

SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, April 27, 2011

Present for the Planning Commission meeting were Chair Michael Fife, Vice Chair Angela Dean, Commissioners Emily Drown, Babs De Lay, Michael Gallegos, Charlie Luke, Matthew Wirthlin and Mary Woodhead. Commissioners Kathleen Hill and Susie McHugh were 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; Joel Paterson, Planning Manager; Ray Milliner, Principal Planner; Lex Traughber, Senior Planner; Everett Joyce, Senior Planner; Breanne McConkie, Planning Intern; Paul Nielson, Land Use Attorney; and Angela Hasenberg, Senior Secretary.

5:33:40 PM

Work Session

PLNPCM2010-00055; A request by Mayor Ralph Becker to amend sections of the Salt Lake City Zoning Ordinance as they relate to changes in grade and the definition of grade. The amendment will affect sections 21A.62.40 definitions of terms, 21A.36.020 obstructions in required yards and 21A.24.010 general provisions. Related provisions of Title 21A, the zoning ordinance may also be amended as part of this petition. (Staff Contact: Ray Milliner at (801) 535-7645 or ray.milliner@slcgov.com)

Chairperson Fife recognized Ray Milliner as staff representative.

Mr. Milliner stated that this work session items were proposed changes to the Zoning Ordinance as it related to grade changes.

The items to be changed were:

- New definitions: established grade, natural grade, dormer and exterior wall height.
- Clarification of definitions related to: natural grade, established grade and finished grade.

- Modifications of obstructions in required yards related to: changes in grade for commercial and residential structures.
- Clarification language related to: the Foothill regulations and in various places in the code that have been issues in the past, i.e. Yalecrest Overlay District, lot and bulk control fences, walls and hedges.

Mr. Milliner stated that there were no changes proposed in the actual height that would be required in the zones for flat or pitched roofs.

With the proposed changes to definitions overall height of the building would be measured from established grade, and wall height would be measured from finished grade. The rationale was making sure that continuity was maintained along the street faces with the height of the buildings.

Mr. Milliner added that responses from several architects had been positive. The architects were pleased with the change of the definition of "established grade" because it had been nebulous. The current definition established grade as the grade "at time when the subdivision was created." So many subdivisions were created more than 50 years ago, it became difficult to determine established grade under that definition. Under the proposed definition established grade would be "the grade in existence prior to issuance of the building permit."

Commissioner Gallegos asked if it meant "undisturbed grade".

Mr. Milliner responded that yes, it would be without enhancement. It would be where the grass was planted.

Commissioner Dean clarified that what Mr. Milliner was saying was that the current term was what was once referred to as natural grade, but that term would no longer be used.

Mr. Milliner agreed.

Mr. Milliner continued saying that the definition for "wall height," would be "up to the wall plate." He stated that it would eliminate the probability of variables and standardizes the definition.

Mr. Milliner stated that in regard to "obstructions within required yards," the current definition stated that if there was a grade change of more than two feet, it required a "routine and uncontested application" The proposed change to the definition would now be a grade change of more than four feet.

Commissioner Dean wondered about people artificially raising their grade.

Mr. Milliner responded that the grade would have to be measured prior to the most recent proposed development or construction activity.

Discussion between Commissioners involved maintaining the two feet requirement instead of the four foot allowance for permitted grade change.

Mr. Milliner stated that he did not feel that the wall height would be an issue due to the current 28 foot maximum building height limit.

Planning Manager Paterson added that wall height regulations within residential zones, was that it would not regulate the wall height of all walls on the structure, only apply to walls along the interior side yards. The front wall, rear yard, or corner side yard are not regulated by the wall height regulation.

Mr. Milliner asked for clarification on what the Planning Commission would prefer, two feet or four feet for a routine and uncontested application.

Commissioners discussed the use of the IBC standard.

Mr. Milliner stated that the he felt it was a good standard, but would come back before the Planning Commission with more information.

