



## Planning and Development Services

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

# Mountainous Planning District Planning Commission

## Public Meeting Agenda

**Thursday, April 21, 2022 3:00 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

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*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) Approval of the February 3, and March 3, 2022 Planning Commission Meeting Minutes. (Motion/Voting)
- 2) Other Business Items (as needed)

## **LEGISLATIVE LAND USE APPLICATIONS**

**OAM2021-000493** - An Ordinance of the Salt Lake County Council Amending Section 19.04.462 of the Salt Lake County Code to include Wedding and Reception Uses in the definition of Restaurant, Liquor License; and to Enact Related Regulations. **Presenter:** Melissa Anderson (Motion/Voting)

The Planning Commission will act on the proposed ordinance amendment 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.

**MEETING MINUTE SUMMARY**  
**MOUNTAINOUS PLANNING DISTRICT PLANNING COMMISSION MEETING**  
**Thursday, February 3, 2022 4:00 p.m.**

**Approximate meeting length:** 2 hours 4 minutes

**Number of public in attendance:** 139

**Summary Prepared by:** Wendy Gurr

**Meeting Conducted by:** Commissioner Despain

**\*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	x	
DON DESPAIN (VICE CHAIR)	x	x	
JAMES PALMER	x	x	
CHRISTIE HUTCHINGS	x		
VICTORIA REID	x	x	

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

*Commissioner Palmer moved to put the Business Meeting after the Public Hearing.*

*Commissioner Despain read the chairs opening statement.*

**PUBLIC HEARING(S)**

**Hearing began at – 4:01 p.m.**

**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.

*Greater Salt Lake Municipal Services District Planning Manager Melissa Anderson provided an analysis of the proposed ordinance amending Sections 19.12.030, 19.72.190, and 19.76.030.*

*Commissioner Palmer asked members of the public who had submitted comments in writing to consider not commenting today. Counsel Shaw indicated that public hearing is open to all who wish to speak.*

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

## **PUBLIC PORTION OF HEARING OPENED**

### **Speaker # 1: Save Parleys**

**Name:** Andrew Smith

**Address:** 2385 East Stringham Avenue

**Comments:** Mr. Smith provided a PowerPoint presentation. Started Save Parleys six or seven weeks ago. Showed renderings of I-80 south quarry looking down Parley's Canyon, showing what the future will look like. This is the largest mining operation since 1974. Discussed watershed in Parleys Canyon and Wasatch mountains. Stated that the mine would be an embarrassing eyesore, with increased traffic and wildfire risk, pollution, destruction of landscape and loss of wildlife. Parleys is zoned forestry and recreation. Support amending the ordinances and help save our canyons.

### **Speaker # 2: Citizen**

**Name:** Joseph Reimann

**Address:** Not provided

**Comments:** Mr. Reimann said his concern is wildfire. Provided information on wildfires and evacuations in 2002, 2015, and 2021. There would be no exit from the canyon and recourse would be to hike into Millcreek. Slides are also a threat.

### **Speaker # 3: Save Our Canyons**

**Name:** Carl Fisher

**Address:** 3690 East Fort Union Blvd. #101

**Comments:** Mr. Fisher said look at issues and contemplate recommendation. Any zone in Salt Lake County can be applied for; strengthen and limit number of ordinances; FR, FM, and MRZ zones are primarily used in FCOZ, all others should be prohibited. Prohibited uses establish a better process. Noted shortcomings in ordinances, which need updating to protect community values in Wasatch range. Here as a resource to try and find resolutions to protect resources.

### **Speaker # 4: Millcreek City Council – District 3**

**Name:** Cheri Jackson

**Address:** 2982 East 3935 South

**Comments:** Ms. Jackson said after incorporation, she received calls regarding the problem up the canyon. Strong breeze every night at 25 mph leaves dust, ask on behalf of residents for ordinance to be updated and changes so they don't continue to have poor air quality they already have with the existing quarry.

