

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, November 14, 2007**

Present for the Planning Commission meeting were Chairperson Matthew Wirthlin, Vice Chair Mary Woodhead, and Commissioners Peggy McDonough, Susie McHugh, Prescott Muir, Tim Chambless, and Robert Forbis. Commissioners Babs De Lay, Kathy Scott, and Frank Algarin were excused from the meeting.

Present from the Planning Division were George Shaw, Planning Director; Kevin LoPiccolo, Planning Manager; Marilyn Lewis, Principal Planner; Nole Walkingshaw, Zoning Administrator; and Cecily Zuck, Senior Secretary. Staff from additional City departments included: Lynn Pace, City attorney, and Brad Stewart, Public Utilities.

A roll is being kept of all who attended the Planning Commission Meeting. Chairperson Wirthlin called the meeting to order at 5:50 p.m. Audio recordings of Planning Commission meetings are retained in the Planning Office for an indefinite period of time.

The field trip scheduled prior to the meeting was canceled.

APPROVAL OF THE MINUTES from Wednesday, October 24, 2007.

(This item was heard at 5:52 p.m.)

Commissioner McHugh made a motion to approve the minutes with noted changes. Commissioner Chambless seconded the motion. All in favor voted, "Aye," the minutes were approved unanimously.

REPORT OF THE CHAIR AND VICE CHAIR

(This item was heard at 5:53 p.m.)

Chairperson Wirthlin thanked the Commissioners for participating in numerous subcommittee meetings the past month.

Commissioner Muir noted that he had attended another city's Planning Commission meeting and noticed that it was their practice that when a motion was called for there was an individual Commissioner voice roll call for the motion.

Chairperson Wirthlin noted that was a good suggestion and he would adopt that practice immediately and have staff review Robert's Rules of Order to clarify.

PUBLIC HEARING

(This item was heard at 5:54 p.m.)

Airport Light Rail Transit Line— a recommendation will be forwarded to the City Council regarding a proposal by the Utah Transit Authority to build an Airport Light Rail Transit line, including potential track alignment and station locations.

Chairperson Wirthlin noted that Doug Dansie was the staff representative on this petition, but was unable to attend the meeting and George Shaw would present the petition to the public and Planning Commission.

Mr. Shaw stated that this petition had been before the Commission a couple of times, and had been presented individually to a few of the Community Councils. On October 18, 2007 a public

open house was held at the Fairpark to receive additional public comments and concerns regarding the Trax alignments.

Mr. Shaw noted that staff had recommended that the airport correcting line should run centrally down 400 West. He noted that some of the proposed changes for the station locations would be discussed later in the meeting. These recommendations were also discussed by the Transportation Advisory Board (TAB) on November 5, 2007 and they forwarded their recommendation to the Planning Staff, which sustained the 400 West alignment.

Mr. Shaw stated that John Naser, City Transportation Engineer; and Tim Harpst, City Transportation Director were both present at the meeting to present to answer questions from the Planning Commission and public.

Mr. Naser noted that a large amount of time and resources had been spent studying these issues, and public hearings and meetings were also held, which had generated much public input. He stated the configuration of the light rail would run down the center of the street, which was exactly as it was elsewhere in the city, however; the track would run just north of the North Temple viaduct and not directly over the center of that structure.

Mr. Naser noted that the Transportation Department agreed with the recommendation by staff for the light rail to be built down 400 West, beginning at the a station at South Temple and 400 West, which would proceed north to North Temple Street, extend over a new light rail viaduct, and touch down at 600 West.

Mr. Naser noted that the details were still being worked on for the connection at either 2200 or 2400 West, which would allow the light rail to extend from that point parallel to Interstate 80 around the golf course into the airport. The alignment into the airport was still being developed as the airport master plan continues to be molded to accommodate the light rail and airport expansion.

Mr. Naser noted that there were currently five proposed station locations and one proposed station that would not be built until a future date. He noted that the four of the stations would be located on the Westside of 800 West and the stations configurations would match those being built in the city as far a same size, look, and function. One station would be located on the eastside of the Jordan River at the Fairpark in the Jordan River Parkway. The second station would be located just west of Garside Street, called Cornell station. The third station would be located on the Westside of Winifred Street at about 1900 West. The fourth station would be located on top of the North Temple viaduct, over the Union Pacific and commuter rail tracks, and the future station would be located at 2200 or 2400 West, which would be decided as the area developed.

Mr. Naser noted that the Transportation Department would like to transform North Temple Street into a type of grand boulevard/entrance into the city and the light rail would be placed in the center of North Temple Street, which would reduce the street from six lanes to four lanes, but would allow space for additional amenities such as sidewalks and bike paths, which would not affect traffic. This four lane section would also continue over the North Temple Street viaduct.

Mr. Naser noted that the most controversial issue within this project matrix was the alignment options between 400 West and 600 West. The reasons that Transportation staff recommended the 400 West alignment included:

- Overwhelming majority of public comment supporting the 400 West alignment.
- Four of the five Community Councils in the area have supported the 400 West alignment.

- The previous Light Rail Master Plan and plans from the 1999 Environmental Document suggested the 400 West alignment,
- If this alignment is used, it would prevent another viaduct in the downtown area, and allow the new structure to be placed next to the existent North Temple viaduct, which will look like one structure.

Mr. Tim Harpst stated that based on various city department recommendations, UTA's recommendations, and public comment. UTA had recommended that they would like to see the light rail connect to 600 West because it would be the most cost effective; however, they were prepared to agree with the City's recommendations and move forward with the 400 West connection. Mr. Harpst presented a PowerPoint presentation to visually express what had been discussed thus far in the meeting.

Mr. Harpst stated that the West Valley and Mid-Jordan lines would be built prior the airport light rail and Draper lines. He noted that UTA would need to provide four trains per line to accommodate the fifteen minute pick-up/drop-off times, and there were still concerns in regards to congestion at 400 West and Main Street, which was currently being studied. He noted that by extending the 400 South line westward, the University line would be able to connect to 400 South instead of following its current route into downtown, which would eliminate a lot of the congestion at 400 West and 200 South.

Mr. Harpst noted that there were also negotiations with South Davis County on how to improve connection into downtown Salt Lake City.