5:50:07 PM

Public Meeting

- **Approval of Minutes from March 9, and April 13**

5:50:32 PM

Motion:

Commissioner Woodhead made the motion to approve the minutes of March 9, 2011.

Commissioner Wirthlin seconded the motion.

Vote:

Commissioners Dean, Drown, De Lay, Luke, Wirthlin and Woodhead all voted "aye". Commissioner Gallegos abstained from the voting. The motion passed.

Motion:

Commissioner Woodhead made the motion to approve the minutes of April 13, 2011.

Commissioner Wirthlin seconded the motion.

Vote:

Commissioners Dean, Drown, De Lay, Gallegos, Luke, Wirthlin and Woodhead all voted "aye". The motion passed unanimously.

Report of the Chair and Vice Chair:

Chairperson Fife and Vice Dean had nothing to report.

Report of the Director:

Planning Director Wilf Sommerkorn gave an update on the Sign Ordinance amendments that were adopted by the City Council at a prior meeting. Mr. Sommerkorn referred to a memo that was given to the Planning Commissioners in their reading material that included the provisions of the Sign Ordinance. He stated that the importance of this was that the Ordinance specified that the City Council would look at additional amendments for nine months.

Mr. Sommerkorn added that the Planning Commission made the same kind of commitment when they made their recommendation.

Mr. Sommerkorn stated that Mr. Doug Dansie was there to give a short update on the Ordinance that was passed, and what the Planning Department hoped to accomplish in the following months. The plan was to use the entire Planning Commission rather than subcommittees, and do briefing sessions to work through some of the issues on the Sign Ordinance.

Mr. Sommerkorn noted that the Sign Ordinance had received a lot of media attention, and that the Planning Department had received another appeal by Reagan Outdoor Sign Company. They had made claims that changing the face of their signs from regular billboards to electric billboards does not require new permits and that it was simply the same as changing the "face" of the billboard.

Mr. Dansie stated that the City Council had adopted an ordinance on April 12, 2011 and was in effect on April 13, 2011.

He stated that the City Council adopted what the Planning Commission had recommended with one significant change. The Utah State Legislature passed a bill that stated that illumination standards for "on and off premise" electronic signs needed to be consistent. Mr. Dansie clarified that it was illumination, not animation, size, or placement.

Mr. Dansie added that the City Council made an attempt to apply the standards for electronic signs more toward "on premise" signs. He said that the standards would not take effect for nine months and acknowledge the State Legislature's intent.

Mr. Dansie stated that the important issue was that the City now had an ordinance that prohibits the conversion to electronic billboards.

Mr. Dansie said that the Planning Commission could look forward to a presentation that would focus more on policy issues rather than give a sample ordinance. The intent was to establish policy and then move forward with an ordinance.

Mr. Dansie stated that sufficient data was collected to create a GIS layer of all of Salt Lake City's electronic mapping. He stated that the Planning Division was in the process of verifying the existing sites of all of the billboards in the City. This would provide a parcel number and also would provide a picture of every billboard in the City.

Commissioner De Lay asked about freeway signs that are provided by UDOT and wondered if they were considered electronic signs.

Mr. Dansie said that by definition, a billboard was something that sold goods or services, not sold on site. Mr. Dansie clarified that the UDOT signs were traffic regulation signs, and that the Planning Department did not regulate traffic signs.

5:57:01 PM

PLNPCM2010-00045, Telecommunications Ordinance Amendment – A petition to amend Zoning Ordinance Section 21A.40.090 – Antenna Regulations. The purpose of the proposal is to bring the Ordinance up-to-date by encouraging the co-location of wireless facilities, clarifying screening requirements for roof mounted antennas, allowing stealth antennas as a permitted use, clarifying where electrical equipment shall be placed on a lot, refining area limitations for wall and roof mounted antennas, removing conditional use requirements for antennas located on non-complying buildings that exceed maximum height, and eliminating optional performance bond language for abandoned facilities. Related provisions of Title 21A – Zoning may also be amended as part of this petition. The subject text amendments would apply citywide if adopted by the City Council (Staff contact: Lex Traughber at 801.535.6184 or lex.traughber@slcgov.com)

Chairperson Fife recognized Lex Traughber as staff representative.

