

**SALT LAKE CITY PLANNING COMMISSION MEETING**  
**In Room 326 of the City & County Building**  
**451 South State Street, Salt Lake City, Utah**  
**Wednesday, February 23, 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, and Mary Woodhead. Commissioner Kathleen Hill, Susie McHugh and Matthew Wirthlin 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 Patterson, Planning Manager; Doug Dansie, Senior Planner; Casey Stewart, Senior Planner; Michael Maloy, Principal Planner; and Paul Nielson, Land Use Attorney; and Angela Hasenberg, Senior Secretary.

#### 5:39:46 PM

#### **Work Session**

Debbie Lyons, the Recycling Coordinator for the City spoke and answered questions that the Planning Commission had asked in a prior meeting.

- What are the items the City currently recycles.
  - In the curbside program, any paper products, cardboard, office paper, colored paper, newspaper, magazines, phone books, aluminum cans, tin cans, and plastics. No glass in the curb side program.
- Why doesn't the City recycle glass?
  - There is a limited market for recycled glass. Brown glass cannot be recycled locally.
- What other items can be recycled out of demolition debris.
  - Scrap wood, scrap metal, concrete, asphalt, trees and stumps during land clearing. Plate glass and carpet scraps.
- How do you mandate recycling.
  - There is an ordinance that requires recycling and there this staff that periodically checks recycling and will issue warning tags. There is no fine associated with it and it applies only to residences. The new ordinance would require recycling for businesses.
- What is the City doing to encourage recycling companies to Salt Lake City.
  - There is a quantity of scale to make it worth recycling certain items. The more we recycle the more jobs are produced. There is a program

in place called the Recycle Marketing Development Zone Program. It designates an area of the City where if manufacturers or companies use recycled items in their process they would get income tax credits to relocate there and use the products available after recycling.

- Business Advisory Committee asked if there were any financial incentives for commercial uses to recycle.
  - The biggest incentive would be that they would reduce their trash costs.
- How is the waste and recyclables separated and who does it?
  - Curb side waste is separated mechanically at processing plants. There are three facilities within the Salt Lake valley that do that, and there is another large construction waste facility that separates construction waste.

Discussion followed about the recycling policy within City Hall.

**PLNPCM2010-00612 Accessory Dwelling Unit** – A request by Mayor Ralph Becker for a zoning text amendment to allow accessory dwelling units within single-family and multi-family residential districts. This request is part of the Sustainability Code Amendment Project. (Staff contact: Michael Maloy at 801-535-7118 or [michael.maloy@slcgov.com](mailto:michael.maloy@slcgov.com).)

Mr. Michael Maloy stated that he provided the Planning Commission with a rough draft regarding Accessory Dwelling Units.

He stated that staff has further extended the definition of owner occupancy within the draft, and was based on a similar regulation that Provo City had adopted and had been successfully upheld by a challenge that was reviewed by the Utah State Supreme Court.

There was another component to the definition that will be added in a later draft.

Mr. Maloy stated that Clarion and Associates took all the public comment and it part of the revised the draft available tonight.

Mr. Maloy stated that an idea that seemed to be well accepted in the community was a limited roll out of the program with a limit of 25 permits issued per calendar year. The language would be included that would allow the City to re-evaluate the impact of the ordinance and present a report to the City Council to determine whether or not they would like to modify it.

Mr. Maloy added that Seattle had done something similar and issued 50 permits per calendar year, but Seattle was roughly twice the size of Salt Lake City.

Mr. Maloy stated that there was feedback from the community suggesting the idea of a type of geographic restriction. An idea proposed was to limit Accessory Dwelling Units

(ADU's) within a certain distance from fixed transit; however it was not included in the proposal.

Mr. Maloy added a clarification of a potential of having an ADU in a detached structure like a garage was made. The language had been revised to better regulate building height requirements

Mr. Maloy asked for commentary and direction from the Planning Commission.

Mr. Maloy gave a request from the Accessibility Advisory Council and they made a motion as a committee that they would like to have the Planning Commission address two issues:

- Size of an ADU could be 50% of the square footage of the existing single family dwelling or 650 sq or whichever is less. The advisory committee would like to add 150 sq feet to the total **if** the structure met a visibility standard, i.e. no threshold and no steps up into the property, and would need larger hallways to allow for wheelchair accessibility.
- A request had been made in order to encourage ADA accessibility, that five of the twenty five permits would be required to meet the visible standard.

