

**SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, March 9, 2011**

Present for the Planning Commission meeting were Chair Michael Fife, Vice Chair, Angela Dean, Commissioners Emily Drown, Babs De Lay, Kathleen Hill, Charlie Luke, Susie McHugh, Matthew Wirthlin and Mary Woodhead. Commissioner Michael Gallegos was excused.

The scheduled field trip was cancelled.

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at 5:45 p.m. Audio recordings of the Planning Commission meetings are retained in the Planning Office for an indefinite period of time. Planning staff members present at the meeting were: Wilf Sommerkorn, Planning Director; Cheri Coffey, Assistant Planning Director; Doug Dansie, Senior Planner; Elizabeth Reining, Principal Planner; Maryann Pickering, Principal Planner; Everett Joyce, Senior Planner; and Paul Nielson, Land Use Attorney; and Angela Hasenberg, Senior Secretary.

5:35:46 PM

Work Session

PLNPCM2010-00776: Sustainability Code Amendment Project: Housing Diversity proposed regulations

– A request by Salt Lake City Mayor Ralph Becker to add Housing Diversity regulations to the Zoning Ordinance in order to implement sustainability goals.

Chairperson Fife recognized Elizabeth Reining as staff representative.

Ms. Reining stated that a part of the Sustainability Ordinance was a section on housing diversity. Housing Diversity consists of two things:

- Providing multiple housing types within a community, and
- Providing housing choices for the entire community.

Ms. Reining provided a copy of the proposed ordinance and a fact sheet on housing diversity. Ms. Reining stated that the changes include both new regulations as well as new incentives.

New Regulations:

- Large developments of 20 acres or more will require two or more housing types per development, i.e. town homes, single family homes, multi-family dwellings.
- Large developments of 40 acres or more will require three housing types.

- New regulations for large multi-family developments, 50% of the units provided in a single project would vary in either size, square footage, 250 sq. ft or have different number of bedrooms.

New Incentives to provide affordable housing

- Providing a developer density bonus, if the developer provides at least ten affordable units, and thus meeting the HUD affordable standards.

Ms. Reining stated that most comments regard the proposed changes for multi-family asking the developers to vary the size of bedroom units and square footage.

Commissioner De Lay asked if Ms. Reining had spoken with the Board of Realtors and the Utah Builders Association.

Ms. Reining responded that staff had spoken with the Utah Housing Authority and developers as part of the Utah Board, but not the Board of Realtors.

Commissioner De Lay stated that the Board of Realtors would have some recommendations for housing groups.

Assistant Director Coffey added that there was a list of thirty-six people including the Board of Realtors invited to discuss the proposed ordinance amendments and only twelve people came.

Commissioner Woodhead asked if there were many comments received and if comments suggested adjustments.

Ms. Reining stated that most comments were in regard to making adjustments. She stated that many people were in favor of the incentives for affordable housing, some comments were directed to the new regulations.

Assistant Director Coffey added that staff was to meet with the City of Salt Lake's Downtown Alliance, the Chamber's development committee later in the week to discuss many development related issues.

Chairperson Fife asked what the public policy objective was in having requirements that include varied sizes of apartments in the same complex.

Ms. Reining answered that it was twofold, that it would offer housing to different types of residence and it would possibly provide more affordable housing options.

Ms. Reining added that studies had been done that showed that when different types of groups are mixed, i.e. young professionals, families, elderly and empty nesters that it would build a better sense of community.

Commissioner Hill asked if staff had looked at different models across the country.

Ms. Reining stated that staff had, areas looked at were: Chapel Hill, NC, and Vancouver BC.

5:51:43

Chairperson Fife recognized Assistant Director Coffey.

Ms. Coffey spoke and gave an update on the Sustainability City Code project. She stated that the Planning Department was moving very quickly in the months of February and March. There had been a lot of public outreach and the planners have been very creative in working on videos that try to convey the information.

Ms. Coffey added that the website will explain the purpose of the proposed regulations and how it fits in with the Sustainability Model. She also reminded the Planning Commissioners that the three prongs of Sustainability were Economic, Environmental and Social. She added that in the next several months there will be a number of Sustainability issues such as the Recycling and the Accessory Dwelling Ordinances in addition the Outdoor Lighting and Housing Diversity. She stated that in May they are proposing to bring the Transportation Demand Management and Parking Ordinance. Ms. Coffey stated that it had brought a lot of feedback.

Approval of Minutes:

No minutes were available.

Report of the Chair and Vice Chair:

Chairperson Fife and Vice Chairperson Dean stated they had nothing to report.

Report of the Director:

Planning Director Sommerkorn stated that they City Council had been briefed on a number of the various re-zones and other petitions but at the current time there had been no action on them.

Mr. Sommerkorn was asked about whether the rezone of the Walmart property on Parley's Way had been scheduled for the City Council to approve, Mr. Sommerkorn stated that it had not.