Vice Chair Woodhead stated that she noticed that in the TAB meeting minutes, and City recommendations both referenced support for a rehabilitated North Temple Street viaduct; however, later in the City's document it stated that the anticipated cost for a North Temple Boulevard and possible reconstruction or rehabilitation of the North Temple viaduct were not included in the evaluation.

Mr. Naser noted that the cost of rebuilding or rehabilitated the viaduct was not included because it looked as if the North Temple Boulevard would work without actually redoing the viaduct; however, the grand boulevard project would stand alone from the light rail project as far as cost, which is why it had not been included.

Vice Chair Woodhead and Commissioner Chambless inquired about the timeframe and budget regarding this.

.Mr. Naser noted UTA would like to start construction in late 2009 or early 2010, and would be completed by 2012. He noted that the timeframe for the Grand Boulevard and North Temple viaduct would be completed at the same time.

Mr. Harpst noted that the Transportation Department understood that the replacement of the North Temple viaduct would be extremely costly, so for now various looks and functional options were being looked at.

Commissioner Chambless inquired of the condition of the existing North Temple Street viaduct.

Mr. Harpst noted that it was in good condition it just was not visually pleasing, and non functional for pedestrians and cyclists. He noted that UDOT evaluated it with a 92 percent sufficiency rating and there would be a lot of cosmetic features that could be added to visually improve the structure, to avoid having to tear it down.

Commissioner Chambless inquired about the 2100 West site and what the tentative date of completion was, as well as what the commute time from the airport to downtown would be.

Mr. Harpst noted since it was a future site; the plans would stay flexible and be built as per how the area developed.

Matt Sible, UTA Project Manager, noted that the commute time from the airport to downtown would be approximately 24 minutes, with the 400 West route.

Commissioner Muir stated that in the report from Transportation Division it stated that the 400 West option would hinder the function of Gateway and future developments in the area, and he inquired what was being done to mitigate those issues.

Mr. Harpst stated that by placing the track north of the existing North Temple viaduct those problems would be mitigated.

Chairperson Wirthlin noted that there seemed to be a discrepancy between what UTA had originally concluded would be the cost of the project and what was being presented as the approximate cost of both the 400 West and 600 West option.

Mr. Harpst noted that the 600 West viaduct would be shorter, which is why it would cost one million and a half less.

Mr. Naser noted that a lot of the cost with the 400 West option was generated due to a transfer station on North Temple, which would be approximately an additional ten million dollars.

Vice Chair Woodhead asked how the public would move from that transfer station on North Temple.

Mr. Sible noted that there would be a series of stairways and two elevators.

Chairperson Wirthlin opened the discussion to the public.

Gentleman, Rose Park Community Council, stated that he and the council voted in favor of the 400 West Trax alignment.

Vicky Orme, Fairpark Community Council, stated that the council was in favor of the 400 West Trax alignment and the North Temple viaduct rebuild because it would beautify North Temple as an entrance into the city.

Leslie Reynolds-Benns, WestPoint Community Council, stated that the council was grateful the City and the Planning Commission took the time to allow for public comment from the Westside citizens, and stated that the council was in favor of the 400 West alignment.

John Williams (574 NE Capitol Street, representing Gastronomy Properties) stated he was in support of the 400 West alignment and the transfer station at the North Temple viaduct. He also wanted to urge the Planning Commission to choose the option that would be the most beneficial as far as urban planning and not which would be the cheapest option.

Dave Sollis (6205 Lorreen Drive) stated that he would like to see the 400 West alignment versus 600 West.

Tom DeVroom (213 North 800 West) stated that he agreed with either alignment, and would like to see the choice made that would increase ridership. He also noted that well designed bridges were assets to any city and should be thought of as positive connections and not a structure that would bring crime.

Tony Nissen (456 North 600 West) stated he felt that there had not been a good enough analysis on the North Temple viaduct and would like to see a couple more studies done.

Jeff Gochnour (2855 Cottonwood Parkway, Cottonwood Partners) stated he was in favor of the 400 West alignment, with a transfer station on the North Temple viaduct.

Pam Phillips (439 East Sandy Oaks Drive) stated that she supported the 400 West alignment and the new North Temple viaduct.

Tiffany Sandberg (310 North 1000 West) stated she supported the 400 West alignment, which would benefit the West High School students by making it a lot more safe for them to get to and from school.

Jason Grigg (Park-N-Jet) noted that his family had been in business on North Temple Street for over 23 years, have 65 employees, and run over 250 shuttles a day. He stated he did not feel comfortable having a transfer at the 2200 West intersection, and would recommend having the transfer at 2400 West.

Darren Menlove (1370 West North Temple) stated he was concerned with the area at 1260 and 1460 West North Temple, where the property access would be altered. He stated he would like the Commission to consider this property and include a solution in their recommendations to the City Council.

Vice Chair Woodhead inquired of Mr. Menlove if he had a solution to this problem.

Mr. Menlove noted that UTA had come to them in the past couple of months with a few proposals regarding access issues to preserve his property. He noted that he felt that UTA was not required to help with the change and he would like to see something more permanent to preserve the access.

Tom Guinney (518 9th Avenue) stated that he supported the 400 West/ North Temple alignment and the new viaduct.

Steve Woods (995 West Beardsley) stated that he was representing the Salt Lake City school district and they would like to see the 400 West option, which would be beneficial for the students coming from the Rose Park area.

Rawlins Young (2135 South 1900 East) stated that he would like to see better or even alternative planning to prevent unlimited downtown urban sprawl.

Terry Hurst (346 North 600 West) stated that he would like to see the current North Temple viaduct torn down and rebuilt to be more pedestrian friendly.

John Haymond (3060 N. Marie Circle) stated he was representing Salt Lake Neighborhood Sevices, for the past 15 years. He stated they were in favor of 400 West alignment and the new North Temple viaduct.

David Galvan (440 West 600 West) noted that he was representing a lot of the public from the Westside. He stated that he would like the 1998 Master Plans re-looked at by the Planning Commission to make sure that the Westside was unified instead of cut off from the rest of the downtown area.

Chairperson Wirthlin closed the public portion of the hearing.

Commissioner McDonough inquired about how ingress and egress limitations were negotiated.

Mr. Harpst stated that it would depend on the situation, for example if it were a traffic control issue at an intersection he would deal with the negotiations. He noted that as the project design becomes more concrete the City would work with property owners on specific impacts and how access could be adjusted.

