



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

****Meeting minutes approved on February 3, 2022****

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.