Mr. Sommerkorn stated that the March 10, 2011 was the last day of the legislative session, he commented on the bill that was regarding the Yalecrest Neighborhood, The stated that the bill would stay any action from the land use standpoint in the neighborhood, not just the creation of the historic district, but any other action in regard to amending any of the zoning provisions of that neighborhood. It would also stay demolitions in that neighborhood until May of 2012.

Chairperson Fife added demolish up to 75% of a home be re removed. Anything beyond that would be considered a demolition.

Mr. Sommerkorn agreed, stating that removal up to 75% of a home would be considered a remodel.

Mr. Sommerkorn noted that the bill had passed and was essentially a done deal. He stated that the question then for Salt Lake Planning was one of strategy. Designation of the Yalecrest LHD was pending before the Planning Commission, and should the Planning Commission move forward with it or not. The legislation stays a decision from being made, but the decision is ultimately made by the City Council. The Planning Commission would only be making a recommendation. He asked if it would be preferable to move it through the Commission and give it to the City Council or stop the process where they were at.

Commissioner Woodhead asked if it were possible for the Legislature to change the State law as it related to State Historic Landmark designation.

Mr. Sommerkorn replied that it was likely that there would be a new directive from the State on how to approach historic districts.

Commissioner Woodhead stated that if the legislature changes the Historic designation process then the Planning Commission would likely have to reconsider the Yalecrest designation.

Mr. Sommerkorn stated that the changes would likely include a provision requiring some sort of property owner buy in.

Commissioner McHugh asked when the bill would go into effect.

Mr. Sommerkorn replied that it would be May.

Commissioner De Lay asked if the intention was to be proactive or reactive.

Mr. Sommerkorn stated that in actuality the Council would not be ready to act on anything until Mid-June because most of April and May are spent on budget issues.

5:53:34 PM

Public Hearing

- 1. Petition 400-06-51: Zoning Text Amendment, Transit Shelter Advertising -**
A request for a zoning text amendment to address advertising on Bus Shelters.

The text amendment would affect all zoning districts. (Staff contact: Doug Dansie at 801-535-6107 or doug.dansie @slcgov.com)

2. **PLNPCM2010-00032: Zoning Text Amendment, Billboards** - A request by Salt Lake City Mayor Becker for a zoning text amendment to address outdoor billboards. The proposed amendment would update current regulations for outdoor billboards to make them consistent with state law. The text amendment would affect all zoning districts. (Staff contact: Doug Dansie at 801-535-6107 or doug.dansie @slcgov.com)
3. **PLNPCM2010-00717: Zoning Text Amendment, Electronic Billboards** - A request by Salt Lake City Mayor Becker for a zoning text amendment to address electronic billboards. Currently, the City Zoning Ordinance does not address electronic billboards. The text amendment would affect all zoning districts. (Staff contact: Doug Dansie at 801-535-6107 or doug.dansie @slcgov.com)

**** The following section was transcribed by Senior Secretary Michelle Moeller.****

Mr. Dansie stated only electronic billboards were under review at this meeting. He stated Petition 400-06-51: Zoning Text Amendment, Transit Shelter Advertising and PLNPCM2010-00032: Zoning Text Amendment, Billboards would be addressed at another meeting. Mr. Dansie explained the memos sent to the Commission regarding the prohibition of electronic billboards. He stated the issue at hand was how the Planning Commission would like to proceed with electronic billboards. Mr. Dansie explained as of April 19th the six month prohibition, based on an impending ordinance, expired so Planning arranged with the Council Staff to schedule a briefing for the City Council on March 22nd and to make a decision at the April 12th meeting.

Mr. Dansie reviewed the prohibition of electronic Billboards and explained the Commission had the ability to loosen the policy later if they chose to. He explained the reason there was not a time push on the transit shelter petition was because no one was going to building them until the city changed the law to say they could. Mr. Dansie explained State law all ready overrides the local law when dealing with the billboard ordinance so that was not going to change. He reviewed how West Valley City handled electronic billboards stating they have about 63 billboards as compared to Salt Lake City that has 220. Mr. Dansie said they allowed conversions and regulated on and off premise electronic signs the same however, they only allow conversions to electronic billboards in those areas that are conforming to all of their laws. He said therefore, many of the billboards in West Valley are non-conforming and cannot be converted. Mr. Dansie stated one of the attorneys for the industry asked last week about unused credits that exist in the bank. He explained what was left in the bank and how it balanced out.

Commissioner Dean stated she had a question about the two options: a strict, simple prohibition versus monitoring billboards if they are allowed. She said there are electronic signs in existence so didn't something need to take place to control how those were used.

Mr. Dansie stated there are currently six electronic billboards in the City and that was the reason regulations on electronic billboards and are included in the option of banning this type of board . He explained the electronic billboards were permitted because Salt Lake City didn't have a definition of "electronic" in the billboard ordinance therefore; the owner used the on premise sign ordinance as a guide of what was and was not acceptable. He said technically those would be grandfathered. Mr. Dansie gave an example as to why it was important to have the ordinance in place to avoid future issues.

