for the zone classification.

SECTION V. This ordinance shall become effective fifteen days after its passage and upon publication of the ordinance, or a summary thereof on the Utah state noticing website.

APPROVED AND ADOPTED this _____ day of _____, 2022.

SALT LAKE COUNTY COUNCIL

By: _____
Chair

ATTEST:

Sherrie Swensen
Salt Lake County Clerk

APPROVED AS TO FORM:

ORDINANCE HISTORY

Councilmember Bradley voting	_____
Councilmember Bradshaw voting	_____
Councilmember Theodore voting	_____
Councilmember DeBry voting	_____
Councilmember Granato voting	_____
Councilmember Winder Newton voting	_____
Councilmember Alvord voting	_____
Councilmember Snelgrove voting	_____
Councilmember Stringham voting	_____

Vetoed and dated this _____ day of _____, 2022.

By: _____
MAYOR JENNIFER WILSON
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 _____, 2022, the County Council of Salt Lake County adopted Ordinance No. _____, an ordinance of general revision, amending section 19.12.030 of the Salt Lake County Code to eliminate mineral extraction and processing as a conditional use and explicitly prohibiting the same and other related uses in the Forestry and Recreation zones; amending section 19.72.190 to eliminate mineral extraction and processing as a use for which waivers can be granted; amending section 19.76.030 regarding classification of permitted and conditional uses not listed in title 19; and enacting related regulations.

By: _____
Chair

ATTEST:

Sherrie Swensen
Salt Lake County Clerk

APPROVED AS TO FORM:

Councilmember Bradley voting	_____
Councilmember Bradshaw voting	_____
Councilmember Theodore voting	_____
Councilmember DeBry voting	_____
Councilmember Granato voting	_____
Councilmember Winder Newton voting	_____
Councilmember Alvord voting	_____
Councilmember Snelgrove voting	_____
Councilmember Stringham voting	_____

A complete copy of Ordinance No. _____ is available in the office of the Salt Lake County Clerk, 2001 South State Street, N2-100A, Salt Lake City, Utah.