Commissioner Woodhead inquired if the via duct would be rebuilt; however, under the current plan how is the pedestrian crossing being taken care of.

Mr. Harpst stated that currently there were six lanes over the viaduct and the outside two would be converted into a sidewalk.

Commissioner Woodhead inquired how likely it was the viaduct would be completely rebuilt.

Mr. Harpst noted that it was still an option, and did have some advantages as far as urban planning, but some disadvantages as far as traffic. A big part of the decision had to do with funding from the City and considering the grand scale of the project the money could go toward beautification elsewhere along North Temple Street as well.

Commissioner Woodhead inquired about the approximation of one of the stations on Redwood Road.

Mr. Sibble noted that structured parking would be allowed in the area to be used by surrounding developments as well as the public who wanted to park and use the transit system. He noted that the nearest station would be 1950 West; however, if the parking was seriously considered the station would need to move east 700-800 feet to make the walk to the station shorter. He noted that this was still being negotiated.

Commissioner Woodhead noted that though it was important to have the stations built near work places, which would serve people that live outside of the Westside, the stations should be placed to benefit the residences of the Westside, who may use the transit system to get groceries etc. as well as accessing the work places.

Commissioner Chambless inquired about current funding and the choice to not redo the viaduct first, and would the viaduct increase the view corridor?

Mr. Harpst noted that if funding were not an option then there would be no question the North Temple viaduct would be torn down and re-built. He also noted that he did not think the view corridor would be greatly changed, because the new bridge would only be shortened, but not have additional height or width space. Mr. Harpst noted that one of the positive things of not building a new viaduct was that traffic flow would not be lost in that area during the construction.

Commissioner McHugh stated that concerning the station locations, should the Commission temper the recommendation concerning the Redwood Road station that Vice Chair Woodhead mentioned.

Commissioner Muir suggested that in the staff recommendation it stated, *Station locations are approximate and may shift somewhat as a result of the negotiations with user groups and details of final design*, which should be specifically mentioned in the motion. He noted that the Planning Director should have the final say in these negotiations and he recommended that the Planning Director address transit-oriented development potential in that final decision.

Commissioner Muir made a motion based on the careful analysis of the technical aspects, community impacts, and considerable input over various hearings from the general public, stake holders, and community groups, and City departments recommendations; that the Planning Commission recommends the Trax configuration be center running down the 400 West route, and approved as the preferred alignment, and that the station locations be

said as noted, **Station locations are approximate and may shift somewhat as a result of the negotiations with user groups and details of final design**, with the acceptance that the Planning Director be empowered to address the final station locations, as a result of ongoing discussions with user groups, detail of the final design, and to reference the transit-oriented development potential of each site. A critical part of the 400 West recommendation is the inclusion of a new additional light rail track at 400 South, 400 West, and 700 South to make the overall light rail system perform effectively and also the recommendation of a secondary commuter rail transfer station at North Temple.

Commissioner Forbis seconded the motion.

Commissioner McDonough inquired how the Commission felt about adding to the motion language sustaining a new viaduct over rehabilitating the existing viaduct.

Mr. Shaw noted that the Commissioners may want to consider that aspect of the project as a separate motion, since it was not technically part of the recommendation, but could be sent to the City Council as a separate motion.

Commissioner Muir did not accept the addition to the motion.

Mr. Harpst stated that in looking at the TAB and Planning Staff recommendations the motion addresses the majority of the points, and wondered if the Commission wanted to include item 4 from the staff report which stated, *North Temple cross-section—two auto travel lanes in each direction with bike lanes, sidewalks, and amenities creating a Grand Boulevard treatment*, versus the existing current three.

Commissioner Muir stated that all of the TAB and Planning staff recommendations were included by reference in the motion.

Commissioners Forbis, McHugh, Chambless, McDonough, Muir, and Woodhead all voted, “Aye,” the motion passed unanimously.

Commissioner McDonough made a motion that the Planning Commission passes on a strong recommendation to the City Council for a full replacement of the existing North Temple viaduct.

Commissioner Chambless seconded the motion.

Commissioners Forbis, McHugh, Chambless, McDonough, Muir, and Woodhead all voted, “Aye,” the motion passed unanimously.

Chairperson Wirthlin announced a short break at 7:30 p.m.

Chairperson Wirthlin called the meeting back to order at 7:39 p.m.

(This item was heard at 7:40 p.m.)

Petition 400-07-18 Riparian Corridor Overlay District— on July 17, 2007 the City Council enacted a moratorium and Temporary Land Use Regulations for Non-Ephemeral above Ground Streambed Corridors. The purpose, as stated in this draft zoning regulation, is to minimize erosion, stabilize stream banks, protect water quality, preserve fish and wildlife habitats, as well as preserve aesthetic values of natural watercourses and wetland areas. Planning Staff has created the new draft Riparian Corridor Overlay District to address protection for the streams east of I-215, which will include the Jordan River. Also proposed are minor revisions to the existing Lowland Conservancy Overlay District to remove the Jordan River and focus on streams west of I-215 and the surplus canal.

Chairperson Wirthlin recognized Marilyn Lewis as staff representative.

Ms. Lewis stated that she wanted to make clear to the Commission that this petition was not about open space, but the general health, safety, and welfare of the city's streams. She noted that protection was needed to establish all three of these in an urban environment.

Ms. Lewis noted that some of the important functions of a riparian corridor included:

- Dissipation of stream energy
- Reduction of sedimentation and suspended materials
- Filtering pollutants
- To provide and improve wildlife habitat
- To provide shade, which reduces changes to temperature
- To reduce erosion
- To reduce flood potential.

Ms. Lewis noted that a riparian overlay corridor would not stop any developments existing uses; but would set up clear demarcation for what activities were appropriate close to the stream. She noted that this was determined by the annual high water level on both sides of the stream corridors.

Twenty-five feet from the stream would be considered a no disturbance line, where no structures or fencing would be allowed and the planting or removal of vegetation would need to be approved by the urban forester and public utilities, yet storm debris may be removed by hand.

Fifty-feet would designate a structure limit line where new structures could be built and the footprint of an existing structure could be maintained and minimal grading, fencing, and surface vegetation would be allowed.

