

# Salt Lake County Council

Committee of the Whole

## ~MINUTES~

Tuesday, February 14, 2017

[9:33:08 AM](#)

### Committee Members

Present:

Jennifer Wilson  
Richard Snelgrove  
Jim Bradley  
Arlyn Bradshaw  
Michael Jensen  
Aimee Winder Newton  
Sam Granato  
Max Burdick  
Steven DeBry, Chair

### Citizen Public Input ([9:33:48 AM](#))

**Ms. Barbara Cameron**, Big Cottonwood Community Council, spoke under "Citizen Public Input" reading the following statement that correlates with a wildfire conference she attended:

*Senate Bill 122 went into effect this January 1<sup>st</sup>. It provides that the State of Utah will pay wildfire expenses for Salt Lake County, provided there are community fire-wise programs in the areas. Both Emigration and Big Cottonwood have been sponsoring such programs for over 10 years. When we started, the Mayor's office helped fund us, now the State funds us. It involves public education and forest management in our own backyards. Last year we contributed 85 people and over 2000 hours for an in-kind contribution of \$45,000, as "fire insurance" for Salt Lake County. We've worked with State Foresters and the US Forest Service for many years to safely manage the trees in our neighborhood. So you can understand why our experience and on-the-job training has led to our FCOZ recommendations regarding tree replacement. Fire professionals have the same approach: that is, the replacement of significant trees should be required only where appropriate. View corridors still should not be permitted. Replacement must consider fire standards, watershed, and access for emergency responders. In this regard, we're very grateful for our partnership through the years with Salt Lake County and the State of Utah.*

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**Mr. Brooke Derr** spoke under “Citizen Public Input” reading the following statement:

*Our extended Maxfield family first built a residence in the Storm Mountain area in 1912. In the 1940's the Maxfield Lodge became famous for fresh trout, chicken dinners, and luscious pies, all made by my wife's great aunts: Josie and Lois Maxfield until 1956, when they retired. As children, the aunts named the neighboring peak “Storm Mountain” because that's where all the storms came in. The name persists to this day.*

*So, when in 2006 a dead cottonwood tree fell on our cabin, the one built by Uncle Kenneth in 1962, we were excited to be able to rebuild it. The land had been acquired by his father, Richard Maxfield, in 1911. We were unprepared for working with the FCOZ Committee and at the first meeting, which we regarded as a problem-solving session, the representative from Salt Lake City Public Utilities was both rude and intimidating towards my wife and me. Others with whom we've interacted from Salt Lake City Water since then have been very professional, but it took us three years and lots of money in legal fees to finally get a building permit for the reconstruction.*

*Part of this was our problem, not being construction people, and part of this was securing our water right, but while Salt Lake County was generally helpful, we had the impression that everyone was afraid of Salt Lake City Water. It took us 3 years to navigate the extreme detail required for the rebuilding permit, using the assistance of water attorneys, general contractors and others. I have a PhD am an emeritus professor at both the University of Utah and BYU, and we consider ourselves to be “green” and respectful of the laws, so we would have appreciated a bit more problem-solving and a bit less heavy-handedness and legalese.*

*We hope this new FCOZ revision will allow people like us to remodel, restore and rebuild in a way that both respects the environment and allows for safe and updated structures. We are especially hopeful that the relationships between property owners and regulatory agencies can be mutually respectful and of a problem-solving nature. Regulators will have to work with people like us who have been there a long time and whose legacy structures do not necessarily conform to current building codes. In many cases, we are trying to bring our parents and grandparents properties up to code. We hope the County Planners will continue to help guide homeowners through the very time-consuming and expensive FCOZ requirements, as they did for us after about a year into the process.*

*We are grateful that there exists governmental oversight for this treasured land and we are grateful for the dedicated and competent civil servants who help deal with regular people in a courteous and problem-solving way. I think most home and cabin owners are reasonable and don't seek short-cuts that might harm the*

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*land or fail to improve it in an environmentally friendly way. We seek a reasonable and efficient FCOZ ordinance, not a heavy-handed one.*

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**Mr. William Clayton** spoke under “Citizen Public Input” asking if the draft FCOZ would allow him to remove a diseased or hazardous tree from his property if it is outside the limits of disturbance. Some diseases affect native trees that make them vulnerable and can cause them to blow down in a windstorm. He also asked what was more potentially degrading for water quality in the canyons – a few more lots that have cabins built on them within 50 feet of a stream versus 5.7 million visitors annually who do not have access to adequate public restrooms in the canyons and use the outdoors for that purpose. The Environmental Protection Agency (EPA) did a lot of due diligence determining what the setback from a perennial stream should be and decided on a 50-foot policy, rather than a 100-foot policy. Small property owners feel they have been left out of loop on a lot of these issues, and appreciate the Council’s willingness to consider their views. Additionally, he submitted a statement from a neighbor. (Statement on file in the Council Clerk’s Office – N2-700.)