Lex Traughber introduced Breanne McConkie, intern with the Planning Department. He stated that she had been instrumental in preparing the presentation regarding the Wireless Telecommunications regulations.

Ms. McConkie stated that the Telecommunications Ordinance had not been updated since 1995. Since that time, regulations had become quite outdated. The request was initiated by Mayor Becker to amend the Ordinance.

The primary objectives were to update the current regulations by encouraging co-location, allowing stealth facilities and to encourage the appropriate location by streamlining the process.

Ms. McConkie stated that some of the problems with the existing regulations were:

- Co-location was not currently recognized as a permitted use.
- Screening requirements could be visually intrusive.
- Stealth antennas were limited to flag poles.
- Unclear where electronic equipment could and should be located.
- Limitations for wall and roof mounted antennas were arbitrary and did not take into consideration building size.
- Conditional Use was required to locate on non-complying buildings that exceeded the maximum height limit.

The proposal before the Planning Commission addresses co-location. Ms. McConkie stated that co-location required conditional user approval. The proposed changes would add co-location as a permitted use and thus make it possible for a structure that had been approved as a conditional use for a wireless facility, could add additional wireless facilities and would be considered permitted uses as long as they fill the other requirements.

Mr. Traugher added that the City wanted to encourage co-location to minimize visual impact. This change would be advantageous to the City.

Commissioner Woodhead wondered if too many towers on one location would become problematic.

Mr. Traugher responded that even if there were ten antennas located on one spot the visual impact would be reduced more than having them in ten locations.

Commissioner Dean asked about the current screening requirements and wondered if there were examples of problems with screening.

Ms. McConkie stated that the problem with screening requirements was that the panels themselves are small, but the boxes that surround them are quite large. The screening requirement would only apply to roof tops.

Ms. McConkie discussed the next proposed change that would expand the definition of stealth antennas and would include stealth facilities as a permitted use. The way the code was written stealth antennas were limited to flag poles or antennas that were completely enclosed within a structure with no exterior evidence whatsoever.

The new expanded definition would include facilities completely disguised as another object or otherwise concealed from view. There was a stipulation that they would have to fit the size and shape of what they are being disguised as, and that they would have to be in concert with their surroundings.

Ms. McConkie added that final determination of Stealth Facilities could be approved by the Planning Director.

Ms. McConkie stated that another change would be in regard to electrical equipment. Currently, electrical equipment was only specific to utility poles and would have had to conform to the location requirements for an accessory structure. The proposed changes were for all electrical equipment and would be universal for all wireless facilities electrical equipment and that it would be allowed to be within the buildable area, as long as it was not located on the front yard or front façade between the building and the public right of way.

This change would allow electrical equipment to be located next to a building or an antenna structure.

Another issue addressed was the maximum coverage. Ms. McConkie stated that the change would modify and refine the area limitation for wall mounted antennas. The current code was 40 square feet per exterior wall, with a maximum of 160 square feet per building. Ms. McConkie stated that the numbers were arbitrary because they did not take into account the building size. The proposed change would be "the lesser of 60 square feet or 5 percent of an exterior wall." The reason was because it could be difficult to measure the exact square footage, where a percentage would be easier to measure from the street view.

Ms. McConkie stated that another issue was that the current code allowed an applicant to increase the height of a utility pole by ten feet, but the industry standard had a minimum of ten feet between the utility lines and the proposed wireless facility. The problem was that the industry was not able to locate wireless facilities on utility poles. Staff recommended that adding a structure onto a utility pole should have been encouraged, rather than to build a new mono-pole that would have been specific only to a wireless facility. Staff had found that the City did not regulate pole height, and so it was written in the code, but it was not actually regulated.