One hundred feet would be the ending boundary for the corridor and outside of this boundary would be where parking lots, leach fields, and retention basins could be located, as well as structures, major site grading, and ornamental plants would also be allowed.

Ms. Lewis noted that the Public Utilities Director could require a geotechnical report and impose greater setbacks for structures or buildings from the structure limit line to ensure safety. She stated that the average slope was 30 percent, but failures could happen depending on the soil type, and future projects would be reviewed on an individual basis.

Ms. Lewis noted that staff had received a lot of comments from the community asking for a mechanism to provide relief incase there were issues or unique circumstances that may affect only one property. She noted the best mechanism would be through a variance, which dealt with property hardships based on physical characteristics and new developments would need to be built in accordance with the riparian corridor.

Ms. Lewis stated that staff found that the proposed zoning text was consistent with the standards in the zoning ordinance; therefore staff recommended that the Planning Commission forward a positive recommendation to the City Council for approval.

Commissioner McHugh asked for definition clarification on page 2 of the staff report where it stated, "The Board of Adjustment will not consider issues which are self imposed or economic, and this issue has been addressed in the proposed draft ordinance."

Ms. Lewis noted that was exactly how the Board of Adjustment made their decisions.

Commissioner McHugh stated that a lot of the public comment was concerning re-sale of their properties and the possibility of the property values dropping.

Ms. Lewis noted that economics was not viewed as a hardship by the Board of Adjustment. The lay of the land or other unique circumstance that would prevent one neighbor from having something that another had, would be considered a hardship.

Commissioner Muir inquired why the part of the surplus canal that wended south from Interstate 80 toward 2100 South, or West from the airport was not included as part of the riparian overlay corridor.

Brad Stewart (Public Utilities) stated that the Low Land Conservancy covered the surplus canal and the Jordan River, so this riparian overlay was covering City Creek, Red Butte, Immigration and Parley's creeks.

Commissioner Muir inquired if the reason was because those four creeks were not viewed as having the same habitat potential.

Ms. Lewis noted that was correct.

Chairperson Wirthlin opened up the public hearing portion, and invited any Community Council members to the table.

Dan Jensen (1670 East Emerson Avenue, Wasatch Hollow Community Council Chair) stated that this overlay proposal was a great first step in providing protection in all of the city streams. He stated that many of the stream issues affected the water quality in the city and native habitat and species, and was long overdue.

Jim Webster (938 Military Drive; Yalecrest Community Council) stated this was vital to the natural habitats of the creek, but there were a few things that need to be taken into consideration. He submitted a formal letter to the Commission, which will be held as part of the permanent record.

Ellen Reddick (2177 Roosevelt Avenue; Bonneville Community Council Chair) stated that she was in favor of the riparian corridor overlay to preserve natural habitats. She asked the Commission to look at homeowner's properties along the corridors and requested that the homes in Emigration canyon be looked at specifically to tailor the rules of the corridor in that area. She also noted that she would be interested in educating homeowners that live along creeks and streams on what plants and structures could be placed along the stream.

Vince Rampton (170 South Main #1500) stated he was representing Allen Park Incorporated. He noted that Allen Park was the corridor going up Emigration Creek immediately east of Westminster College. He stated that if the Riparian corridor were passed it would cause extreme complications for his client and would remove the building potential by taking away private property. He urged careful consideration of these issues, with sensitivity to the rights of private property owners.

Chairperson Wirthlin inquired if Mr. Rampton had any recommendations for the Planning Commission other than to simply deny it.

Mr. Rampton stated he did not.

Commissioner Forbis inquired if the property Mr. Rampton was referring to was already developed.

Mr. Rampton stated that it was not.

Commissioner Chambless inquired if it was strictly private property or open for pedestrians.

Mr. Rampton stated it was strictly private.

Rick Thornton (2040 Laird Street) stated that he supported the corridor, but the draft of the ordinance was not flexible enough for existing residential homes. There should be something written into the ordinance for erosion control because tens of thousands of dollars had been spent by surrounding residence on maintenance, repair, and existing improvements and should be allowed in the no disturbance zone. Third, the ordinance should allow for simple new improvements like steps and pathways that would aid erosion issues.

Morris Linton (2001 Browning Avenue) stated that many residences were interested in preserving the stream beds, but the ordinance was not clear as to the developed and undeveloped land. The set backs as currently stated divided backyards and rezoned houses into parts.

Chairperson Wirthlin asked Mr. Linton to what extent had he been involved in the preparation of this overlay corridor.

Mr. Linton stated that he did not have input on the drafting of the ordinance, but had attended the September 12, 2007 Planning Commission meeting to listen to the comments.

Tom Hulbert (1547 Yale Avenue) stated he was disappointed in the language of the ordinance, because instead of creating a cooperative effort between private property owners who were in the creek areas, it tended to alienate and cause distrust. He stated that a lot of residents had sent in comments to Ms. Lewis, which were not addressed in the re-draft of the ordinance. He stated he would like this petition tabled so affected private property owners could submit more input.

Anne Cannon (1647 Kensington Avenue) encouraged the Commissions consideration regarding the language of the ordinance. She noted that she was happy to see a preservation effort.

Ron Woodhead (1938 Sheridan Road) stated he did not agree with the 25 foot "No disturbance zone"; the ordinance would subject his property to.

Alan Condie (1375 Kristie Lane) stated that he was in opposition to the overlay corridor, and that he had a problem with who would decide what plants could be planted and which plants would be band from the streambed area.

Amy Price (1328 Allen Park Drive) stated she was in opposition to the overlay corridor, which was affecting miles of property.

Rawlings Young (2135 South 1400 East) stated that the point of the corridor was to preserve fish and wildlife and protect them from being used as storm drains. He stated that if the corridor overlay were to be successful than Kentucky Blue Grass should be dealt with as a structure, because it was killing everything in the stream.

Mel Thatcher (1573 Bryan Avenue) stated he was in favor of the corridor, but this was a case of one size does not fit all and individual properties should be given consideration.

Daniel Lee (1373 South 1920 East) stated that it is important to review private property along the corridor and what the owners have already done in the area before passing such a broad ordinance.

Diane Fosnocht (1430 Bryan Avenue) stated she was a member of the Wasatch Hollow Community Council. She stated that she supported this ordinance to ensure clean water for the city and to protect the surrounding habitats, but would like to see clearer boundaries.