Mr. Sommerkorn stated in the Staff Report item R talks about electronic billboards and gave the standards.

Commissioner Dean stated she was trying to balance the two proposals and how the Commission could hone in on which one they preferred.

Mr. Dansie stated he had all the standards in the original document because he was dealing with a much broader issue.

Commissioner Luke asked if the Planning Commission had already held a public hearing on the issue.

Chairperson Fife stated yes there was a public Hearing which was now closed.

Commissioner Wirthlin asked why staff presented were two ordinances prohibiting for electronic billboards, one with standards. He said having participated in the Subcommittee he was not sure what the issues were in regards to electronic billboards. Mr. Wirthlin stated he wondered if it would make sense for the Commission to put in reasonable mitigating standards on electronic billboards. He said he did not see why the signs were bad and given that six existed would the Commission be open to putting standards in to the ordinance. Mr. Wirthlin said he thought there needed to be flexibility with emerging technologies.

Commissioner Hill stated she wondered about the emerging technologies as well and maybe looking at a way of providing other ideas rather than just flat out prohibition. She asked if the issue of billboard on the sides of building had been discussed at the last meeting. She stated she agreed with Commissioner Wirthlin that there needed to be flexibility.

6:05:41 PM

Mr. Dansie explained that State Law all ready allowed billboard. He explained the proposed ordinance presented last week would allow billboards to move in a much larger area then what was presently allowed providing more movement then the current law. Mr. Dansie explained that conversion of non-conforming billboards might be acceptable if the non-conforming board was moved to an acceptable location. This approach might encourage the removal of billboards from residential areas.

Chairperson Fife stated the idea is that we are under a deadline and we would prefer to prohibit electronic billboards now and then work on the entire billboard issue as part of the second ordinance.

Commissioner Woodhead stated that was the direction we gave staff last time.

Commissioner Dean stated that was her sense of it and she agreed with it.

Commissioner Woodhead stated that we do not have the minutes from last time but I think that people who were not here are missing the information.

Commissioner Wirthlin stated it is a little easier to back off something then tighten it up in the future. It would seem that Commissioners could come up with some reasonable standards to give staff enough direction that they could submitted to forward an ordinance to the City Council.

6:09:11 PM

Chairperson Fife stated that is what the Commission was to discuss; for example, not allowing electronic billboards within 500 feet of residential zones.

Commissioner Dean stated this could all be a moot point once the Commission decides where billboards are allowed. I am inclined to mesh the two approaches down the road more conclusively when we have the time.

Mr. Dansie stated a billboard company applied to convert 8 billboards to electronic and they were turned away at the permits counter based on the pending ordinance. He said if we do not have something in place to regulate then we may have to accept everything that comes in.

Commissioner Wirthlin stated that the Commission could propose a limited number or percentage of boards allowed to be converted to electronic.

Chairperson Fife stated we have had three or four subcommittee meetings with no recommendation from that process the subcommittee couldn't propose a process to solve this issue, it is not likely that the Commission would solve the problem tonight.

6:11:43 PM

Commissioner Wirthlin agree with the information presented but thought the Commission had enough information to develop recommendations.

Commissioner Dean made a motion regarding PLNPCM2010-00717 regarding the electronic billboards and moved to forward a favorable recommendation to the City Council for guideline B defining prohibition and providing guidance to potential future electronic billboard regulations with attachment B in the staff Report. Commissioner Woodhead Seconded the motion

Vote: Commissioners Woodhead, Dean, McHugh, DeLay, and Drown voted Aye

Commissioner McHugh and Wirthlin voted *nay*

Commissioner Hill abstained from voting

The motion passed with a 5-2 vote

Mr. Sommerkorn asked for clarification stating comments were made about wanting to readdress this as the other billboard provisions are looked at in more detail. Is that what the Commission is looking for?

Commissioner Woodhead stated yes, she thought the Commission needed look at the geography and possibly expand the area for billboards.

Commissioner McHugh stated she was not sure exactly what proposal B was and she would like some clarification.

Chairperson Fife reviewed proposal B.

Commissioner McHugh stated that did not make sense to her how could it be prohibited and then allowed.

The Commission stated that although they are recommending a ban on electronic billboards some regulations are needed to address the electronic billboards that already exist.

Commissioner McHugh stated she wanted to change her vote.

Chairperson Fife asked Mr. Dansie what needed to be done with the other two petitions.

Mr. Dansie explained it was his understanding that the Commission was prepared to deal with electronic billboards and continue the other two issues. He suggested the placement of the items on the April 27th agenda and that he needed direction on how the Commission wanted to proceed so he could prepare the necessary documents and information.

Commissioner Woodhead stated she would like to see the Subcommittee meet again and sort through the information.

Commissioner Dean stated she would like the Subcommittee opened up to additional Planning Commissioners.