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Review of Proposed Hires ([9:43:06 AM](#))

**Mr. Brad Kendrick**, Budget & Policy Analyst, Council Office, reviewed the following proposed hires:

<u>Agency</u>	<u>Position</u>
<i>Community Services Department</i>	Lead Custodial Worker 9 Associate Director - appointed
<i>Mayor’s Office</i>	Exempt Secretary - appointed
<i>District Attorney’s Office</i>	Prosecuting Attorney 17/18
<i>Sheriff’s Office</i>	5 Jail Nurses 14/16
<i>Youth Services Division</i>	Part-time Group Home Supervisor 15 2-Youth Workers 12
<i>Salt Lake County Health Department</i>	Office Specialist 10
<i>Library Services Division</i>	Public Relations Coordinator 14 Part-time Library Shelver 7

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Interim Budget Adjustments ([9:43:26 AM](#))

**Mr. Brad Kendrick**, Budget & Policy Analyst, Council Office, reviewed the following interim budget adjustment requests, which have been placed on the Council agenda for formal consideration:

*Clerk's Office*

Interim budget adjustment to transfer \$50,000 from one expense account to another to purchase U-Turn Pockets, an addition to the Agilis Sorting Machine, to improve the ability to sort ballots.

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*Community Services Department*

Interim budget adjustment to reclassify an Administrative Assistant to an Appointed Exempt Secretary.

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*Aging & Adult Services Division*

Interim budget adjustment to reclassify a Center Program Assistant (.5 FTE) and a Secretary (.5 FTE) to an Outreach Caseworker (1.0 FTE).

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*Sheriff's Office*

Interim budget adjustment to reclassify an Accounting Specialist to a Fiscal Coordinator, and a Secretary to an Office Coordinator.

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*Parks & Recreation Division*

Interim budget adjustment to reclassify a time-limited Fiscal Coordinator to a time-limited Accountant.

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**Council Member Jensen, seconded by Council Member Granato, moved to approve the requests and forward them to the 4:00 p.m. Council meeting for formal consideration. The motion passed unanimously.**

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Advice and Consent ([9:46:49 AM](#))

Mayor Ben McAdams submitted a letter requesting the Council's advice and consent to the following appointments:

Darrin Casper	Deputy Mayor	Finance & Administration
Karen Hale	Deputy Mayor	Community and External Affairs
Rick Graham	Deputy Mayor	Operations
Megan Hillyard	Assoc Deputy Mayor	
Scott Baird	Director	Public Works & Municipal Services
Carlton Christensen	Director	Regional Transportation, Housing & Economic Development
Stuart Clason	Assoc Director	Regional Transportation, Housing & Economic Development

After a question and answer period with the candidates, the Council made the following motion:

**Council Member Wilson, seconded by Council Member Granato, moved to consent to the appointments, and that the appointments be budget neutral in 2018, and to forward them to the 4:00 p.m. Council meeting for formal consideration. The motion passed unanimously.**

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Foothills Canyon Overlay Zone (FCOZ) and Mountain Resort Zone (MRZ) Discussion ([9:55:05 AM](#))

**Ms. Kimberly Barnett**, Associate Deputy Mayor, submitted the following issues relating to FCOZ and MRZ ordinances for the Council to consider. She stated the goal today is to vote on each issue so the planning staff can prepare the final version of these ordinances for the first reading to be held on March 7, 2017.

**Mr. Jason Rose**, Legal Counsel, Council Office, stated any votes taken today will not be the final decision. The vote is to direct the planning staff to prepare the ordinances consistent with votes taken today.

- *Trails plans that do not exist are referenced in the Ordinance*

**Council Member Snelgrove, seconded by Council Member Wilson, moved to direct staff to replace the draft language under 19.72.090(a) to read: “All proposed development in the Foothills and Canyons Overlay Zone shall be platted consistent with County general plans regarding trails, including those portions of the adopted Salt Lake County Parks and Recreation Master Plan that address trails and trail access locations.” The motion passed unanimously.**

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- *Ephemeral Stream setbacks for leach fields must be 100 feet per County and State Health regulations*

**Ms. Kimberly Barnett**, Associate Deputy Mayor, stated this amendment refers to ephemeral streams, which is a seasonal stream for spring runoff. This is not the other stream setback, which has caused great debate. The current draft does not address leach fields.

**Council Member Jensen, seconded by Council Member Wilson, moved to direct staff to replace the draft language under 19.72.130.d(3) to read: “Leach fields shall be set back 100 feet from the channel of an ephemeral stream. All buildings, accessory structures, and parking areas, or parking lots shall be set back at least 50 feet from the channel of an ephemeral stream.”**

**Council Member Snelgrove make a substitute motion to direct staff to replace the draft language under Section 19.72.130.d(3) to read: “All buildings, accessory structures, and parking areas or lots shall be set back at least fifty (50) feet from the channel of an ephemeral stream, as defined by its ordinary high water mark. Leach fields shall be set back as set forth in the Health Code.”**

**Ms. Barnett** stated both options are the same except one refers the applicant to the Health Code and the other lists the setback in the actual ordinance.

**Council Member Snelgrove** withdrew his motion.

**Council Member Jensen, seconded by Council Member Wilson, moved to direct staff to replace the draft language under 19.72.130.d(3) to read: “Leach fields shall be set back 100 feet from the channel of an ephemeral stream. All buildings, accessory structures, and parking areas or parking lots shall be set back at least 50 feet from the channel of an ephemeral stream.” The motion passed unanimously.**

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- *Clarify that MRZ may have exemptions to certain FCOZ regulations*

**Council Member Snelgrove, seconded by Council Member Newton, moved to direct staff to replace draft language under Section 19.72.040.a to read: “Conflicts. Unless specifically exempted or modified by the underlying zone, such as a Mountain Resort Zone, all development shall comply with the standards of this Chapter.” The motion passed unanimously.**

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- *Adding a definition for “undevelopable”*

**Council Member Jensen, seconded by Council Member Granato, moved to direct staff to add the following language under Section 19.72.200” “Undevelopable means that strict application of this title prevents the minimum development necessary to establish a permitted or conditional use in the underlying zone on the property.” The motion passed unanimously.**

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- *Should properties abutting the main road be allowed privacy fences?*

**Ms. Kimberly Barnett**, Associate Deputy Mayor, stated the revised draft allows six-foot privacy fences along main roads in the canyon. The Division of Wildlife Resources had concerns that the higher fence level could be a safety issue for wildlife.