### **Speaker # 5: Citizen**

**Name:** Nate Gibby

**Address:** 3157 Louise Avenue

**Comments:** Mr. Gibby said Canyon Rim area and citizen association urge commission to change ordinance and collected 72 signatures in Canyon Rim opposing development of the mine. Wish to get rid of the existing mine that creates problems in their neighborhood.

**Speaker # 6:** President of Physicians for a healthy environment

**Name:** Dr. Brian Moench

**Address:** 4091 Splendor Way

**Comments:** Dr. Moench read from his letter submitted:

There are a handful of iconic assets, natural and manmade, that define this state, irreplaceable assets that contribute greatly to our quality of life. The Great Salt Lake, Temple Square, and the Wasatch Mountains are every bit as important to Salt Lake City as the World Trade Center was to New York City. But unlike the World Trade Center, once destroyed the Wasatch Mountains cannot be rebuilt, and nothing could ever replace them. We find it shocking that anyone would even suggest digging an enormous open pit mine in Parley's Canyon, that would become nearly one third the size of the current Kennecott open pit mine in the Oquirrh Mountains.

Utah Physicians for a Healthy Environment are firmly opposed to this proposal. The Salt Lake Valley is already beset with unhealthy, chronic air pollution from multiple sources and steadily diminishing water resources. Those trends are destined to continue and likely accelerate, and both would be aggravated by this proposed mine. More specifically, the additional dust and diesel pollution generated by the mine will only add to the health and quality of life consequences from existing sources of environmental degradation in the Valley. Mt. Aire residents would be particularly exposed. And it seems nearly certain that water quantity and quality in the area (Parley's creek, Millcreek, groundwater, and two nearby reservoirs) will ultimately be diminished and degraded.

Mr. Lassely's company audaciously claims that if this project is not permitted it will adversely impact the citizens of the state through more traffic, diminished air quality, and higher taxes, presumably because this mine would be closer to the end use of the gravel. There is no evidence for this claim, and it is contrary to empirical evidence and common sense.

Already 20 aggregate mines scattered, no shortage of mines. Combination of pollution make all mines pollution sources and no safe level of air pollution. Urge commission to take actions necessary.

**Speaker # 7:** Citizen

**Name:** Isaac Lindstrom

**Address:** 287 4<sup>th</sup> Avenue

**Comments:** Mr. Lindstrom approves of idea to eliminate zoning for mines. Support changing land use. Irreplaceable resources.

**Speaker # 8:** Citizen

**Name:** Jodi Harker

**Address:** 1815 Fonzel Drive

**Comments:** Ms. Harker said she conveys support of ordinance from Richards family, who owns 660 acres east and abutting land. Owns recreational home. Ms. Harker read from a letter. Peaceful community will be frustrated by mining operations, which will impact the use of their property. Concern for noise in mining, which will coat dust on her property, and will impact spring water and other residents. Fears rocks slides. Tree farms property rights will interfere with her rights. Full support of amending codes and deeply concerned for families' future use.

**Speaker # 9:** Carrier

**Name:** David Carrier

**Address:** 3150 East Louise Street

**Comments:** Mr. Carrier said he was a plaintiff in Save Our Canyons appeal of the expansion of Harpers quarry. Based on decisions of the court, quarries, gravel pits, and mines are not a permitted use, and encouraged reading of 2004 supreme court decision.

**Speaker # 10:** Cottonwood Heights City Council – District 4

**Name:** Ellen Birrell

**Address:** 3618 Golden Hills Avenue

**Comments:** Ms. Birrell concerned about watershed points degradation and Salt Lake County protected watersheds; if people can't put their foot in streams, why would we consider mining use so close to watershed areas. 30,000 residents of Cottonwood Heights preparing to do a general plan. Residents have four main points to the general plan: traffic calming, active transportation and transit, and overbuilding; mining use runs contrary to what residents of Cottonwood Heights want. Amending the code should be changed and supports doing so.