Commissioner Wirthlin stated he was not sure a subcommittee was helpful. He said he would prefer that the entire Commission all sit together and hash it out.

Chairperson Fife stated the next time they talk about billboards should be in a briefing session to review everything item by item, discuss each part and then make decisions as to what the next step will be.

The Commission agreed that would be a good idea.

Mr. Dansie stated it would probably be the second meeting in April and asked what was easiest for the Commission to work with. He said he could draft ideas or have a list of questions and issues that needed to be resolved.

Chairperson Fife stated it would be helpful if Mr. Dansie could frame the discussion.

Chairperson Fife asked was a motion on the other two items necessary.

Commissioner DeLay stated yes they have to be addressed.

6:18:35 PM

Motion:

Commissioner Dean made a motion regarding PLNPCM2010-00032 Zoning Text Amendment for Billboards, petition 400-0651 Zoning Text Amendment for Transit Shelter Advertising moved that the Planning Commission continue the two items for the second meeting in April. Commissioner DeLay seconded the motion

Vote: Commissioners Woodhead, Dean, McHugh, DeLay, Emily, McHugh, Wirthlin and Hill voted Aye. The motion passed unanimously.

PLNPCM2010-00823: Sugar House Apartments Building and Site Design

Review – A request by Gardiner Properties at 2025 and 2033 South 1200 East for building and site design approval. The subject property is in the Moderate/High Density Multi-Family Residential (RMF-45) and Sugar House Business (CSHBD2) zoning districts and in Council District 7, represented by Soren D. Simonsen. (Staff: Elizabeth Reining at 801-535-6313 or elizabeth.reining@slcgov.com).

Chairperson Fife recognized Elizabeth Reining as staff representative.

Ms. Reining stated that Gardiner Properties had applied for a conditional building and site design review with the Planning Commission for a 70 unit multi-family development in Sugar House. Ms. Reining stated that Planning Commission approval was required for the project because the project was located partially in the Sugar House Business District 2 and because of its size.

Ms. Reining noted that the subject property was located North of 2100 South on 1200 East behind the Jiffy Lube in that area. Ms. Reining described the surrounding location.

Ms. Reining stated that the building would encompass a mixture of one bedroom, one bedroom with dens, and two bedroom units. She added that the property was currently zoned RMF-45 and in the Sugar House Business District number two. While the parcels would be combined into a single lot the split zoning would remain.

Ms. Reining stated that the area of concern was the South Building located in the Sugar House Business District number two; the North Building located in RMF-45 meets the standards.

Ms. Reining addressed the parking structure and that it was a shared parking lot. She also discussed the requirements for a building site and design review stating that a building over 30 feet in height and greater than 20,000 square feet in Sugar House Business District 2 fit within the guidelines of such a review. The proposed building was 55 feet in height, and 51,000 sq feet. The South Building was five stories tall; the first three floors were along 1200 east with the 4th and 5th stories being set back 15 feet. The main entrance into the building would be on 1200 East. The building would have 53 units and would be serviced by an interior elevator.

Ms. Reining gave a PowerPoint presentation.

Ms. Reining stated that staff believed that the building met the conditions of Building and Site design. She added that it also meets the criteria of the Master Plan of specifically the Sugar House Business District number 2. Ms. Reining stated that in summary, staff recommends approval with the conditions as listed in the staff report.

6:26:26

Questions from the Commissioners:

Commissioner Luke asked about 1200 East. He asked if the City had spoken with the developer about the possibility of street level retail along 1200 East.

Ms. Reining stated that it had been brought up in Community Council meetings, but that staff had not discussed it with the developers.

Commissioner Dean asked about the back alley and residential property that would face the alley.

Ms. Reining said that that there were none, but that the backs of the properties faced the alleyway.

Commissioner Dean asked for clarification regarding the parking structure and trees.

Ms. Reining stated that staff had not considered it.

Commissioner McHugh stated that trees would require watering and therefore would not be sustainable.

6:31:20

Comments from the Applicant:

John Gardiner, the President of Gardiner Properties, LLC, introduced Lori Carlick, Project Manager, Aaron Day, Architect from Lloyd Architects and Warren Lloyd, Principal of Lloyd Architects.

Mr. Gardiner introduced his company and stated that his company had been located in Sugar House for the last four years at the corner of 1100 East and 2100 South. In addition, he added that they completed the construction of the Urbana on 11th Condominium Project. He noted that it was the first high density project in Sugar House under the revised zoning of 2005. He stated that it was a "for sale" project and the current project at 2025 South and 1200 East would be a "for rent" project. He stated that trends currently favored rental housing market.

He stated that the property, when they purchased it, had 30 citations on the title from the City Housing Enforcement Division. The violations were under sanitary and safety laws. Since then, Gardiner Properties had worked in conjunction with Salt Lake City Housing Division and have shut down units or repaired units depending on their status. This was done so that the housing prior to demolition be safe and habitable housing. With effort, all 30 citations had been removed from the title.