**Council Member Snelgrove, seconded by Council Member Wilson, moved to direct staff to amend the draft language under Section 19.72.100c to read: “Fences in the front yards and along roadways shall not exceed forty-two inches in height.”**

**Council Member Newton** stated she has heard from residents asking for six-foot fences when necessary for security and privacy. She would like to know if that request was considered by the planning commission and what its concerns were.

**Council Member Bradley** stated the ability for wildlife to jump over a six-foot fence needs to be considered. He felt that 42 inches was appropriate in terms of wildlife being able to jump over fences and for the general enjoyment of the beauty of the canyon. The canyons are to be enjoyed by all. Tall fences close to the road also take away the ambience and aesthetic value of a canyon.

**Council Member Burdick** asked if the ordinance names the type of fences that can be constructed, such as chain link. If a fence is built using materials that can be seen through, it would make a difference.

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**Mr. Curtis Woodward**, Planner, Planning and Development Services Division, stated there are fencing standards within FCOZ. There are also provisions that allow for taller fencing around limited areas, such as a patio. The 42 inches applies to the outer edges of the property and along the public roads.

**Council Member DeBry** stated he was concerned with the type of fence, and did not want an animal getting impaled on a fence when trying to jump over it.

**Council Member Newton** asked if there was a way citizens could go before the planning commission for an exemption to the height limit if they lived in areas where there was a high vandalism rate.

**Council Member DeBry** stated he did not think it was a good idea to have a variance for this. People would come in requesting a variance just because of privacy. That would be problematic for the County.

**Council Member Burdick** asked if the 42-inch height applied to only front yards along the main road, or if it applied to side and back yards as well.

**Mr. Woodward** stated the fencing restrictions say no fence in excess of 42 inches in height may be constructed or installed outside the designated limit of disturbance. The limit of disturbance is the pocket immediate around the home. Also, there is a section on fencing under development standards that talks about material that can be used for fences. It prohibits the use of chain link fencing. Taller fencing can be used to fence in areas for privacy, such as a patio.

**Council Member Snelgrove, seconded by Council Member Wilson, moved to direct staff to amend the draft language under Section 19.72.100c to read: "Fences in the front yards and along roadways shall not exceed forty-two inches in height." The motion passed unanimously.**

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➤ *Add notification of Forest Service to Area Plan and Village Development Plan review*

**Ms. Kimberly Barnett**, Associate Deputy Mayor, stated the draft ordinance adds the sentence requiring the Forest Service to be noticed on any area plan or development plan review.

**Council Member Snelgrove, seconded by Council Member Jensen, moved to direct staff to add the following language under Section 19.13.050b and 19.13.060b: "Notification of the application shall be provided to the U.S. Forest Service." The motion passed unanimously.**

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- *Include “environmental dashboard” data in Area Plan and Development Plan process*

**Ms. Kimberly Barnett**, Associate Deputy Mayor, stated the County is developing an environmental dashboard, which will be a scientifically based, data rich tool for the public and decision makers to use to track the environmental health of the Central Wasatch Mountains. However, since it will not launch until next year and the name might change, the recommendation is to add language referring to environmental data.

**Council Member Snelgrove**, seconded by **Newton** moved to direct staff to amend the draft language under **Section 19.13.050.e(4)** and **19.13.060.c(2)** to read as follows:

**“Protection of the natural setting. Uses, activity, and density that are consistent with protecting the natural setting in which the property is located, based on the current environmental data available to Salt Lake County.”**

**“e. In assessing the impacts of the proposed development plan, has consideration been given to the current environmental data available to Salt Lake County.”**

The motion passed unanimously.

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- *Amend the definition of “outdoor recreation equipment”*

**Ms. Kimberly Barnett**, Associate Deputy Mayor, stated after debating if outdoor recreation equipment really belonged in the MRZ recreation district, it was decided to leave it as an allowed use, but to narrow the scope to exclude those types of equipment that rely on large flat areas, such as volleyball, baseball, and soccer.

**Council Member Newton**, seconded by **Council Member Snelgrove**, moved to direct staff to amend the draft language under **Section 19.13.090** to read: **“Outdoor Recreation Equipment. Playground equipment and accessory park related amenities, such as swing sets, slides, jungle gyms, sand boxes, picnic tables, and similar amenities (removing volleyball nets, baseball backstops, basketball standards, soccer goals.)”**

**Mr. Curtis Woodward**, Planner, Planning and Development Services Division, stated the planning commission thought it might be appropriate in a recreation area at the end of a trail to have a picnic area with a swing set. It did not want to allow for something large like a soccer field or a baseball field. It recommended limiting the scope of what is allowed.