**Speaker # 11:** Save Parleys

**Name:** Scott Williams

**Address:** 316 K Street and cabin owner in Mount Aire

**Comments:** Mr. Williams said many other documents have been created for the best use of Wasatch Mountains and FCOZ, which he added to the chat. A lot of people worked for the future of the environment, preserving canyons and ridgelines, protecting public health and safety, reducing risk, and encouraging environment protection. The Wasatch Canyon general plan and other plans envision the future, all are inconsistent with a mine going forward, and all are consistent with the ordinance today and support moving forward with the ordinance.

**Speaker # 12:** Citizen

**Name:** Brad C Barth

**Address:** 2294 South Preston Street

**Comments:** Mr. Barth argued an amendment to the ordinances governing FCOZ should be adopted. Mineral processing is incompatible for future generations. He read from his letter submitted:

An amendment to the ordinance governing our forestry and recreation zones should at least be *compatible* with the purpose of this ordinance. An amendment that would make this ordinance *more compatible* with its purpose should absolutely be adopted. The Salt Lake County Council has proposed an amendment to this ordinance that would exclude **Mineral Extraction & Processing** as a conditional use in our forestry and recreation zones. Importantly, this amendment would be compatible with the purpose of the forestry and recreation zones. More importantly, this amendment would make this ordinance *more compatible* with its purpose.

Mineral extraction and processing is incompatible with “the protection of the natural and scenic resources of these areas for the continued benefit of future generations.” A representative example of what mineral extraction and processing entails is excavating our foothill and canyon areas into gravel pits. This possible use is not only *incompatible* with protecting the natural and scenic resources of these areas for future generations. I would argue that no possible use of these areas could be *less compatible* with protecting them for future generations.

For fellow residents of Salt Lake County, the grounds for this claim are self-evident. None of us can avoid observing the outcome of mineral extraction and processing along the Wasatch Front. Anyone who has driven through North Salt Lake, the mouth of Big Cottonwood Canyon or The Point of the Mountain knows that excavating foothills into gravel pits permanently destroys them. Gravel pit lobbyists will challenge that observation with references to reclamation. Reclamation, in this context, doesn't mean what we would hope



it means. It doesn't mean restoring our canyon foothills to their natural state. It means salvaging what's left of our canyon foothills after decades of physically removing them.

The Utah Supreme Court agrees. In 2004, the Utah Supreme Court [upheld a lower court ruling](#) that reversed a decision to approve expanding a Parleys Canyon gravel pit that originated in 1886, which was grandfathered into the forestry and recreation zones. Paragraph 36 of the Court's unanimous opinion can't seem to reconcile protection with destruction either:

"The allowance of a gravel pit operation...appears to be inconsistent with the stated purpose of the [forestry and recreation zones]...The considerable damage that would necessarily result to both the natural and scenic resources from any gravel pit operation would be inconsistent with this purpose."

**Speaker # 13:** Parley's Canyon Community Council Board Member

**Name:** Darrell Whatcott

**Address:** 681 East 3<sup>rd</sup> Avenue and property in Lambs Canyon

**Comments:** Mr. Whatcott said he drafted a letter that was sent to state and county representatives. He is opposed to the mining effort, and he brought up key points mentioned earlier of mining impacts on living and recreating in the area. He supports the ordinance and opposes this activity.

**Speaker # 14:** Citizen

**Name:** Anne Findlay

**Address:** 2175 Texas Street

**Comments:** Ms. Findlay said she agrees with what's been said. She grew up in Utah and was shocked when she found out about a proposed quarry. Hillside would be gone, and she can't believe the degrading of landscape. She is in support of code change and supports elimination of further degradation of landscape. She did a survey of mountain bike and hiking enthusiasts, and this is shocking.