Mr. Gardiner said that he felt the property was blighted, and wanted to replace it with a new modern 70 unit apartment building.

Architect Warren Lloyd spoke and described the parcels and the building. He explained the neighborhood and how the apartment complex would work in the area.

Mr. Lloyd gave a PowerPoint presentation.

The Commission and Mr. Lloyd discussed ADA requirements.

Questions from the Commissioners:

Commissioner Dean stated her appreciation for the quality of work Mr. Lloyd presented. She asked about parking and what the parking surfacing would be.

Mr. Lloyd responded that the rear landscaping was a grassy paver product that was basically a meshwork that would go into gravel to create a parking surface. He stated that it was a product that he was very familiar with.

He stated that the surface of the parking structure itself would be a concrete deck.

Commissioner De Lay asked for the location of the recycling bins.

Mr. Lloyd answered that they would be on the backside of the building.

Commissioner De Lay asked about moped and bicycle parking to encourage walk ability.

Mr. Lloyd responded that there was bike parking.

Commissioner Hill asked about the main floor and the potential of commercial space in the one unit that is near the elevator.

Mr. Gardiner noted that they building had social areas and that they did not feel that it made sense to add commercial in that area.

6:57:11

Public Hearing:

Chairperson Fife opened the Public Hearing.

Judy Short, representing the Sugar House Community Council, spoke in **SUPPORT** of the project. She stated that she was concerned at the lack of affordable housing.

Her concerns were that there was not adequate green space, and that there would be on parking 1200 East. She stated that they hoped that the streetscape would be made more inviting. She added they would like to see six foot wide sidewalks. She recommended that first floor retail would be a good idea. She was concerned about traffic in the area and hoped that a Hawk light would be installed.

7:03:39

Close of Public Hearing

7:03:49

Motion:

Commissioner De Lay made the motion regarding PLNPCM2010-00823: Sugar House Apartments Building and Site Design Review, based on the findings in the staff report and the testimony heard tonight, I move that the Planning Commission approve the proposed building and site plan with the five conditions as listed in the staff report, page one.

Commissioner Wirthlin seconded the motion.

7:04:13

Vote:

Commissioners De Lay, Drown, Luke, Hill, Woodhead, McHugh, Wirthlin and Dean all voted "aye" the motion passed unanimously.

The Commissioners discussed the idea of a hawk light.

PLNPCM2010-00523 Chua Tam Bao Vietnamese Buddhist Temple Addition – A request by Quach Co, on behalf of the Chua Tam Bao Vietnamese Buddhist Temple for Conditional Use approval to construct a new addition to the existing temple located at approximately 469 North 700 West. The subject property is located in an R-1/7000 (Single-Family Residential) zoning district and is located in Council District 2, represented by Van Turner. (Staff contact: Maryann Pickering at (801) 535-7660 or maryann.pickering@slcgov.com).

Chairperson Fife recognized Maryann Pickering as staff representative.

Ms. Pickering stated that this was a request from the Chua Tam Bao Vietnamese Buddhist Temple to expand. They were an existing religious facility in the R-1/7000 zone and would need a Conditional Use approval to continue their expansion.

The addition would be approximately 2,060 sq ft and would be split evenly over two levels. The total square footage of the building would be approximately 5260 after the completion of the addition. She stated that all applicable zoning standards had been met.

Ms. Pickering gave a PowerPoint presentation illustrating the parking and the proposed expansion.

Ms. Pickering noted that the FairPark Community Council heard this proposal in August of 2010, at that time there was issue raised about parking. Ms. Pickering stated that the project meets the zoning ordinance requirements for 60 people in the worship area and would need twelve parking spaces. They had fulfilled that requirement.

The Community Council did recommend approval. Ms. Pickering also received an email from a resident in the community and the response from the applicant was to ask the Transportation Division if they could make some 45 degree angle parking on the street. The members of the congregation were willing to pursue that.

Ms. Pickering stated that the project meets the findings based on the analysis in the staff report, and staff recommends approval based on the three conditions listed on the cover page of the staff report.

Commissioner Woodhead asked if people could park next to the freeway berm.

Commissioner Luke asked if the additional parking would be listed as a fourth item.

It was decided it was not necessary.

7:09:02

Comments from the Applicant:

Bob Salerno from Salerno Architects spoke. He stated the project began in 2006 and said that it meant a lot to the congregation.

He added that the biggest issues regarding parking only happen three or four times a year, but would really like to pursue the on street parking.

7:12:11

Open Public Hearing:

Chairperson Fife opened the Public Hearing. No one chose to speak.

7:12:17

Close of Public Hearing

7:12:20

Motion:

Commissioner Wirthlin made a motion in regard to PLNPCM2010-00523 Chua Tam Bao Vietnamese Buddhist Temple Addition, petition for an addition with Conditional Use approval, he moved that based on the findings listed in the staff report and the testimony heard tonight that the Planning Commission approves the Conditional Use based on conditions 1-3 as listed in the staff report.