**Council Member Burdick** asked how this would affect ski resorts.

**Mr. Woodward** stated the ski resorts did not have any objection to this amendment. Ski resorts are not interested in taking up a lot of space with soccer fields. They

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would rather reserve that area for ski slopes and other activities that are more important to their industry.

**Council Member Jensen** stated having volleyball nets or a basketball standard is totally different than having a baseball or soccer field.

**Council Member Wilson** stated this is something she would like to spend some additional time on and suggested it be brought back after the lunch break.

**Mr. Patrick Reimherr**, Senior Advisor & Director of Government Relations, Mayor's Office, stated the Council could have a conditional use for volleyball nets and basketball standards.

**Council Member Wilson** asked why this definition was needed.

**Mr. Woodward** stated the definition of outdoor recreation applies to both the FCOZ and MRZ. The village zone allows for additional recreation activities, such as swimming pools. What is allowed in the village zone is broader and is not tied to this limited definition.

**Mr. Zachary Shaw**, Deputy District Attorney, stated the ordinance identifies outdoor recreation equipment as an appropriate use. If outdoor recreation equipment is designated as a conditional use, it would be subject to the conditional use process.

**Council Member Wilson** stated it would make more sense if the wording "similar amenities" was replaced with "specific allowances."

**Council Member Jensen** stated in order to put a jungle gym, swing set, or a picnic area in at the end of a trail, there would need to be some way of anchoring it. If cement was used, he did not think it was a big deal to pour additional cement for a basketball standard or volleyball poles, or add more sand for a volleyball court and not just a sandbox.

**Council Member Newton** withdrew her motion.

**Council Member DeBry** stated the Council will revisit this item later in the meeting.

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➤ *Address parking and traffic congestion concerns in the MRZ village*

**Council Member Snelgrove**, seconded by **Council Member Granato**, moved to direct staff to amend the language of Section 19.13.060(c) to include the following:

**Access and Circulation.** Does the proposed development provide adequate access and circulation? Are traffic congestion mitigation techniques included as part of the Development plan?

**Site Grading and Snow Removal.** Do buildings and site grading provide simple, at-grade entrances and minimize extensive grade-changes along building exteriors? Is adequate snow storage accommodated?

**Parking.** Have the following issues been addressed? 1) the probable number of cars to be operated by those using the proposed development and the nature of the proposed uses; 2) the availability of public transit and other transportation facilities, including those for pedestrian access; 3) the commitment to utilize automobile disincentive techniques in the proposed development; and 4) the potential for joint use of common parking."

The motion passed unanimously.

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- *Should Salt Lake City's extraterritorial jurisdiction be recognized in FCOZ? Should other watersheds be protected as well?*

**Mr. Curtis Woodward**, Planner, Planning and Development Services Division, stated this section of the ordinance was worded clearly by the District Attorney's Office to acknowledge Salt Lake City's jurisdiction while not giving the impression that the County was handing off approval to another jurisdiction. The question is whether or not the County should recognize other watersheds it would like protected in the canyons. The planning commissions felt the watersheds should be recognized by including a sentence, that states: "that other water providers also have established protected watersheds in the canyons." By adding this sentence it acknowledges the power given to Salt Lake City water under State law, but the County would notify other water providers of development within their watersheds.

**Council Members Burdick** asked for a definition of extraterritorial jurisdiction.

**Mr. Woodward** stated it means outside of municipal city boundaries. A city is given jurisdiction over a watershed that is outside of the its boundaries, but it would still have power to enact ordinances and regulations as to what happens in those watersheds

**Council Member DeBry** asked if the watershed companies other than Salt Lake City would just receive a notification. The other watershed companies did not have any recourse if a developer infringed upon its watershed.

**Mr. Woodward** stated the County would seek their input so it could advise an applicant.

**Council Member Snelgrove** stated watershed issues are much broader than just Salt Lake City's. All watershed companies should have a seat at the table. He suggested the ordinance be amended to include: "All development in the county impacting surface water, wells, storage facilities, or aquifers located within protected watershed areas shall be referred to

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the water provider to confirm compliance with applicable ordinance and watershed protections standards. If confirmation is not received within the time prescribed by County ordinance for processing applications, the planning commission or director may approve the application subject to confirmation being received prior to the building permit being issued.”

**Council Member Burdick** asked if this meant that all watershed companies were equal to Salt Lake City’s and have extraterritorial jurisdiction.

**Mr. Woodward** stated that is one of the concerns he would have. Salt Lake City has the regulatory authority granted by state law. The other providers do not have the regulatory authority. The amendment would grant power to the water companies that they legally do not have. He asked if the Council wanted to do that or just notify the other watershed companies.

**Council Member Burdick** stated the proposal of acknowledging other watershed companies gives the impression they have the same rights as Salt Lake City. That could be problematic.

**Mr. Zachary Shaw**, Deputy District Attorney, stated the difference is with the other water companies, it is just a notification, but with Salt Lake City, the County would wait until it receives a certification that the application meets all ordinances and regulations before moving forward.

**Council Member Burdick** stated the ordinance needs to be redrafted to make it clearer.

**Mr. Shaw** asked if the Council wanted to grant the extra authority to all water companies or if it just wanted to notify them.

**Mayor Ben McAdams** stated receiving more input is always helpful; however, he did not think it was necessary to add seven new regulatory authorities to the approval process. The notification makes sense; it invites input but does not grant other watersheds a regulatory role.