Ms. McConkie stated that to encourage antennas, they proposed to remove the ten foot replacement pole height restriction and also increase the width from 24 inches to 30 inches for the actual antenna addition.

Other changes include:

- The removal of the screening requirements, because often the screen was more visually intrusive than the actual panel.
- Removing the conditional use for non-complying buildings that exceed that maximum height limit to try and encourage wireless facilities to locate on existing buildings versus to having to build a new structure.
- Removal of optional performance bond language.
- Addition of approval needed from all governing agencies for facilities trying to locate on City owned property or on property located within an open space zoning district or subject to the City's open space land program.

Ms. McConkie stated that it was the staff's opinion that the proposed project generally meets the applicable standards and therefore she recommends that the Planning Commission forwards a favorable recommendation to City Council.

Questions from the Commissioners:

Commissioner Dean asked about location of electrical equipment and referenced page nine of the staff report. She asked if staff felt that the wording was inclusive enough.

Mr. Traugher stated that it was the buildable area, not the side yards and he felt that the language could be changed to make the intent more clear.

Commissioner Drown asked about defining electrical equipment, and wanted clarification of what staff was calling electrical equipment and if it only pertained to wireless facilities.

Ms. McConkie stated that the electrical equipment referenced was in association with mono-poles. The definition was specific to cell phone towers.

Commissioner Dean asked about removal of abandoned poles.

Mr. Traugher responded that it would be done on a complaint basis and would use traditional enforcement methods.

[6:20:33 PM](#)

Open of Public Hearing

Seeing no one choosing to speak, Chairperson Fife closed the Public Hearing.

Motion:

Commissioner De Lay made the motion in regard to PLNPCM2010-00045, Telecommunications Ordinance Amendment – A petition to amend Zoning Ordinance Section 21A.40.090 – Antenna Regulations based on the findings listed in the staff report and the testimony heard this evening, I move that the Planning Commission transmit a favorable recommendation to the City Council.

Second by Commissioner Drown.

Discussion: Commissioner Woodhead asked if there would be the addition of the amendments made by Commissioner Dean.

Commissioner Dean added to clarify language of item 3b with location of electrical equipment and front and side yards.

Commssioner De Lay accepted the amendment.

Commissioner De Lay made the motion in regard to PLNPCM2010-00045, Telecommunications Ordinance Amendment – A petition to amend Zoning Ordinance Section 21A.40.090 – Antenna Regulations based on the findings listed in the staff report and the testimony heard this evening, I move that the Planning Commission transmit a favorable recommendation to the City Council, with clarification of language of of item 3b with location of electrical equipment and front and side yards.

Second by Commissioner Drown

6:21:42 PM

Vote:

Commissioners Dean, Drown, De Lay, Gallegos, Luke, Wirthlin and Woodhead all voted “aye”. The motion passed unanimously.

Potential Action Item: this item is not a public hearing; The Planning Commission will hold a discussion and may make a decision regarding this item.

Request for specific action by the Planning Commission to stay its decision of March 9, 2011 regarding conditional use PLNPCM2011-00037 Regional Athletic Complex Restoration Area - Jordan River Parkway. – Petition area includes 44 acres on the east and west banks of the Jordan River between Redwood Road and the Davis County line. Appeal application CED2011-00001 by Jeff Salt, Coordinator, Jordan River Restoration Network appeals Salt Lake City Planning Commission decision of Conditional Use PLNPCM2011-00037. The filing of an appeal shall not stay the decision of the planning commission pending the outcome of the appeal, unless the Planning Commission takes specific action to stay a decision. The appeal applicant requests the Planning Commission consider staying its decision for approval of Conditional Use PLNPCM2011-00037 during the appeal process. (Staff: Everett Joyce at 801-565-7930 or everett.joyce@slc.gov).

Decision: No action taken.

6:40:10

Meeting adjourned

This document, along with the digital recording, constitute the official minutes of the Salt Lake City Planning Commission held on April 13, 2011.

Angela Hasenberg, Senior Secretary, Planning Commission