David Darley (2019 Aldo Circle) stated he was in opposition to the overlay corridor because it would completely affect his entire property.

Cindy Cromer (816 East 100 South) stated she supported the riparian overlay corridor, she stated that there should be city-wide protections for overlay corridors, as in the city's historic districts, and have specific guidelines for each corridor.

Arthur Morris (1556 South 1600 East) stated he strongly supported protection areas and the riparian corridors in the city. He stated that he believed streams were a public trust and relied heavily on how property owners treated the streams running through their properties.

Melissa Stamp (1052 East Roosevelt Avenue) stated that she was in support of the riparian overlay corridor.

LeRoy Johnson (2008 Sheridan Road) stated he was in opposition of the riparian overlay corridor.

Amy Defreese (Utah Rivers Council) stated that she agreed with the riparian corridor, but it was critical to assemble some sort of study to look at the existing characteristics of the riparian corridors, where existing development occurs set-backs should apply, but there are areas that are not developed and there should be even greater set-backs for future developments.

Lindsey Christensen (1804 Harrison Avenue) stated she was supportive of the riparian corridor. She stated that it was important for the riparian area to have special treatment, but it was impossible for each individual home owner to decide how they want to be responsible for this land.

Susan Whitney (1739 Rosecrest Drive) stated that she was in support of alternative proposals regarding the riparian corridor stated and was in opposition of the riparian corridor as the ordinance was currently written.

Wesley Thompson (3877 West 7925 South, West Jordan) stated he was in opposition to the riparian corridor. He stated that it set a precedent for what ordinances would be accepted further up the canyon.

Ruth Price (1343 Allen Park Drive) stated that she was in opposition of the riparian corridor because it would affect the private property and prices of the property.

John Straley (2016 Aldo Circle) stated he was in opposition to this petition because 90 percent of his house was within the 25 feet from the streambed. He also felt the draft ordinance was incomplete.

Elizabeth Bowman (1539 South 1600 East) stated she was in support of maintaining the current moratorium limit. She stated that preservation may be inconvenient, but it is never going to get any easier, once the corridor is lost it is gone forever.

Michael Gutfredson (1989 Browning Avenue) stated he felt the ordinance was overkill and property owners should be allowed input and flexibility to create a partnership as a community that would the city.

Susan Webster (1248 Yale Avenue) stated she was opposed to the riparian overlay and believed that the Wasatch Hollow Community Council should be dealing with these issues; it should not be a city-wide effort.

Robert Webster (1248 Yale Avenue) stated he strongly opposed the draft ordinance.

Louise Hill (1264 Yale Avenue) stated she opposed the riparian overlay, because the terms were too broad and the issues should be studied by how it pertains to Wasatch Hollow and not a blanket solution for the city.

Sherman Martin (2065 Harvard Oaks Circle) stated that he was in opposition to the ordinance and its restrictions because he did not know how it would affect his property.

Jeff Vandell (1538 East Emerson Avenue) stated he was in support of the riparian overlay corridor ordinance, and understood the property owners wanted to work together to resolve some of these issues, but for new development armoring of the creek would probably be necessary.

Becky Larsen (1163 East Charlton Avenue) stated that for the sake of existing neighborhoods and historical landmarks she agreed with the ordinance because the streambeds are irreplaceable.

Ryan Thompson (1465 East Woodland Avenue) stated that he did not want private property taken from its owners by the city.

Laurie Goldner (1709 East Bryan Avenue) stated that preservation of the riparian corridor is of vital importance, both for ecological and social reasons.

Preston Ricmaras (2046 Laird Drive) stated he strongly opposed the ordinance because of the effects on private property.

Shelley McClennen (1144 East 1300 South) stated she strongly opposed the overlay corridor.

Rick Knuth (1446 Downingtown Avenue) stated the proposed ordinance was poorly drafted, unduly restrictive, and would constitute a regulatory taking of private property for public use without due process or just compensation.

William McClennen (1144 East 1300 South) stated he had serious concern for some of the restrictions regarding maintenance of properties.

Dan Duggleby (1650 East Kensington Avenue) stated he fully supported the riparian overlay and wanted to assure property owners that nothing was being taken from them.

Michelle Jensen (1670 East Emerson Avenue) stated she supported the riparian protection effort.

Robin Carbaugh (1428 East Sunnyside Avenue) stated that this issue appeared to have many levels of complexity, which the public did not fully grasp, and she felt it was an effort to better serve the public.

Nancy R. Reisel (1385 South 1900 East) stated it was important to deny personal use of irrigation water and this riparian overlay would support a healthier life.

Jon Dewey (1724 East Princeton Avenue) stated he was in support of protecting the stream corridors and limiting growth encroaching upon the stream including, but not limited to, buildings on stilts that jet out over the streams.

Beth Bowman (1445 Harrison Avenue) stated that riparian corridors have been in place in cities all over the USA and Salt Lake City was behind in passing this ordinance to protect Utah streams as well as neighborhoods and wildlife.

David E. Curtis (1752 Browning Avenue) stated he was opposed to the petition as a property owner with about 335 feet of property bordering Emigration Creek. He stated the goals of the petition may be beneficial, but the means proposed violate any private property rights.

Dawn Curtis (1752 Browning Avenue) stated she was opposed to this petition, while the protection of streams was a good goal this proposed ordinance was far too restrictive.

Kelly Gardner (1990 Browning Avenue) stated that taking away property rights was wrong and this ordinance went to far.

Tim Komlos (1664 Emerson Avenue) stated that he was firmly in favor of the riparian corridor overlay and that all of Utah's waterways belong to all Utahns.

Glen Decker (1082 South 1100 East) stated that private property must be respected at all costs.

Emil Kmet (2509 South Highland Drive) stated he was in support of the riparian corridor overlay.

Chairperson Wirthlin closed the public portion of the hearing.

Ms. Lewis stated that members of the public had expressed concern that structures could not be built between the 50 foot to 100 foot area of the overlay, she stated that this was not correct; the ordinance would only suggested limited structures such as parking lots, leach fields, and storm retention basins, and as far as new development, and requests of expanding existing structures, which already must be reviewed as part of the permitting process anyway and this ordinance would trigger oversight for expansions of existing homes.

Commissioner Muir inquired about the impact on golf courses, specifically the Salt Lake City Country club, and if they would still be able to fertilize those fairways.