Commissioner De Lay seconded the motion.

7:12:58

Vote: Commissioners De Lay, Drown, Luke, Hill, Woodhead, McHugh, Wirthlin and Dean all voted "aye" the motion passed unanimously.

7:19:31

PLNPCM2011-00037 Regional Athletic Complex Restoration Area - Jordan River Parkway - Conditional use for proposed development activity related to the Regional Athletic Complex Riparian Restoration Area and the Jordan River Parkway Trail system. Area includes 44 acres on the east and west banks of the Jordan River between Redwood Road and the Davis County line. Portions of the project lie within the Lowland

Conservancy Overlay District which requires conditional use approval for proposed pedestrian bridge relocation, boat ramp, grade changes and trails with a boardwalk within a 50-foot setback from the banks of the Jordan River. (Staff: Everett Joyce at 801-565-7930 or everett.joyce@slc.gov.com).

Chairperson Fife recognized Jeff Salt.

Mr. Salt stated that he regretted bringing this issue before the Planning Commission because they do not normally want to take people out of the decision making processes, however: he felt that there had been some improprieties that have clouded the Sports Complex Project from 2003 until present. He stated that after reading public records that they had received from Salt Lake City through a GRAMA request, which were given to them after the Planning Commission meeting and after reviewing a video of the Planning Commission hearing of April 14, 2010, they felt that there were improprieties that took place during the hearing that impact Commissioner Woodhead, and protest the participation of Michael Gallegos because of the role of Salt Lake County's involvement which was more than what was once thought.

He stated that Mr. Gallegos' immediate boss, and twelve other people were intimately involved with the issue.

Paul Nielson, Salt Lake City Land Use Attorney, identified that Planning Commissioner Gallegos was not present and thereby, made it a moot issue.

Chairperson Fife noted that the focus should then be solely on Commissioner Woodhead. He added that he believed that Council had reviewed Mr. Salt's letter and asked for a recommendation from Mr. Nielson.

Mr. Nielson stated that he had looked at Mr. Salt's cited a email of February 5, 2010 that Commissioner Woodhead had forwarded to Planning Director Sommerkorn. The comments left by Commissioner Woodhead were, "it apparently never ends..." Mr. Nielson stated that there was nothing in that comment that would indicate a bias or a conflict of interest.

Chairperson Fife read the possible conflicts as listed:

- Personal, familiar or financial ties between a Planning Commissioner and a proponent or opponent of any item of business,
- A Planning Commissioner may appear before a Commission through their employment as an advocate or agent for a proponent only after the Commissioner's disqualification on the subject matter
- A Planning Commissioner must not sell or offer to sell services list, prospective clients or employment by stating an ability to influence the Planning Commission's decisions

- A Planning Commissioner must not use the power of office to seek or obtain a special advantage that is not in the public interest nor any special advantage that is not a matter of public knowledge.
- A Planning Commissioner must not have any ex parte discussions regarding any business that goes before the Commission for the purpose for this Planning Commission policy. Ex parte communications include any communications with interested parties of any issue, coming to the Planning Commissioner prior to the Planning Commission's final decision.

Chairperson Fife stated that in his opinion sending an email and stating "it apparently never ends" does not violate any of the standards.

Mr. Salt stated that Commissioner Woodhead stated at the beginning of the hearing that she had received emails from him representing Jordan River Restoration Network, and that she had deleted the emails upon seeing the titles of the emails. This email indicated that it was not a true statement.

Mr. Salt also claimed that Commissioner Woodhead had falsely led the Community Council to believe that the City Council had decided on the location of the Sports Complex in January 2010 with their budget amendment hearing. He stated it was an untrue statement because they do not have that authority.

He stated that he felt that comment was key to the vote. Commissioner McHugh changed her vote largely based on a knowledge that the City Council had already decided on a location.

Land Use Attorney Nielson stated that it appeared that Mr. Salt issued a statement in a press release issued in April 2010 that indicated that the City's Attorney's Office coerced and intimidated a Planning Commissioner to not participate in those discussions. The Commissioner, when asked, said it was not true.

Mr. Salt stated that he had learned from the media that there was undue pressure by the administration on Commissioner Fife, and later he clarified the issue.

Commissioner Woodhead stated that she had at one point been on the mailing list for the Jordan River Restoration Network. When she began to receive emails in November 2009, relating to the Soccer Complex, she immediately started to forward them to Mr. Sommerkorn as a way of protecting herself so that she would not be accused of bias in favor of Mr. Salt.

Commissioner McHugh clarified that "it apparently never ends" was a reference to the fact that she was forwarding so many emails.

Commissioner Woodhead agreed and said that she felt that she needed to disclose that she was getting information from Mr. Salt. She added that if you were to look at the minutes, it states that when she saw the emails from the soccer stadium, she did not read them.

Chairperson Fife asked if there was anyone on the Commission that felt that Commissioner Woodhead needed to recues herself.