**Speaker # 15:**

**Name:** Shelley Thayne Rich

**Address:** 2060 Browning Avenue

**Comments:** Ms. Rich said she speaks on behalf of residents of Mount Aire, and she is a fifth-generation owner. Every inch of foothills has felt so helpless with the proposal. Mother Emily Thayne published a book of growing up in the canyon, which includes stories of a place founded by pioneers. She feels like they don't have a say. Maybe there is a voice with roots running so deep, and she appreciates validation to this fight and continued dialogue voicing personal and collective opinions.

**Speaker # 16:**

**Name:** Freddie Stromness

**Address:** 6857 East Maplefork Way

**Comments:** Mr. Stromness suggest it is illogical to approve a quarry in a highly polluted area. Please recognize the need of cleaning the environment, moving away from fossil fuels, and these uses moving away from populated areas. Need for county residents to breathe clean air outweighs benefits and creates dust. He discussed Utah history, and the impacts of above ground nuclear testing in Nevada moving down to Utah. Compensation was paid but doesn't make up for suffering. Utah can prevent a similar mistake. Breathing dust and pollutants is damaging to human health. Salt Lake County can help with down winder problem. He supports the ordinance.

**Speaker # 17:** LUCC

**Name:** Ron Faerber

**Address:** Not provided



**Comments:** Mr. Farber said he asked the State to deny the permit for small and large mining submitted to the oil and gas board, and he supports this planning commission changing the ordinance. Discussed future mining and tailings/waste. He recommended reaching out to Utah State and speaking to professors and interested undergraduates for research. He supports changing the ordinance.

**Speaker # 18: Save Parleys**

**Name:** Justin Wilde

**Address:** PO Box 52002

**Comments:** Mr. Wilde said he supported the amendment, along with 21,000 concerned citizens that don't want mining in Parleys Canyon. Encouraged to see what was read on the website with regards to the MPDPC and the purpose of the commission. A lot of plans have been set up and established, including the Wasatch Canyon general plan, and these plans are not compatible with mining. The purpose of FCOZ runs contrary to mining. Utah wildlife action plan mentions the protection of species in the canyon.

*Ms. Gurr read the comments that were received after the last round submitted for review:*

*The following people submitted the form letter that others had previously submitted: Ashley Hamilton, Diane Cotsonas, Ian Larson, Stephen Garcia, Therese Martin, Brii Staker, Pam Blackwell, Braxton Beers, Megan Avila, Shannon Tolman, Christian Sorensen, Monica Hamrick, Ryan Compton, Gabby Horrocks, and Jayne Connolly.*

*Ms. Gurr read the following letters that were received after the last round submitted for review:*

*Sherilyn and Lowell Bennion*

*We would like to add our voices to those opposed to the proposed Parleys Canyon open-pit mine, to be considered at this afternoon's meeting. The environmental impacts of this mine argue against its approval. As residents of Millcreek and hikers who recreate in the canyon, we appeal to you to deny the permit for this project.*

*Kathy Pedersen*

*This letter is to record my extreme objection to the proposed mine in Parley's Canyon for the following reasons:*

- 1. Increased traffic*
- 2. Impact on water supply and potential contamination from dust; this is a protected watershed*
- 3. Eyesore/scar/visitors to Park City would wince going by; locals will have a much stronger reaction*
- 4. Increased pollution*
- 5. Residential housing nearby*
- 6. Increased risk of wildfires, avalanches, rock slides*
- 7. Wildlife habitat risk*
- 8. Increased noise*
- 9. Goes against current zoning as Forestry and Recreation area; development is meant to be compatible with scenery and natural resources of area*
- 10. Expected life of the mine is 100 years!*
- 11. Seems that an application for a small mine, then turn that into a large mine is disingenuous*
- 12. This is Salt Lakers' pristine back yard, and a reason people move to Utah; it is why Utah is a "pretty great state". This will damage that reputation severely.*

*Strongly opposed.  
Thank you for your time*

*The following comments from the chat function of the electronic meeting are included in the minutes of the meeting:*