Commissioner Luke asked about home occupations.

Mr. Maloy stated that the standard for the ADU ordinance states that an owner must live on the property and could live in either the single family dwelling or the accessory unit. Mr. Maloy added that there was language that could allow a person living within the ADU to have a home occupation, like a home office.

Commissioner Luke was concerned about enforcement. He stated that he understood that at this time the City was having a difficult time enforcing rentals units and was concerned that enforcement would be problematic.

Mr. Maloy answered that the City was working a "good landlord" program which would require a license for every unit in the City that was rented. There would be a fee collected from the ADUs and the "good landlord" program and the idea was that the money would be used toward enforcement.

The Planning Commissioners and Mr. Maloy discussed ideas regarding Accessory Dwelling Units.

[6:51:42](#)

## **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)

Chairperson Fife recognized Doug Dansie as staff representative.

Commissioner Luke recued himself due to a conflict, as he was retained by Reagan Signs.

Chairperson Fife explained that Commissioner Luke would still be part of the meeting to maintain a quorum.

Land Use Attorney Paul Nielson stated that the City Ordinance was very specific as to how many members of a Planning Commission constitute a quorum, and the number is six.

Chairperson Fife noted that there were six commissioners in attendance.

Mr. Dansie stated that the three petitions had to do with off premise advertising. The first petition, 400-06-51 Zoning Text Amendment, Transit Shelter Advertising and was a somewhat older petition that dealt with the issue of transit shelter advertising, and bus bench advertising. Staff was recommending not taking action and postponing until the administration had more time to discuss it internally.

The next two petitions, PLNPCM2010-00032 dealt with the City's bill board ordinance, and updating it to conform to State law and to simplify it.

PLNPCM2010-00717, involved addressing the issues of electronic signs. The current ordinance talked about electronic on-premise signs, but is silent about off premise electronic signage.

Mr. Dansie explained the comparison of Salt Lake City Ordinance to Salt Lake County Ordinance. Mr. Dansie explained that in the first public hearing, Commissioner Horiuchi spoke of Salt Lake County's Ordinance, this discussion carried over into the

first subcommittee meeting. In response, Staff created an outline comparing what a zone in the County looks like compared to what a zone in the City looked like.

Mr. Dansie explained that there were several maps that were included in the staff report that illustrated the comparable zoning districts within SLC.

The conclusion was that Salt Lake City is stricter about the extent of commercial uses that would be allowed in residential areas.

Mr. Dansie stated that Staff's recommendation was that there was a Draft Ordinance that would eliminate the Bill Board bank; in 1993 a bank was set up wherein a billboard company could take down a board, they could deposit the credit for it and had three years to move the bill board. Salt Lake County and the City of Layton both utilized a bill board bank; however, most communities did not.

The purpose of the bank was to give a priority system to encourage bill boards to move out of neighborhood, commercial, historic neighborhood zoning districts and relocate them to a more appropriate area.

Since then, State law had changed and gave the bill board companies the right to move their bill boards within the distance of their existing locations. Many of the most controversial boards that were located within residential zoning districts, the land under them was owned by the bill board company so there was no incentive to move the bill board.

The response was that the bank was eliminated, but the priority system remained. A new map was created, and expanded the area billboards would be allowed to move to. Staff simplified Salt Lake City's law to say that bill boards could move consistent with State law. State law allowed the bill board to move in the direct vicinity. It also allowed cities a change to negotiate a place to move to.

The new map showed the City's policy, on top of what the State will allow a bill board company to do; the City will allow a billboard to move to a general commercial or manufacturing zoning district as long as they were not located on a gateway street or within 600 ft of a residential area. Excluded was the CG zoning in the granary district, because it was part of the Master Plan to be rezoned into a mixed use zoning.

Mr. Dansie continued that policy wise, the City did not change its policy of "gateway streets", some streets were added, 5600 West, Mountain View Corridor and 7200 West to the list of "gateway streets".

Changes were that the time frame of three years to move, the move needs to occur at the same time.

Mr. Dansie added that in terms of electronic billboards, in the draft electronic bill boards were defined, and limitations were placed on them, but they were basically prohibited.

The ordinance defined electronic billboards and then prohibits them

Planning Director Sommerkorn added that the Ordinance reflected the Mayor's position.

Mr. Dansie explained that defining what an electronic bill board was gave a chance to outline rules.

Commissioner Woodhead asked why the Mayor wanted to prohibit electronic signs.