None of the Commissioners indicated that they did.

Chairperson Fife recognized Everett Joyce as staff representative.

Mr. Joyce stated that the petition was for a conditional use for proposed development activity related to the Low Land Conservancy Overlay District. The project area runs along the Jordan River from the Redwood Road to the Davis County Line.

He stated that there were three main things that were happening, wetland mitigation, Jordan River Parkway trail improvements and future grade changes related to the riparian restoration area. Mr. Joyce stated that some of the areas fell outside of the 50 foot setback of the conservation district, but portions fell within it.

Mr. Joyce stated that the Conditional Use approval was for a pedestrian bridge, one existing that needed to be removed, and another relocated across the river, a boat ramp at the trail head, trails and related boardwalk of the trails, and grade changes for the mitigation wetlands, and grade changes for the trail improvements.

Mr. Joyce gave a PowerPoint presentation that illustrated the location of the above issues.

Mr. Joyce stated that staff recommended based on the findings of the staff report, that overall, the project generally meets the applicable standards and therefore recommends that the Planning Commission approve the conditions for the wetland mitigation enhancements and the Jordan River Parkway trails. Staff also recommends that the Planning Commission approve with conditions the future stream bank grading modifications subject to the condition of receiving any necessary outside agency, approval for a in a riparian permit.

7:39:19

Questions from the Commissioners:

Commissioner Woodhead asked about a reference on page nine of the staff report. She stated that there was a reference to reducing weed cover via physical and chemical methods. She wondered what chemical methods would be used and how the river would be protected.

Mr. Joyce answered that it was through the implementation of the restoration plan. The plan spells out the different approaches the City would use to prevent weed cover but he did not have the details to answer the question.

Commissioner Woodhead added that it said that weeds would be hand pulled within a certain distance from the river.

7:40:45

Comments from the Applicant:

Rick Graham, the Director of Public Services for the City of Salt Lake, stated that he was there to support the recommendations made in the staff report. He said that they were pleased to have the Sports Complex in the construction phase. He stated that they had received from the Army's Corps of Engineers a 404 permit that allowed them to begin and start the mitigation work that had been approved by the Corps. The mitigation work will in some parts, effect the Low Land Conservancy District area.

He added that the trail project that had been described, is separate from the Sports Complex, and was funded separately from those funds of the Sports Complex. These issues work in tandem, but are separate.

He stated that the plans the City has for the area, and the restoration plan fulfills the commitment the City has to protect the site.

Chairperson Fife asked if funding had been identified for the restoration and mitigation.

Mr. Graham stated that there was a small amount of funding included in the bond project for the restoration area, funding for the mitigation area is included in the bond, and it was ready to go. The restoration plan was not completely funded yet. The plan was to complete the project in phases. He stated that there had been discussions with the City Council and that they were in support of the restoration plan and in support of developing the project in phases.

7:40:45

Open of Public Hearing:

Chairperson Fife reminded the audience that this was for a conditional use permit, and not a discussion about the location of the Soccer Complex.

Lucy Knorr, spoke in **OPPOSITION** of the petition. She stated she was part of the Wasatch Equine Partnership and said that they were pleased with the equine trails but concerned about the other parts. She said that she did not believe the bar had been set high enough to protect the area. She stated that parts of the staff report conflicted with itself. She had issues with the Soccer Complex.

Eric Harvey spoke in **OPPOSITION** of the petition. He stated the Regional Athletic Complex,(RAC) failed to meet reasonable conditions that could not be proposed or imposed in order to mitigate detrimental effects: impacts to wildlife habitat, the flood plain function, ground water recharge, water quality and loss of recreation opportunities could not be reasonably mitigated. He said that the application conflicts with the Master Plans of the area.

Dan Potts spoke in **OPPOSITION** of the petition. He wanted to address the conflicts of the RAC, he said they directly conflict with the standards set by the LLC ordinance.

Michael Budig spoke in **OPPOSITION** of the petition. He discussed the history of the Regional Sports Complex.

Ray Kingston spoke in **OPPOSITION** of Regional Athletic Complex (RAC) he stated that the entire project was one piece. He added that the RAC does not conform to the City plans.

Ashtora spoke in **OPPOSITION** of the petition. She stated that the most desirable cities in the nation are that way because they comply strictly with the City's planning ordinances that protect continued desirability and standards of living. She believes that approving the permit was in conflict of that.

Nancy Saxton spoke in **OPPOSITION** of the petition. She wanted to point out that the conditional use was required for the RAC to be completed. She said that the project does not have money and should not be completed. She stated that she believed that the project lacked transparency and compliance with local, state and federal laws for this project.

Jeff Salt spoke in **OPPOSITION** of the petition. He stated that the Sports Complex was one project. He stated that you could not separate the two. He said the definition of the Lowland Conservancy should not be applied selectively. The Lowland Conservancy applies to the entire property. He believes a big mistake has been made and the City was trying to piecemeal the project. He requested that the Planning Commission should postpone or deny the petition.