**Council Member Jensen** suggested the Council put this item on hold until later in its meeting.

[Later in the meeting:]

**Ms. Kimberly Barnett**, Associate Deputy Mayor, presented the following updated language:

**Council Member Newton, seconded by Council Member Granato, moved to direct staff to amend Section 19.72.030.D as follows:**

**“Salt Lake County recognizes that Salt Lake City has extraterritorial jurisdiction for protection of its watershed located in the canyons east of Salt Lake City from City Creek Canyon south to Little Cottonwood Canyon. All development in the County impacting surface water, wells, storage facilities, or aquifers located within Salt Lake City watershed areas shall be referred to Salt Lake City to confirm compliance with applicable ordinances and watershed protection standards. If confirmation is not received within the time prescribed by County Ordinance for processing applications, the planning commission or director may approve the application subject to confirmation being received prior to a building permit being issued. The County shall notify other water providers of which the County is aware that have protected watersheds in the canyons and may have authority over the proposed development within those areas. Notification shall include a copy of the application, any public hearing dates for the application, and contact information for the County Planning and Development Services Division.”**

**The motion passed unanimously.**

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- *From what perspective should significant views be protected in clustered development?*

**Council Member Snelgrove moved to direct staff to include the draft version with no changes.**

**Council Member Jensen** stated being specific is both good and bad. There might be other places where the natural landscape should be preserved

**Council Member DeBry** asked for a definition of a cluster development.

**Mr. Curtis Woodward**, Planner, Planning and Development Services Division, stated a cluster development allows a developer to cluster homes in smaller lots in exchange for the remaining area to remain open space. There is the risk of a development becoming more intense, which is why there are standards to say clustering is a good idea, but not at the expense of creating something that causes problems visually. The draft ordinance states that construction cannot break the skyline as seen from the street. The Mountainous Planning District Planning Commission recommended the language be amended to include “as seen from the streets and existing trails.” The County Planning Commission recommended removal of this sentence.

**Council Member DeBry** stated it would be problematic to include trails. It is too vague of a term.

**Council Member Bradley** stated this language acknowledges that trails have some standing. There is no harm leaving trails in this sentence.

**Council Member Snelgrove** stated if trails were added, it could apply to every square foot within the canyons.

**Council Member Jensen** asked what the definition of an existing trail is.

**Mr. Woodward** stated there is not a definition in the ordinance.

**Mr. Shaw** stated if existing trails was included in this ordinance, there would need to be a definition. It could be tied to the County's trail map.

**Council Member Bradley** stated it would be safe to say trails are those that show up on the County's map of trails. Trails can be defined as those shown on a map, having a trailhead, and being maintained.

**Council Member Snelgrove, seconded by Council Member Jensen, moved to approve the draft version of Section 19.72.050.c(4) with no changes, which indicates that trails are not included. The motion passed 5 to 4 with Council Members Snelgrove, Jensen, Burdick, Newton and DeBry voted in favor, and Council Members Wilson, Granato, Bradley and Bradshaw voting in opposition.**

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➤ *6-inch caliper vs. 4-inch caliper trees*

**Mr. Curtis Woodward**, Planner, Planning and Development Services Division, stated the revised ordinance emphasizes live trees, and the size is changed from 6-inch to 4-inch caliper trees.

**Council Member Wilson moved to go to 5-inch caliper trees. The motion died due to the lack of a second.**

**Council Member Jensen** asked if there was an issue in the code where this section was in conflict with another one. He did not understand why there was a need to change to a smaller caliper.

**Mr. Ralph Chamness**, Deputy District Attorney, stated this is strictly a policy call.

**Council Member DeBry** asked how the ordinance addresses a half-dead tree.

**Mr. Woodward** stated the ordinance allows an exemption for removal of dead trees, and the creation of defensible space. There would not be a problem in removing a half-dead tree if the County received certification that it was beyond saving.

**Council Member Burdick, seconded by Council Member Newton, moved to approve the current version of Section 19.72.200.**

**Council Member Jensen** asked for a definition of removal.

**Mr. Woodward** stated it means to cut down.

**Council Member Jensen** stated that needed to be made clear in the ordinance. He thought removal was to cut down and take away. He asked if an individual could take wood off of a tree and not cut it down.

**Mr. Woodward** stated if the tree is cut down, then it is considered removed.

**Council Member Burdick, seconded by Council Member Newton, moved to approve the current version of Section 19.72.200. Council Member Newton amended the motion to direct staff to go with the revised draft of Section 19.72.200, with an amendment to read: Live trees of six-inch caliper or greater, groves of five or more smaller live trees, or clumps of live oak or maple covering an area of fifty square feet to the drip line perimeter. The motion passed 5 to 4 with Council Members Newton, Burdick, DeBry, Jensen and Snelgrove voting in favor and Council Members Wilson, Granato, Bradshaw and Bradley voting in opposition.**

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- *Remove the TDR Section and all references to it from the MRZ*

**Council Member Bradshaw, seconded by Council Member Granato, moved to remove the TDR section from the MRZ. The motion passed unanimously.**

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- *Amend the FCOZ exceptions paragraphs 1 and 2 in MRZ recreation and MRZ village sections.*

**Mr. Curtis Woodward**, Planner, Planning and Development Services Division, stated this section says the planning commission may impose conditions of approval. The planning commission recommends that: 1) maybe changed to shall as necessary, 2) change the list of uses for which an exemption can be applied for to match the uses listed under permitted and conditional use, and 3) add criteria when looking at imposing conditions of approval to make sure there is no unintended trespassing onto adjoining land.