Planning Director Sommerkorn stated that he had not heard the Mayor's rationale.

Mr. Dansie replied that one of the reasons would be that billboards could potentially stifle development. The signs were considered personal property, after 19 years they were taxed on 8% of their original value so they did not generate revenue for the City. Part of the issue was the trend of switching bill boards to electronic.

According to State law if a bill board wanted to move, the bill board company could move, or the City could have the option of purchasing it.

Commissioner Woodhead clarified stating that the City did not control the whole picture, and the parts they did not control made it difficult for the City to meet its' policy goals.

Commissioner Dean stated that the subcommittee met a number of times but a consensus was never reached, but there was a benefit in asking questions and getting feedback in terms of assessing where the bill boards were now and understanding the distribution, understanding where other areas could be opened to billboards. She felt that great headway had been made.

Commissioner Dean addressed the topic of Electronic billboards, she noted that they learned that bill board companies increase their advertising ability without benefit to the City, there was not motivation offered by the industry to remove two boards to get one big electronic billboard. If the City were not to receive any benefit or reduction in billboard advertising over all, there was no motivation for the Planning Commission to move forward.

Mr. Dansie noted that there were other options to consider

Chairperson Fife added that he appreciated the change in the bus stop advertising. He stated that he was certain that people would not appreciate transit shelter advertising in their front yards.

Mr. Dansie stated that it was an issue within the industry, in the prior administration it had been suggested as a way of financing public amenities, but it was decided that it needed more discussion.

[7:12:55](#)

## Public Hearing

Chairperson Fife opened the public hearing.

Jared Johnson spoke in OPPOSITION to the Ordinance. He stated that he had not had a chance to read the staff report. He added that his impressions of the Ordinance as it was written were that some of the issues that were problems, such as the billboard bank, had been dealt with, but other issues that were difficult to deal with in the past were still there, and some had even become even more difficult.

Mr. Johnson stated that Chairperson Fife had illustrated one of the issues that electronic bill boards were defined, and then prohibited but also included a set of rules.

Mr. Johnson added that they had put a lot of time into presenting the Planning Commission with a lot of information; he appreciated the time and effort of some of the Planning Commissioners that gave extra time on the subcommittee. He felt that headway had been made in informing the Commission and staff of the issues of brightness and how the control of brightness and the limits the industry had used on existing electronic bill boards were adequate.

He stated that the issues that YESCO had were:

- Definitions of luminance and illuminance which have technical differences.
- Relocation of billboards. YESCO was able to move bill boards by State Statute; the City has the option to allow the move under the Statute or to purchase the bill board. He believed that City Ordinance and State Statute contradict each other. Did staff measure the Ordinance against State Statute and were they aware that they contradict.
- What would be done if an electronic sign needed to be moved.

Mr. Johnson felt that there were more issues to clarify and that they supported bringing in more experts and talking more. He added that YESCO's position was that the Ordinance was rushed and left many contradictions and concerns.

Greg Simonsen spoke in OPPOSITION to the Ordinance. He stated that he was council for Reagan Signs and other companies within the industry.

Mr. Simonsen stated that with respect with item Q listed in the staff report, he stated that it was a provision that had not been seen in previous drafts and that it read that bill boards located within Residential/Mixed Use, CMC or CB Zoning districts may not be illuminated or lit between the hours of midnight and 6:00 am. He asked for clarification on whether this applied to new billboards or was the City attempting to limit existing billboard lighting.



Mr. Simonsen stated that some billboard companies had been placing footage into the bank, and the billboard bank was closing, if that is the case, what would happen to the footage. He stated that it was real square footage and they were concerned about that.

Mr. Simonsen suggested that the Planning Commission should recognize a policy change that he felt would be made tonight. He stated that there had been concern about billboards in residential neighborhoods, in order to move the billboards out of those areas, there would need to be some type of viable place to move them to. He stated that if all the "gateways" and main streets were taken away as locations to move them, there will be no incentive for the billboard companies to move them.

Dewey Reagan spoke in OPPOSITION of the Ordinance.

Mr. Reagan asked Mr. Dansie what would happen to the streets that were "special gateways" under the Ordinance.

Mr. Dansie stated that there were several streets designated as "special gateways", such as North Temple, 400 South, and State Street. He stated that they would be turned into "gateway streets".

Mr. Reagan said that before, they were able to move anywhere along the "gateway" streets, now they would no longer have that.