*from Ron Faerber to everyone: 4:20 PM*

*LUCC (League of Unincorporated Community Councils) were made aware that the owners of this property in question were not forthcoming as to their intent for the use of the property. Naming it a Tree Farm...*

*from Alex Schmidt to everyone: 4:20 PM*

*Could that citation be added here to the chat so all participants can find that?*

*from Jeff Silvestrini to everyone: 4:21 PM*

*I appreciate Commissioner Palmer's request that persons who have commented in writing defer making public comment in the interest of time. Having submitted written comment, I will abide by this request. I only ask, because this is a matter that may provoke a legal challenge, that the Commission support its decision with robust findings, based upon the record offered to it today, so that your decision is supported by a rational basis. As Commissioner Reid mentioned, finding will be important here. Thank you, Jeff Silvestrini, Mayor of Millcreek*

*from Justin Wilde Save Parleys to everyone: 4:29 PM*

*Look at the scale! See how tiny the overpass looks*

*from Katie Hedman- SOC to everyone: 4:30 PM*

*I did not see the after picture.*

*from Alex Schmidt to everyone: 4:30 PM*

*Visit this site for the photos and more details. <https://saveparleys.org/>*

*from Justin Wilde Save Parleys to everyone: 4:31 PM*

*On [www.saveparleys.org](http://www.saveparleys.org) there is a slick "before/after" slider widget*

*from brian moench to everyone: 4:32 PM*

*That artist's rendition actually gives the mine operators too much credit. There will be no vegetation that takes hold on the steep walls of the mine. The benches that make up those walls will be almost a 70 degrees, even though the overall slope is 45 degrees.*

*from Justin Wilde Save Parleys to everyone: 4:34 PM*

*The petition has received nearly 21,000 signatures. <https://www.change.org/p/spencer-j-cox-protect-parleys-canyon-and-the-wasatch-front>*

*from Mick to everyone: 4:48 PM*

*Thanks Brian. Very well said.*

*from susan baggaley to everyone: 4:49 PM*

*Dr. Moench, appreciate and support your comments!*

*from Justin Wilde Save Parleys to everyone: 4:52 PM*

*I support private property rights, but not when they impinge on my rights.*

*from Leslie Petersen - Save Parleys to everyone: 4:52 PM*  
*Thank you Jodi...very powerful*

*from Justin Wilde Save Parleys to everyone: 4:52 PM*  
*Well said Jodi*

*from Andrew Smith to everyone: 4:54 PM*  
*Thank you Brian Moench, well done*

*from Michael Hanks save parleys to everyone: 4:54 PM*  
*Well said Jodi. This would impinge on the rights of all of us in Mt. Aire.*

*from Andrew Smith to everyone: 4:55 PM*  
*Well done Jodi*

*from Dinny Trabert to everyone: 4:56 PM*  
*Jodi - Thank you for representing the generations of Richards and the Mt. Aire residents.*

*from Justin Wilde Save Parleys to everyone: 4:59 PM*  
*A quarry 3 miles up Parleys would also impinge on the rights of everyone who live downwind and/or in proximity of the mine*

*from Scott Williams- SaveParleys to everyone: 4:59 PM*  
*19.72.010 PURPOSE (Of the Foothills and Canyons Overlay Zone)*  
*The general purpose of the Foothills and Canyons Overlay Zone is to promote safe, environmentally sensitive development that strikes a reasonable balance between the rights and long-term interests of property owners and those of the general public. Specifically, these standards are intended to:*  
*A. Preserve the visual and aesthetic qualities of the foothills, canyons, and prominent ridgelines as defined herein, contributing to the general attractiveness and, where appropriate, the commercial viability of these areas.*  
*B. Protect public health and safety by adopting standards designed to reduce risks associated with natural and man-made hazards.*  
*C. Provide efficient, environmentally sensitive, and safe vehicular and pedestrian circulation.*  
*D. Encourage development that conforms to the natural contours of the land and minimizes the scarring and erosion effects of cutting, filling and grading on hillsides, ridgelines*