**Council Member Newton, seconded by Council Member Bradshaw, moved to direct staff to amend Section 19.13.020.c and 19.13.040.f to read as follows:**

**Change “may” to “shall, as necessary” only in 19.13.030.c(2) and 19.13.040.F(2). Changes as needed to be consistent with the revised permitted and conditional use list under paragraph 1. Also add under paragraph 2. “f. Discourage unintended trespass onto adjoining land.” The motion passed unanimously. Council Members Wilson and Jensen were absent for the vote.**

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- *Add a tree replacement section (f) for new and expanded ski runs*

**Mr. Curtis Woodward**, Planner, Planning and Development Services Division, stated this section would require tree replacement if a ski resort were to expand or add new ski runs. The Mountainous Planning District Planning Commission recommended this section include a requirement that removal of significant trees shall be accompanied by a forestry study prepared by a certified forester. There are times when tree removal is good in order to protect the overall health of the forest.

**Council Member Newton**, seconded by **Council Member Granato**, moved to direct staff to amend **Section 19.13.030** to read:

**F. Tree Replacement.** Any application for a new or expanded ski run that includes the removal of significant trees shall be accompanied by a forestry study prepared by a certified forester that includes mitigation measures to protect the overall health of the forest in harmony with the purpose and intent of section 19.72.110 of the Foothills and Canyons Overlay Zone. Conditions of approval may be imposed to mitigate the impacts of the removal of significant trees.”

The motion passed unanimously. Council Member Wilson was absent for the vote.

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[The Council recessed at [11:33:59 AM](#) and reconvened this discussion at [2:33:34 PM.](#)]

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- *Purpose Statement*

**Council Member Bradley** stated he feels the current purpose statement weighs too heavily on the need to balance development interests with environmental interests. If the Council continues to compromise between the two, it will slowly lose the battle. He submitted a new purpose statement for the Council to consider. The purpose statement acknowledges the environmental sensitivity of the area, the Council responsibility to manage it, as well as the sanctity of property rights.

**Council Member Burdick** stated he was concerned about changing the purpose statement so late in the process. The purpose statement is what guides the whole process.

**Council Member Bradley** stated the canyons are not just another piece of property. They are different and unique, and need to be protected. He did not think anyone would object to his list of standards. The proposed statement is not prohibitive, but it declares the Council’s intent to preserve the canyons as much as possible.



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**Council Member Bradley, seconded by Council Member Wilson, moved to direct staff to amend 19.72.010 to read:**

**19.72.010 Purpose**

**The general purpose of the Foothills and Canyons Overlay Zone is to ensure that development is safe and environmentally sensitive. Specifically, these standards are intended to:**

- A. Preserve the visual and aesthetic qualities of the foothills, canyons, and prominent ridgelines as defined herein.**
- B. Protect public health and safety by adopting a standard designed to reduce risks associated with natural and man-made hazards.**
- C. Provide efficient, environmentally sensitive, and safe vehicular and pedestrian circulation.**
- D. Require development that conforms to the natural contours of the land and minimizes the scarring and erosion effects of cutting, filling, grading on hillsides, ridgelines, and steep slopes.**
- E. Prevent destabilization of fragile soils, defacing of steep slopes, and degradation of water quality.**
- F. Minimize disturbance to existing trees, vegetation, conserve wildlife habitat, protect aquifer recharge areas, and otherwise preserve natural areas by encouraging clustering or other design techniques to preserve the natural terrain.**
- G. Reduce flooding by protecting streams, drainage channels, absorption areas, and floodplains.**
- H. Respect private property rights.**
- I. Recognize the link between environmental protection and economic prosperity in the canyons.**
- J. Clarify and simplify the site plan application and approval process.**

**Council Member Wilson** stated the planning commissions and the Blue Ribbon Commission that came up with the purpose statement were advisory groups to the Council. It lands in the Council's hands to decide what it wants to do. The canyons impact the growth and the development of Salt Lake County. They are the economic engine of the entire County.

**Council Member Snelgrove, seconded by Council Member Newton, made a substitute motion to leave the wording as currently proposed in the draft ordinance.**

**Council Member Snelgrove** stated balance is an issue the Council needs to strive for. He believes in the principles of multiple uses in the canyons; whereby, many people can enjoy the canyons to the extent they want. That is why the canyons are such a crown jewel, a treasured part of Salt Lake County. The Council needs to enhance that multi-use and provide a balance between preservation and environmental considerations, preserving property rights, and allowing careful and cautious development where appropriate.

**Council Member Bradley** stated the effort for balance, and encouraging development in the canyon is putting the canyons at risk. It is always appropriate to preserve aesthetic quality of the foothills and canyons. It is a higher priority to protect the canyons than to promote development. Once the ordinances are codified, the Council cannot go back and reverse its mistakes; however, if it errs on the side of being too conservative, then it can make adjustments.

**Council Member Jensen** stated the purpose statement was probably in place when the original FCOZ ordinance was adopted. This is where it is today and the Council needs to recognize what has taken place in the past. The original purpose statement strikes a good balance. By not voting for Council Member Bradley's revised statement, that does not mean the Council wants to go out and destroy the canyons. No one wants that.