Mr. Dansie replied that it was true.

Mr. Reagan stated that the City was concerned about billboards blocking development, by purchasing property in the instances when they could not move.

Mr. Dansie replied that there was an option to move in previous circumstances, but the billboard company chose to purchase property.

Mr. Reagan stated that when they did move it was on "gateway streets" and that no property had been purchased on those streets.

Mr. Reagan stated that his company had bought property in the areas that they needed to have in order function as a business. This was done prior to digital being an option. Mr. Reagan stated that the buying of property began shortly after the Ordinance was passed in 1993. Therefore, the notion of banning digital advertising because it would be a further impediment to development did not make sense.

Mr. Reagan added that he felt that the subcommittee was making progress with regard to a meaningful discussion about situations where billboard companies would be willing to move signs. Mr. Reagan noted that that he believed that billboard companies might be open to discussion on that matter, but he felt that the trade off should be a location where there was greater demand for the product.

Chairperson Fife asked about relocation and should they follow the principles, etc., unless otherwise negotiated with the Mayor or designee. Did that provide the billboard



companies an out to move their signs to a place where it could be justified in a business way.

Mr. Reagan stated that he was not certain.

Commissioner Woodhead inquired about an alternative that could be provided from the billboard company that was not just that the billboard companies have property rights, but as a solution that might recognize the City's interests even if they were not shared.

Mr. Reagan stated that they had hoped to present their ideas in the subcommittee meeting that had been cancelled. He stated that they would use Salt Lake County as a model as a starting point for dialogue.

Commissioner Woodhead asked if the discussion was carried over to the next Planning Commission meeting, could something be put together in writing to be looked at.

Mr. Reagan agreed that they could.

Commissioner Dean added that due to the time constraints attached to the petition, the decision needed to be made by the next meeting in order to forward it to City Council.

Mr. Reagan stated the there was a difference between the billboard Ordinance and the digital sign Ordinance, and as an industry, they were not excited about the idea of a ban on electronic signs for any period of time. Hypothetically speaking, as a Planning Commissioner, he stated that he would be concerned about the lack of knowledge of the new technology.

Mr. Reagan added that the billboard ordinance was drafted in 1993 where the number of billboards allowed in Salt Lake City was capped. He asked why there was a rush to have this done. He asked why this issue started out as two petitions but ended as one draft.

Mr. Reagan said that he was not in favor of a ban; he did not think it would accomplish what the Mayor had in mind. If the City had been concerned, an option the Planning Commission could utilize could have been to forward a recommendation of a ban on the digital issue to the City Council and continue to work on the billboard ordinance.

## **7:36:40**

### **Close of Public Hearing**

Community Economic Director (CED) Frank Gray, representing the Mayor as applicant, spoke.

He stated that he wanted to make clear what the Mayor's position was. The purpose of the Ordinance was to clean up the gateways of our city so we are proud when people drive into our community. There were certain rights that we believed should be adhered to, billboards that were there should be able to remain there ad-indefinitum. If they were to be moved, the City wishes the right to purchase them, or they moved off the gateway.

Mr. Gray added that the City wants to enhance the gateways to our community. There was a connection between the two petitions, although one could be dealt with independently of the other. Mr. Gray said that there was a connection in the fact that we were dealing with billboards as a whole, as one subject. We felt it was better for the Commission to look at one subject, although there were two independent matters within it at one time.

Mr. Gray noted that it was the Planning Commissions' choice if they wanted to break it into parts, but he felt that the digital billboard topic was paramount.

Mr. Gray said that he did not think the entrances to our City should be a. have any more billboards than it has now, and b. should definitely have electronic billboards that change text or copy at a frequency that they do today.

### 7:39:46

#### **Questions from the Commissioners**

Chairperson Fife asked about the billboard bank, and what happens to the deposits.

Mr. Dansie replied that he believed that Reagan Signs had a few hundred square feet but no one else had any balance in the bank. He added that Salt Lake Community College had one billboard and they were not sure what they wanted to do with it.

Chairperson Fife asked if there was a time limit.

Mr. Dansie stated that the bank had been eliminated.

Mr. Gray added that with the bank closing, the City would pay back the deposits.

Mr. Gray answered the question of why the City should have regulations regarding digital billboards when we were trying to eliminate them. Mr. Gray said that there did exist digital billboards and those existing billboards need regulation. The new billboards would be banned under the proposal. The rules would regard luminosity and regarding frequency of the change of text on digital billboards that would make them more acceptable for the community.