*from Justin Wilde Save Parleys to everyone: 5:01 PM*  
*"The County will consider the need to periodically update County ordinances related to development siting, access, floodplains, water protection, and the structural design of buildings to ensure that health and safety requirements and the General Plan Vision and County goals are being met."*  
*"Wasatch Canyons General Plan Update, Chapter2: Parleys Canyon", page 42*

*from Ken Ward to everyone: 5:01 PM*  
*I commend everyone with their logical, well thought out, and well documented input to deny any mining in Parley's Canyon whatsoever.*

*from Catherine Raney to everyone: 5:01 PM*  
*Thank you Scott for your comments, I share the same sentiments.*

*from Justin Wilde Save Parleys to everyone: 5:04 PM*

*Absolutely right, Brad. I cannot imagine a worse treatment of our mountains than tearing into them and hauling them away.*

*from Janet Smith to everyone: 5:10 PM*

*Amen, Scott!*

*from Leslie Petersen - Save Parleys to everyone: 5:13 PM*

*Thank you Shelley. Perfectly said.*

*from Scott Williams- SaveParleys to everyone: 5:14 PM*

*Emma Lou is smiling Shelley.*

*from Dinny Trabert to everyone: 5:14 PM*

*Thanks for your passionate comments Shelley!*

*from Luanne Schmidt to everyone: 5:17 PM*

*Thank you Freddie. Well done.*

*from Janet Smith to everyone: 5:17 PM*

*From Mark Smith:*

*I want to make a comment and say, "In this entire meeting, nobody is in favor of the mine. You don't sound like you have received any comments in favor of it except from the company who will profit from it. You work for us, and I think we have all made our collective point of view very clear. If people are for it, they should say so. As far as I can tell, nobody is..."*

*It's not about the harms or issues, there is a clear mandate given to you by your constituents.*

*from Jocelyne Despres to everyone: 5:17 PM*

*Appreciate everyone who spoke up and articulated what we are all feeling ...I completely agree with all the comments and appreciate everyone's work*

*from Justin Wilde Save Parleys to everyone: 5:17 PM*

*Yes, thank you Shelley. (And Never Past the Gate is such a fabulous book.)*

*from Justin Wilde Save Parleys to everyone: 5:18 PM*

*Great points, Freddie.*

*from Kael Weston to everyone: 5:19 PM*

*Other counties across our state look to SL County for leadership — not approving this amendment would send wrong signal in our fastest-growing state.*

*from Andrew Smith to everyone: 5:19 PM*

*Could a Commissioner give a quick overview of what happens next?*

*from Richard L Smith to everyone: 5:25 PM*

*Thank you to everyone that made comments today. Absolutely wonderful.*

*from Scott Williams- SaveParleys to everyone: 5:25 PM*

*Here is the rest of the preamble setting out the purpose of the FCOZ E. Balance private and commercial needs against the risk of destabilizing fragile soils, defacing*

*steep slopes and degrading water quality.*

*F. Minimize disturbance to existing trees and vegetation, conserve wildlife habitat, protect aquifer recharge areas, and otherwise preserve environmentally sensitive natural areas by encouraging clustering, the transfer of development rights, or other design techniques to preserve the natural terrain.*

*G. Reduce flooding by protecting streams, drainage channels, absorption areas and floodplains.*

*Foothills & Canyons Overlay Zone – Chapter 19.72 Salt Lake County Code of Ordinances*

*Revised July, 2015*

*FCOZ Current Title 19 Final Draft.docx*

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*H. Protect property rights and commercial interests, and encourage economic development.*

*from Brenda Reiss-Brennan to everyone: 5:30 PM*

*Thank you Salt Lake County for your leadership and sustainable action on our behalf to preserve our mountains*