Ray Wheeler spoke in **OPPOSITION** of the petition. He spoke about the history of the area and said that the area needed to be protected and hoped the Planning Commission would look at the whole picture.

Barbara Rufenacht spoke in **OPPOSITION** of the petition. She believes the Lowland Conservancy District covers the entire area and the Planning Commission should deny the petition.

Joan Parker spoke in **OPPOSITION** of the petition. She stated that separating the two items seemed "sly".

Jeremy King spoke in **OPPOSITION** of the petition. He stated that all the land designated in the City's Restoration Plan is subject to the deed restrictions imposed on this land as part of the original purchase on the Land and Water Conservation fund.

Karen Potts spoke in **OPPOSITION** of the petition. She stated she was opposed to the location of the soccer complex.

Sherry McLaughlin was **OPPOSITION** of the petition.

8:16:02

Close of Public Hearing

8:16:10

Questions from the Commissioners:

Commissioner Woodhead asked about the concerns from the public, it struck her that there were three issues being presented, that it did not comply with the general plan, that there was a problem with segregating the property with different pieces and different applications, and the Federal Overlay.

Mr. Joyce stated that this was brought to the City Council for rezoning and Master Plan Amendment in April and it was brought according to City ordinance and the published document had not been changed, but it did modify the future land use map to identify the area for open space, it addressed some agricultural zoning that was on the west portion of the facility. The areas being discussed now were zoned as open space. There was an issue about open space zoning not allowing trails. It was true that trails were left out, but the conservation and riparian overlays allow trails, so it is through that conditional use that it would be considered an appropriate use.

Mr. Sommerkorn clarified stating that the area was Master Planned for Open Space use and agriculture and was modified by what the City Council had adopted.

Commissioner Woodhead asked for more clarification of the segmenting of the applications, and whether the lowland conservancy should be covering the entire property.

Land Use Attorney Nielson responded to the allegation of segmenting the applications. He stated that submitting an application for one piece of property is not illegal or inconsistent with the practices of the administration or the Planning Commission. He said he could not think of reasons that prohibit such an action. He compared it to not being able to get a fence permit after receiving and building permit for a house.

Planning Director Sommerkorn agreed and said he could not think of a reason to prohibit projects in phases.

Mr. Joyce stated that the Lowland Conservancy Overlay applies to Jordan River and the Surplus Canal are affected by it, and actual areas that are physically mapped; it does not relate to the entire City or the area not covered by the map.

Planning Director Sommerkorn added that the qualifier in the ordinance says that any of those areas, lakes, ponds, wetlands as identified on the zoning map. It does not mean any pond or lake in the city qualifies. This area outside of the Jordan River area did not qualify. He did clarify that the ordinance states that within 50 feet of the Jordan River would be part of the Lowland Conservancy District.

Assistant Director Coffey agreed.

Commissioner Woodhead asked about the deed restriction.

The applicant, Rick Graham indicated that the property did come with deed restrictions, that the land had been acquired by the City of Salt Lake from the State of Utah. The State acquired the land through the assistance of Land and Water Conservation Funds, in doing so, there were certain restrictions placed on the land. When the land transferred to the City, all of the restrictions carried over to the City and they are obligated to fulfill them.

Mr. Graham stated that it was their belief that they are absolutely fulfilling the restrictions. The most significant was that it had to be used for public recreation. He indicated that the trail project was funded separately, but was subject to the Condition Use permit.

Commissioner De Lay clarified that the trail project came first, and the sports complex came later.

Mr. Graham clarified that the trail project was not part of the fund.

Commissioner McHugh asked if the mitigation of the River was included.

Mr. Graham stated that the bond funds the Recreation Athletic Complex Restoration Area.

He also added that the horse riders could access the horse trails in a different manner, but were still accessible.

8:32:32

Motion

Commissioner Woodhead made a motion in regard to PLNPCM2011-00037 Regional Athletic Complex Restoration Area - Jordan River Parkway, I move that based on the findings listed in the staff report, the testimony heard tonight, the public hearing, the responses from staff, the comments from the petitioner, as well as materials received in the course of the week, that the Planning Commission approve the Conditional Use for the Jordan River Parkway Trail improvements and the currently proposed wetland mitigation improvements subject to conditions 1-2 as set forth in the staff report. In addition based on the findings and testimony heard and the same information set forth in relation to the first part of the motion, I move that the Planning Commission approve proposed future stream bank grading modifications within the Riparian Restoration Area with the conditions 1-3 set for in the staff report.

Commissioner McHugh seconded the motion.

8:34:01

Vote: Commissioners De Lay, Drown, Luke, Hill, Woodhead, McHugh, Wirthlin and Dean all voted "aye" the motion passed unanimously

8:34:58

Meeting adjourned

This document, along with the digital recording, constitute the official minutes of the Salt Lake City Planning Commission held on March 9, 2011.

Angela Hasenberg