Ms. Lewis noted that what was currently existing would be allowed to stay, what the ordinance would cover was new instances.

Mr. Stewart stated that recently there was rebuild of a country club in the city, and there were some sensitivity to set backs in some areas and irrigation processes.

Commissioner Muir inquired if a property owner hade already built too close to a stream and created a hazard because of potential erosion, was the City now assuming responsibility for that.

Ms. Lewis and Mr. Stewart both replied no.

Commissioner Muir inquired if after this ordinance passed and there was damage to the riparian area, would the property owner be responsible to repair the area.

Mr. Stewart noted that there were multiple jurisdictions that play a role in the riparian ordinance. The flood control portion was regulated through the Federal Government/FEMA; open channel water was regulated by Salt Lake County Flood Control; and stream alteration permits were regulated by the State of Utah.

Commissioner McDonough inquired what would happen if a structure existing in the 25 foot portion of the overlay was destroyed, could the property owner rebuild because it had existed before the ordinance.

Ms. Lewis noted that whatever footprints property owners currently had could be rebuilt were damage to occur.

Commissioner Chambless inquired about trees and vegetation that might be interfering with the safety of property owners, and who would take care of such problems.

Mr. Stewart noted that the citizen should relay the problem to the County Flood Control Department, which also would maintain a twenty-foot access corridor along the edges of the creek for maintenance purposes. He noted that the City should also play a role, which was what this ordinance was attempting to do.

Commissioner Chambless inquired about the noticing problems that were expressed by the public.

Ms. Lewis stated that the noticing was done within 150 feet of the center line of the stream, and the information was pulled up on the GIS program from the County records. She stated that there were approximately 2,000 property owners that were noticed along the corridor.

Mr. Shaw noted that if any member of the public were interested in future noticing, to leave their addresses for staff to use for that purpose.

Commissioner McHugh inquired about the lack of mitigating pollution in the streams, if all existing structures were allowed to stay within the 25 foot range of the streams.

Ms. Lewis noted that there had to be some flexibility to allow fairness for property owners, the goal was not to take away what was already there, though there was a hope that each property owner was responsible when dealing with garden fertilizers etc.

Commissioner McHugh stated that the educational aspect that the community councils were mentioning would be important.

Commissioner Forbis thanked the public for attending the meeting and expressing their opinions and concerns regarding the riparian corridor. He stated this was a classic example of environmental policy that was struggling to find the theoretical principles of a resource protection policy. He stated that the ordinance needed to be balanced with language that recognized the principles of market environmentalism. He suggested that the Commission table this petition to allow for assembly of a working group that would better achieve the objectives of a riparian corridor overlay, and at the same time balance the protection of the environment through maintaining the economic viability of the property owners closest to the streams.

Commissioner McDonough stated that what Commissioner Forbis proposed would require a level of detailed study that was far beyond tabling the petition.

Commissioner Forbis noted that there were departments at the University of Utah that had done extensive studies, and he felt that it was not too far of a stretch to make some inquiries and involve the Community Councils, City Council, and members of the Planning Commission and staff to work together to tighten the ordinance.

Commissioner McDonough inquired if what Commission Forbis was stating was that he would feel comfortable approving this as a type of first layer defense and then working on a more detailed ordinance.

Commissioner Forbis stated that a better approach would be to consider the creeks as small area plans, within the riparian corridors, or that the riparian corridors be treated the same way historic districts are treated.

Commissioner McDonough noted that this type of exercise was warranted, but was it the next step, or should the petition be tabled and taken through a refining process.

Vice Chair Woodhead inquired if there was time for this type of process, considering the expiration date of the moratorium.

Ms. Lewis noted that the County was working on a water quality stewardship plan and were studying all of the different habitats and elements of each corridor, but that report would not be ready until early next year. She noted there was not much time until the moratorium expired, so the Commission would need to make a decision on how they wanted to move forward.

Commissioner Forbis noted that he did try to give the ordinance to the county to be reviewed, but they did not respond back.

Vice Chair Woodhead noted that this petition was on the agenda for the November 28, 2007 meeting and inquired if Ms. Lewis would be able to do make adjustments to the ordinance for that next meeting.

Ms. Lewis stated that adjustments would be possible, but the in-depth community outreach that Commissioner Forbis was suggesting would be impossible in that timeframe.

Vice Chair Woodhead stated she did not feel ready to vote on this petition tonight, without processing the legal and scientific opinions that were presented before the Commission at the meeting.

Mr. Shaw suggested that if the Commission had specific changes they would like to make, that they do it tonight.

Commissioner Chambless inquired if the expiration date of the current moratorium was flexible.

Ms. Lewis noted there was no flexibility; it was set by the City Council

Commissioner Chambless inquired if the date could then be changed by the City Council.

Mr. Lynn Pace stated that the length of the moratorium was set by state law, and a maximum of six months could not be expended without enacting an ordinance because it would freeze the rights of property owners. If the six months expired without a new ordinance, the issues would go back to status quo, which is no regulation or an ordinance could be enacted now and further amended in the future.

Commissioner Muir stated that he felt that the proposed ordinance was close to what was needed, and that in the future specific Community Councils could come forward and craft the ordinance to further benefit their area.

Chairperson Wirthlin agreed with Commissioner Muir and both agreed they would like another open house to take public ideas and comments.

Vice Chair Woodhead stated that given that the Planning Commission started this process, they now had the obligation to be mindful of the timeframe and its consequences.

Mr. Pace noted that the Commission should speak with the Chair and Vice Chair of the City Council to find out what concerns they had regarding the timing of the moratorium, which might influence the decision.

Commissioner Forbis made a motion to table Petition 400-07-18 until the November 29, 2007 Planning Commission meeting.

Commissioner Chambless seconded the motion.

Commissioners Forbis, McHugh, Chambless, McDonough, Muir, and Woodhead voted, "Aye," and the motion carried unanimously.

Ms. Lewis stated that staff still needed clear direction from the Commission as to what they wanted to be accomplished in the next two weeks.

Chairperson Wirthlin stated that the citizen input that was shared tonight should be looked at and possibly a subcommittee organized to review the input.

Vice Chair Woodhead inquired if Ms. Lewis would take emailed comments from the Commissioners after they process some of the comments from tonight.