**Council Member Snelgrove, seconded by Council Member Newton, made a substitute motion to direct staff to leave the wording as currently proposed in the draft ordinance. The motion passed 5 to 4 with Council Members Snelgrove, Newton, DeBry, Jensen, and Burdick voting in favor and Council Members Bradley, Bradshaw, Wilson and Granato voting in opposition.**

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➤ *Add Section (G) regarding area plan/MRZ boundary amendments*

**Council Member Snelgrove, seconded by Council Member Bradshaw, moved to direct staff to add the following subsection to 19.13.050:**

**"G. Plan Amendments. A previously approved MRZ Area Plan may be amended subject to the review procedures in Subsection 19.13.050(d) to propose changes to any information contained in 19.13.050(C)(1) through (4) above, including to change the boundaries of the MRZ-village and the MRZ-recreation districts or to add land that has been acquired by a resort through land trade involving properties within Big or Little Cottonwood Canyons."**

**The motion passed unanimously.**

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➤ *Conditional and permitted uses in the MRZ village district*

**Mr. Curtis Woodward**, Planner, Planning and Development Services Division, highlighted the differences between the recommendations from the current draft, Mountainous Planning District Planning Commission, County Planning Commission, and the Mayor. He passed out an information sheet showing what uses would be permitted, conditional, or not allowed in the village and recreation districts.

**Council Member Wilson** stated there are a few items listed that she had some concerns about and would favor going through the list item by item. She listed the following items suggesting they be allowed in the village district, but be a conditional use in the recreation district:

- Tram Way station
- Passenger Ski Based Terminal
- Ski Tow Rope
- Ski Lift
- Ski Tram
- Ski Run
- Outdoor Events and Outdoor Music
- Resort Support Commercial
- Rope Courses
- Disc Golf

She has strong concerns about allowing a mountain bike terrain park anywhere in the Wasatch Canyons. These parks take up a lot of space and rip up the mountain sides. They are not an appropriate use for the canyons.

Zip lines are different from each other and she would like to limit their use. However, she was not sure on the best method to follow. The use could be limited to the number of turns or the distance. She would like to study this further before deciding.

The Wasatch Canyons are not an appropriate place for a mountain coaster.

**Council Member Snelgrove, seconded by Council Member Newton, move to direct staff to use language as recommended by the County Mayor and the County Planning Commission.**

**Council Member Newton** stated the Mayor's recommendation already includes recommendations from the Mountainous Planning District Planning Commission. She asked if the motion was to include the County Planning Commission's recommendations instead.

**Council Member Snelgrove** clarified his motion.

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**Council Member Snelgrove, seconded by Council Member Newton, moved to direct staff to amend the proposed draft to include language recommended by the Mayor (which is the Mountainous Planning District Planning Commission's recommendation), with additional requirements for "natural resource based recreation."**

**Council Member Wilson** stated she is opposed to the motion because additional research needs to be done. However, she would caution the Council regarding the Mountain Bike Terrain Park.

**Council Member Newton** stated the Mountain Bike Terrain Park is listed as a conditional use for both the village and recreational districts. That fact satisfies some issues because a developer would have to go before the planning commission for approval. The park would be carefully looked at.

**Council Member Snelgrove, seconded by Council Member Newton, moved to direct staff to amend the proposed draft under Section 19.13.040.A and 19.13.040.B to include language recommended by the Mayor (which is the County Planning Commission recommendation), with additional requirements for "natural resource based recreation." The motion passed 5 to 4 with Council Members Snelgrove, Newton, Burdick, Jensen and DeBry voting in favor, and Council Members Bradley, Wilson, Granato and Bradshaw voting in opposition.**

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➤ *Conditional and permitted uses in the MRZ recreation district*

**Mr. Curtis Woodward**, Planner, Planning and Development Services Division, stated many of the recreational uses are listed in both the village and recreation districts because many will start in one district and end in the other.

**Council Member Snelgrove, seconded by Council Member Burdick, moved to direct staff to amend the proposed draft under Section 19.13.030.A and 19.13.030.B to include language recommended by the Mayor (which is the Mountainous Planning District Planning Commission recommendation) with additional requirements for "natural resource based recreation." The motion passed unanimously.**

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➤ *Add a definition of "natural resource based recreational facility"*

**Mr. Curtis Woodward**, Planner, Planning and Development Services Division, stated the definition of natural resource based recreational facility was taken directly from the federal legislation. The planning commission wanted to match what the Federal Forest Service did.

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**Council Member Bradshaw, seconded by Council Member Granato, moved to instruct staff to amend Section 19.13.090 as recommended by the Mountainous Planning District Planning Commission.**

**Council Member Newton** asked if the intent was to adopt the language of the County Planning Commission, which added the words “activity or facility.”

**Mayor Ben McAdams** stated the Council could instruct the Planning and Development Services Division to have the language conform to the federal language.

**Council Member Bradshaw, seconded by Council Member Granato, moved to instruct staff to amend Section 19.13.090 as recommended by the Mountainous Planning District Planning Commission, but to conform to the federal language for consistency.**

**Council Member Bradshaw** stated if the Mountainous Planning District Planning Commission language is in conflict with the federal language, then the Council needs to know.

**Council Member Snelgrove, seconded by Council Member Burdick, moved to instruct staff to amend Section 19.13.090 to include wording as recommended by the County Planning Commission.**

**Council Member Wilson** stated she did not want to be locked into a definition especially if the vote taken today is not final. The language is just a guide for the Council. It does not have to use the federal language because the County is not receiving funds of any kind for this.