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

### **PUBLIC PORTION OF HEARING CLOSED**

**Motion:** To recommend file #OAM2021-000494 the proposed amendments to section 19.12.030, 19.72.190 and 19.76.030 as proposed in the staff report, and making the following findings to be issued by the Commission Chair:

- Mineral extraction is incompatible with the intent of the forestry and recreation zone, the FCOZ zone and the Wasatch Canyons General plan
- Adverse effects of mineral extraction in this zone would include:
  - An increase in air and dust pollution
  - An increase in noise pollution
  - A threat to protected watersheds
  - Depletion of water supply
  - An increase in wildfire risk
  - An increased risk of avalanches and rockslides
  - An Increase in traffic
  - Loss of wildlife habitat
  - Destruction of the landscape and ecology

In addition, a proposal to expand the nearby Harpers Canyon quarry was denied by the Utah state Supreme In 2004. Also, other areas of the county permit gravel pits quarries, and mines.

Finally, the proposed ordinance amendment is consistent with the following Goals and Strategies from the Wasatch General Plan:

#### **Land Use**

- Review and update County Ordinances, as needed, to further implement the vision, goals, and strategies of the General Plan.

#### **Environment**

- Ensure the management of watersheds in the Wasatch Canyons to protect water quality and quantity.
- Maintain and increase the conservation of natural lands that protect ecosystems and watersheds and provide recreational opportunities to the Salt Lake County Council for approval.

**Motion by:** Commissioner Reid  
**2<sup>nd</sup> by:** Commissioner Omer  
**Vote:** Commissioners voted unanimous in favor

## **BUSINESS MEETING**

**Meeting began at – 5:50 p.m.**

- 1) Election of Chair and Vice Chair 2022. (Motion/Voting)  
Election of Chair for 2022  
**Motion:** To nominate Commissioner Palmer as Chair for 2022, Commissioner Palmer accepted that nomination.  
**Motion by:** Commissioner Reid  
**2<sup>nd</sup> by:** Commissioner Despain  
**Vote:** Commissioners voted unanimous in favor (of commissioners present)  
  
Election of Vice Chair for 2022  
**Motion:** To nominate Commissioner Reid as Vice Chair for 2022, Commissioner Reid accepted that nomination.  
**Motion by:** Commissioner Despain  
**2<sup>nd</sup> by:** Commissioner Palmer  
**Vote:** Commissioners voted unanimous in favor (of commissioners present)
- 2) 2022 Planning Commission Meeting Schedule for Approval. (Motion/Voting)  
To approve the 2022 Planning Commission Meeting Schedule as presented. Does not require a vote.
- 3) Approval of the October 7, 2021 Planning Commission Meeting Minutes. (Motion/Voting)  
**Motion:**  
**Motion by:** Commissioner Cohen  
**2<sup>nd</sup> by:** Commissioner Omer  
**Vote:** Commissioners voted unanimous in favor (of commissioners present)
- 4) Approval of the November 4, 2021 Planning Commission Meeting Minutes. (Motion/Voting)  
**Motion:**  
**Motion by:** Commissioner Cohen  
**2<sup>nd</sup> by:** Commissioner Omer  
**Vote:** Commissioners voted unanimous in favor (of commissioners present)
- 5) Other Business Items (as needed)  
*Commissioners and staff had a brief discussion about adjusting the meeting schedule. Will hold March as scheduled and staff will create a doodle poll and discuss results at the next meeting.*

*Commissioner Palmer adjourned.*

## **MEETING ADJOURNED**

**Time Adjourned – 6:05 p.m.**



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File # OAM2021-000493

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## Ordinance Amendment

### Related to a Definition for Restaurants with Liquor License

<b>Public Body</b>	Salt Lake County Planning Commission Mountainous Planning District Planning Commission
<b>Meeting Date</b>	April 13, 2022 (SLC Planning Commission) April 21, 2022 (MPD Planning Commission)
<b>Proposal</b>	An Ordinance amending Section 19.04.462 of the Salt Lake County Code to Include Wedding and Reception Uses in the Definition of “Restaurant Liquor License;” and to Enact Regulations.
<b>Planner</b>	Melissa Anderson
<b>Recommendation</b>	Staff recommends approval of the ordinance