Commissioner Forbis stated that he recommended that staff look at the unique characteristics in each area and create small area plans along the riparian corridor.

Mr. Pace noted that could not be done in two weeks, it would be possible in a phase two process of the petition, but phase one needed to be something that could be executed by the ending date of the moratorium.

Ms. Lewis stated that could be done in a recommendation that could be forwarded to the City Council.

Chairperson Wirthlin stated that he would recommend more flexibility for landowners along the riparian corridor, for example erosion control, repair and maintenance of existing conditions and vegetation, and finding a way to educate property owners on what they could and could not plant.

Commissioner Forbis also suggested that if those types of flexibilities were not followed by property owners than the City should set up recourses for enforcement.

Vice Chair Woodhead inquired of Mr. Pace if the Commission had the flexibility to determine a less onerous process for property owners' appeals, for example changing fencing materials.

Mr. Pace stated that the Commission could structure the ordinance and there was room for that type of accommodation; however, the current variance process was already well defined and restrictive, meaning that the city did not want a lot of the variances to be accepted.

Commissioner McDonough inquired about the need for the educational outreach and the ability to empower the property owners to be responsible stewards of their property, and how that could actually be implemented, and who would take on the responsibility of this; City, County, Community Councils, etc.

Ms. Lewis stated that the Commission could decide how to incorporate that into the ordinance, but should be aware that there are budget implications.

Commissioner Forbis stated that technically the responsibility fell onto the private property owners to seek out this information, but the ordinance language should somehow assure that the information was obtainable and useable.

Mr. Pace stated that as he listened to the public comment, there were many that were frustrated with the ordinance because it did not deal with bank erosion and water pollution, and he wanted to point out that the draft ordinance was really just dealing with land use and should be viewed as a first step to preserve part of the expiring moratorium, until more people could be involved in the process.

Chairperson Wirthlin announced a five minute break at 9:49 p.m.

Chairperson Wirthlin called the meeting back to order at 9:59 p.m.

(This item was heard at 9:59 p.m.)

Petition 400-07-19, Amend Conditional Use Regulations— a request by the Salt Lake City Council to amend sections of the Salt Lake City Zoning Ordinance relating to Conditional Uses in general and specifically focusing on the Table of Permitted and Conditional Uses, the criteria by which Conditional Uses are reviewed and approved, and the powers and duties of the Planning Commission relating to Conditional Uses. This is an Issues Only hearing to consider and discuss the proposal draft text amendment. Public comment will be taken at this hearing; however, no final decision will be rendered at this meeting by the Planning Commission. On July 17, 2007, the City Council passed Ordinance Number 49 of 2007 which placed a moratorium on all Conditional Uses in residentially zoned districts and those abutting residentially zoned areas throughout the City and this petition is in response to that moratorium.

Chairperson Wirthlin acknowledged Nole Walkingshaw as staff representative.

Mr. Walkingshaw stated that in addition to this petition staff had completed a review of conditional uses and a conditional site design review. One driving factor for the City Council's moratorium was to become more consistent with state law. In the body of the state law, there was a portion of language, which framed what was being restructured, which stated, *a conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of the proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with the applicable standards, the conditional use may be denied.*

Mr. LoPiccolo summarized that initially the Commission reviewed this petition followed by a subcommittee. The coalition also met with staff to discuss issues within East Central/Central City for quite a long time. He noted that staff recognized that there were areas of deficiency within Salt Lake City, which mainly dealt with nonconforming uses. He noted that after the Commission had requested that staff provide data in regards to this petition, he went back as far as the July of 1996 Planning Commission request log. He noted that for the purpose of this request data was excluded which dealt with utilities or any type of telecommunications, planned developments, or anything occurring in abutting properties.

Mr. LoPiccolo stated that primarily all of the zoning layouts were modified, with a little more time spent on the residential areas, and these standards were recreated and would be what staff applied in the future conditional use review, which would allow for a lot more latitude.

Mr. Shaw stated that this redraft would also allow for more concise language to give to the applicant in the future as to why the conditional use was being denied.

Commissioner Muir inquired if the State ordinance distinguished between building a site design review and conditional uses.

Mr. LoPiccolo stated it did not, and the conditional design review had been redesigned and would be called building and site design review.

Mr. Walkingshaw stated that part of the past confusion was that additional height and setbacks fell under conditional uses, but was really dealing with design elements, so staff separated design elements from uses.

Commissioner Muir inquired how this process would differ from the Board of Adjustment, where if an applicant wanted to exceed the ordinance they needed to prove a hardship.

Mr. LoPiccolo stated that it was the same as an applicant not being required to meet every standard when coming before the Planning Commission.

Commissioner Muir inquired that if an applicant exceeded an area of the design element, then it would trigger a site design review by the Commission.

Mr. Shaw noted that was correct.

Commissioner McDonough inquired if the planned development were a type of conditional use.

Mr. LoPiccolo stated that they were, and staff was working on the planned development ordinance to allow the Commission to have more control over large developments coming into the city.

Commissioner McHugh inquired about how square footage of a project was handled under the building site review.

Mr. LoPiccolo stated that unless the underlying zoning ordinance restricted the floor area, then the Commission had no control over that; however, big changes to the ordinance included new regulations for drive throughs, neighborhood commercial zones and proximities for certain uses in relationship to residential areas.

Chairperson Wirthlin opened up the public hearing portion of the meeting.

Cindy Cromer (816 East 100 South) stated she read the moratorium from the City Council, which did not direct the Commission to deal with the dispersal issue, but the Commission had dictated to staff that they wanted to see the concentration of conditional uses. She stated that it was imperative that the standards the Commission did approve addressed the dispersal issues.

Shane Carlson (375 L Street, Greater Avenues Community Council) stated that the distinction between a conditional use and a non-conforming use is functionally the same; and he was suggesting a distinction in documentation, so when these types of projects come forward there will be a record to locate where these types of project already exist to help keep them balance through out the city.

Esther Hunter—stated she agreed with what both Ms. Cromer and Mr. Carlson stated. She noted that there are unique problems in the East Central/Central City, which need to be looked at in greater detail and be provided with more detailed definitions and standards to mitigate these issues.

Vice Chair Woodhead inquired what Ms. Hunter meant by standards.

Ms. Hunter stated that a net cumulative effect was written into the master plan, but how did the Commission define that and how would impacts be proved.