Chairperson Fife said that there was a question about lighting in certain zone that the signs could not be lit between midnight and six a.m. He asked if that was a change.

Mr. Dansie responded that it was in the first draft that they received last December, and that it was indeed a change in the original draft.

Chairperson Fife asked if it had checked if it conformed to State statute.

Mr. Dansie said that it had been, but the State statute says if there was a billboard, the company gets to move it to a non-residential zone with a certain amount of feet, or as negotiated by the City, or the City has to buy it out.

Mr. Dansie added that a reason that the City dropped special gateways was because State Law allows them to move within a certain number of feet anyhow, and they wanted to eliminate redundancy.

After speaking with the Attorney's Mr. Dansie concluded that if it left the option of "or as negotiated with the City," a priority system was left in that the City could guide its own negotiations.

Chairperson Fife asked if there was a way to excise the electronic billboard portion of the petition and vote.

Planning Director Sommerkorn responded that he felt that the petition from the Mayor only dealt with the electronic billboards and that was the issue that had the time constraint. The other portion was not critical.

Mr. Dansie stated that he did not have a sample ordinance ready, but if the Planning Commission wanted to make a vote based on the findings of fact and direct the attorneys to draft an ordinance that would prohibit electronic billboards.

Land Use Attorney Paul Neilson added that it should include the relevant definitions.

Commissioner Woodhead added that she would like the difference between "luminance", and "illumination".

The Commissioners along with CED Director Frank Gray and Planning Director Wilf Sommerkorn discussed the possibilities of voting on the issue at the current meeting.

Commissioner Dean suggested that she would prefer to vote at the next meeting.

Mr. Dansie clarified that the Planning Commission wanted to have two separate ordinances.

The Commission agreed.

Commissioner Gallegos asked about the term "takings" used in prior discussions

CED Director Gray answered that he believed that was in regard to a part of the discussion where a billboard company speculated on land and bought the property, and now should have the right to make the speculation come true. Mr. Gray stated that the City does not believe that was an endemic right, and the right of speculation was not in the Constitution.

Commissioner Woodhead added that the right to light existing billboards at night was an issue.

CED Director Gray stated that the City believes that the ordinance that has been written does not cross over into any "takings" area. From an energy conservation standpoint, and from a conservation and livability standpoint, the basis of all Zoning was light, air, and privacy, two of those criteria were violated and therefore, the Ordinance is on firm ground

Commissioner Woodhead asked about the Ordinance itself and the "dwell" time on the electronic billboards.

CED Director Gray compared the eight second dwell time to Las Vegas. He clarified that the billboard companies should be able to sell to many advertisers, but the flashing and causing people to look every 8, 10, 12 seconds would then become a moving sign, Whereas the ability to change copy remotely once a day would be acceptable.

Commissioner Gallegos asked if that meant even if Federal highways and administrations would be okay with the eight second change.

CED Director Gray said that we were talking about the appearance we want our community to have, not what the Federal Highway Commission thought was good.

Mr. Dansie said that the FHA rules were a minimum, the Federal Government allowed billboards, but it was up to the cities and states to regulate or prohibit them.

[7:51:21](#)

## **Motion**

Commissioner Dean made the motion in regard to **PLNPCM2010-00717: Zoning Text Amendment, Electronic Billboards** I move that we that the Planning Commission keeps the public hearing closed, yet continue the decision until the next meeting of March 9, 2011 pending clarification and separation of that from the overall billboard ordinance.

Commissioner Drown seconded the motion

Vote: Commissioners Drown, Dean, De Lay, Gallegos and Woodhead all voted "aye", Commissioner Luke abstained. The motion passed.

[7:52:42](#)

Commissioner Dean made the motion in regard to **Petition 400-06-51: Zoning Text Amendment, Transit Shelter Advertising** and **PLNPCM2010-00032: Zoning Text Amendment, Billboards** that they are continued and continue the subcommittee to delve further not necessarily for the next meeting, but until we have that resolved in the future.

Commissioner Gallegos seconded the motion

Vote: Commissioners Drown, Dean, De Lay, Gallegos and Woodhead all voted "aye", Commissioner Luke abstained. The motion passed.

7:53:40

*Meeting adjourned*

**This document, along with the digital recording, constitute the official minutes of the Salt Lake City Planning Commission held on February 23, 2011.**

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Angela Hasenberg