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#### DESCRIPTION OF THE PROBLEM

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There have recently been restaurants in the unincorporated county that also hold weddings, receptions, and other events at the restaurants. Weddings and receptions are allowed uses in some zones but not in other zones, including the FR zone. Under the reasoning in *Carrier v. Salt Lake County*, 513 Utah Adv. Rep. 23, 2004 UT 98, 35, weddings and receptions are not allowed uses in the FR zone because such uses are allowed in other zones but not provided for in the FR zone. To address this issue, On December 7, 2021, the Salt Lake County Council voted to initiate proceedings to clarify that restaurants with a liquor license can also hold weddings, receptions, and events.

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#### DESCRIPTION OF THE PROPOSED ORDINANCE

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**Amendment to Section 19.04.462 “Restaurant Liquor License” Definition:** As presented in Attachment #A, Salt Lake County Code Section 19.04.462 is proposed to be amended by adding “weddings, receptions, and similar events” to the definition of restaurants that are authorized by the state with a liquor license.

The proposed ordinance originally added “outdoor weddings” as a conditional use in the Forestry and Recreation (FR) zone. However, due to potential negative impacts and unintended consequences (intensive commercial uses that are out of character with this zone, health risks to the watershed and other environmentally sensitive areas, etc.), this provision of the original proposed ordinance was removed. It is staff’s understanding that the sponsor of the proposed ordinance supports this change and staff agrees with the change.

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#### ANALYSIS OF THE PROPOSED ORDINANCE

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Restaurants are developed to accommodate groups of people in facilities that provide for food preparation, service and seating areas, restrooms, and parking areas. Because restaurants are already developed to



accommodate weddings, receptions and other similar events in their facilities, the proposed ordinance amendment is not anticipated to have negative impacts. The proposal is primarily a clarification rather than a fundamental change to allowed uses.

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### **PUBLIC NOTICE AND COMMENT**

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Public notice was provided in accordance with Utah Code 17-27a-205. Public notice was mailed to affected entities. Notice was also posted in three public locations and on the Utah Public Notice Website at least 10 days prior to the first 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. No public comments have been received as of writing this report.

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### **OPTION FOR THE PLANNING COMMISSION**

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

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

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### **STAFF RECOMMENDATION**

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Based on the findings presented in this report, staff recommends the Planning Commission recommend approval of the ordinance to the Salt Lake County Council.

#### **ATTACHMENT**

- A. Proposed Ordinance

**SALT LAKE COUNTY ORDINANCE**

ORDINANCE NO. \_\_\_\_\_, 2022

**AN ORDINANCE OF THE SALT LAKE COUNTY COUNCIL AMENDING  
SECTION 19.04.462 OF THE SALT LAKE COUNTY CODE TO INCLUDE  
WEDDING AND RECEPTION USES IN THE DEFINITION OF  
RESTAURANT, LIQUOR LICENSE; AND TO ENACT 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 19.04.462 of the Salt Lake County Code of Ordinances is amended as follows in order to include wedding and reception uses in the definition of Restaurant, Liquor License; and to enact related regulations.

**19.04.462 Restaurant liquor license.**

"Restaurant liquor license" means a public restaurant authorized by the state alcoholic beverage control commission as a liquor outlet allowing the storage, sale and consumption of liquor and alcohol on the premises. Weddings, receptions, and similar events are included in such use.

SECTION III. 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 19.04.462 of the Salt Lake County code to include wedding and reception uses in the definition of Restaurant, liquor license; and to enact related regulations

SALT LAKE COUNTY COUNCIL

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.