Dave Richards stated that he had seen a lot of conflicts in the area between business and residential zones, and would like to know why the Commission will be considering them as permitted instead of conditional use if this new language is adopted.

Chairperson Wirthlin closed the public portion of the hearing.

Mr. Walkingshaw noted that there were three types of conditional uses: standard conditional uses, planned developments, and administrative consideration of conditional uses, which are specific uses that the Commission delegated administrative decision.

Mr. LoPiccolo stated that the reason restaurants were turned into a permitted use was so they would be subject to the design review, and the Commission would still review the plans if it were a new building.

Commissioner McHugh inquired if a rooming house would not be allowed in an RMF-35, than why was it necessarily allowed in an RMF-45 when the next jump would be an RMF-75—perhaps staff could consider that a rooming house was not a permitted use in the RMF-45.

Mr. Shaw stated that the Commission could change that if they wanted to.

Mr. Pace stated that the challenged faced under the State statute was there was a presumption that if the adverse impacts were mitigated than it was okay.

Vice Chair Woodhead inquired if accumulation was not considered an adverse impact.

Mr. Pace noted that the Commission had the latitude to decide what factors cannot be mitigated.

Commissioner McDonough stated that in on page 7 of the staff report; paragraph D it stated that, *a proposed use could negatively effect property values and or quality of life.*

Mr. Walkingshaw noted that in the proposed text amendment paragraphs C and D had been stricken, he just had not update that portion of the staff report.

Commissioner McDonough inquired of the Commission, if they felt they wanted to address concentrated uses, especially in residential single-family areas.

Chairperson Wirthlin suggested that staff should review these issues and provide additional language to deal with this.

Mr. Pace noted that the Commission could address their issues generically and then deal with the facts as they came forward in the future, but the Commission would still have the authority to address factors that needed to be mitigated depending on what was involved with individual proposals.

Vice Chair Woodhead stated she would like to see language that addressed this in the ordinance.

Mr. Walkingshaw inquired if a qualifying provision would be helpful.

Mr. Pace noted that what the Commission might want to do would be to look at the degree of mitigation, which might be vastly different with each project, so in the language maybe the issues of concentration would not be listed under use compatibility, but under mitigation.

Commissioner Muir stated that regarding concentration the Commission should quantify and set a specific limit.

Mr. Pace noted that would be possible, but how specific does the Commission want to get, because after all the uses were looked at you could start to quantify it becomes much more detailed than the ordinance attempts to provide.

Chairperson Wirthlin inquired if the first step should not be to quantify, but add language that would function as a first step to look at.

Commissioner McDonough inquired where they could integrate this language into the ordinance.

Mr. Pace noted that it could fit into paragraph 2 of the ordinance, which assumes that a new project was compatible with what had already been built, and not necessarily the zoning; however, if the Commission wanted to say a new project was or was not compatible with the base zone, then it would be addressed in the table of uses. Mr. Pace suggested that the additional language be added as a letter paragraph under paragraph 2.

Mr. LoPiccolo stated that when staff redid the standards, the purpose statement of the underlying zones was included, which he felt was always a way out for the Commission to not allow a use because it was inconsistent with that statement.

Chairperson Wirthlin suggested adding to section 2, *concentration of existing non-conforming or conditional uses substantially similar to the use proposed*, which would essentially allow the Commission to take that into consideration when understanding if a structure was compatible.

Mr. Pace stated that was fine, and suggested that the Commission add *detrimental* in front of *concentration*. Then it was not focused on the concentration itself.

Chairperson Wirthlin called for a motion.

Vice Chair Woodhead stated that the agenda stated that this was an Issues Only hearing.

Mr. Pace stated that it could be adopted at the next meeting, and recommended that the Commission postpone consideration of this matter until the November 28, 2007 Planning Commission Meeting—and the agenda be amended to add this reconsideration.

Commissioner Forbis made a motion to postpone the Planning Commissions decision on Petition 400-05-16, until the November 28, Planning Commission Meeting and amended that meeting's agenda to reflect the decision of the Planning Commission.

Commissioner McHugh seconded the motion.

Commissioners Forbis, McHugh, Chambless, McDonough, Muir, and Woodhead voted, "Aye," and the motion carried unanimously.

(This item was heard at 11:05 p.m.)

Petition 400-05-16, Building and Site Design Review—a request by the Salt Lake City Planning Commission, requesting amendments to the zoning ordinance relating to Conditional Building and Site Design Review. In 2005, the City Council Adopted the Conditional Building and Site Design Review Process as part of the Walkable Communities Ordinance. The proposed text amendment will allow for a review of design related requests, which have been previously approved through the Conditional Use process to be reviewed through the Building and Site Design Review Process. Items that are proposed to be reviewed through the Building and Site Design Review Process, rather than the Conditional Use process, include: additional building height, building façade materials, minimum building setbacks and first floor glass requirements. This is an Issues Only hearing to consider and discuss the proposed draft text amendment. Public comment will be taken at this hearing; however, no final decision will be rendered by the Planning Commission at this meeting.

Chairperson Wirthlin recognized Nole Walkingshaw as staff representative.

Mr. Walkingshaw stated that this petition is an attempt to have some clarification between conditional uses and building design site issues.

Chairperson Wirthlin opened up the public portion of the hearing.

Shane Carlson, inquired about the future dimensional question that might be seen by the Commission in the future, and what type would be dealt with on a staff level versus the Commission level. He also inquired about the noticing for the next meeting and requested if staff could give him the most current changes to the text to look over before then.

Chairperson Wirthlin closed the public portion of the hearing.

Mr. Walkingshaw stated that in the D-1 Central Business District there was language changed to help control height levels on corners of streets to 375 feet, and to minimize building mass at higher elevations to preserve scenic views.

Commissioner Forbis made a motion regarding Petition 400-05-16 be continued to the next Planning Commission meeting and that the agenda be amended to reflect that the Planning Commission will be making a decision regarding this petition at the meeting on November 28, 2007.

Commissioner McHugh seconded the motion.

Commissioners Forbis, McHugh, Chambless, McDonough, Muir, and Woodhead voted, "Aye," and the motion carried unanimously.

There was no unfinished business.

The meeting adjourned at 11:11 p.m.

Tami Hansen, Planning Commission Secretary