**Council Member Jensen** stated the language is the federal language. The only change is the County is adding the word “facility.”

**Council Member Snelgrove, seconded by Council Member Burdick, moved to instruct staff to amend Section 19.13.090 to include wording as recommended by the County Planning Commission. The motion passed 6 to 3, with Council Members Wilson, Granato, and Bradley voting in opposition.**

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[The Council recessed at [3:54:38 PM](#) and reconvened at [4:29:24 PM](#)]

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- *Limit MRZ boundaries to existing resort boundaries*

**Mr. Curtis Woodward**, Planner, Planning and Development Services Division, stated this section deals with whether the MRZ boundary should be tied to the Forest Service

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permit boundary or some other boundary. The District Attorney's Office suggested the following change to the language in the draft ordinance:

*"The minimum area requirement for a Mountainous Resort Zone shall be 1,000 contiguous acres located within the Salt Lake County Mountainous Planning District and may not exceed the acreage or boundaries acknowledged in the adopted County General Plan as a ski resort or mountain resort."*

**Council Member Bradshaw, seconded by Council Member Newton, moved to direct staff to include the above language in Section 19.13.020. The motion passed unanimously. Council Member Granato was absent for the vote.**

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➤ *Setbacks from perennial streams*

**Mr. Curtis Woodward**, Planner, Planning and Development Services Division, stated the current code requires a 100-foot setback for all structures and septic drain fields. However, there are administrative waivers that can reduce the setback to 75 feet. If a lot is deemed unbuildable at 75 feet, the setback can be reduced to 50 feet. The proposed revised draft changes the setback to 50 feet for structures, but leaves a 100-foot setback for the septic drain fields. Administrative waivers have been removed. The Mountainous Planning District Planning Commission recommended the current code of 100 feet with the avenues of relief to 75 or 50 feet. The County Planning Commission recommended approval as drafted. The Mayor's Office is recommending a 100-foot setback for all development and removal of the 75-foot waiver, but to keeping the 50-foot waiver in cases where the lot would otherwise be undevelopable. The recommendation also includes a provision that the County has the right to negotiate purchase of the lot in lieu of a waiver.

**Council Member Bradley** asked what criteria the County has that would render a lot unbuildable.

**Mr. Woodward** stated undevelopable means that *"strict application of this ordinance prevents the minimum development necessary to establish a permitted or conditional use in the underlying zone on the property."*

**Council Member Newton** asked what the setback guidelines from the Environmental Protection Agency (EPA) and the State Department of Environmental Quality were.

**Mr. Woodward** stated both the EPA and the State Department of Environmental Quality require a 50-foot setback.

**Council Member Snelgrove, seconded by Council Member Burdick, moved to direct staff to use the language in Section 19.72.130.D as found in the draft ordinance,**

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**which includes 50-foot setback for all structures and a 100-foot setback for all septic drain fields.**

**Council Member DeBry** asked why it was necessary to reduce the setback requirement.

**Mr. Woodward** stated this is an attempt to simplify the ordinances to be consistent between Salt Lake County ordinances and the Health Code requirements.

**Council Member Bradley, seconded by Council Member Bradshaw, made a substitute motion to direct staff to change language under Section 19.72.130.D to be consistent with the Mayor's recommendation.**

**Council Member Bradley** stated this goes beyond water quality. There are other considerations, such as the degradation to the stream and stream banks, habitat mobility along the corridor of the river, and aesthetic considerations.

**Council Member Newton** stated as much as the County wants to respect the environment, ski resorts, and commercial interests, it also needs to look at the property rights of canyon residents. The 50-foot setback is consistent with EPA and state requirements.

**Council Member Wilson** stated property owners have known what the limitations were on their properties. This is not a takings. This is for the greater good to preserve what the County has.

**Council Member DeBry** requested clarification on the Mayor's recommendation, which provides for the County to negotiate purchase of a lot in lieu of a waiver.

**Mr. Woodward** stated the Mayor is recommending the County negotiate a purchase price instead of waiving the setback on an undevelopable parcel.

**Council Member Burdick** asked if Salt Lake County would make the determination if a lot was undevelopable.

**Mr. Woodard** stated yes; however, it would be based on slope and setback requirements.

**Council Member Burdick** stated it did not seem right that the County would decide if a lot was undevelopable and then have the right of first refusal to purchase it. The County should not be in a position to take value of land away because it is undevelopable and then have the right to purchase it.

**Council Member Wilson** stated the Mayor's intent is just to say that if a property owner wants to sell his property, then the County would be interested in purchasing it.

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**Council Member Bradley, seconded by Council Member Bradshaw, made a substitute motion to direct staff to change language under Section 19.72.130.D to be consistent with the Mayor's recommendation. Council Member DeBry amended the motion to remove the part where the County has the right to negotiate purchase of the lot in lieu of a waiver.**

**Council Member DeBry** stated this motion would provide for a 100-foot setback, which could be negotiated down to 50 feet, but it does not give the County the right to negotiate for purchase of the property instead of providing a waiver.

**Council Member Wilson** stated there are three parts to the Mayor's recommendation: 1) A 100-foot setback, 2) removal of the administrative waiver, and 3) the right to negotiate for purchase of the lot.

**Council Member Bradley** asked if the amendment would take the ordinance back to what is currently in place.

**Mr. Woodward** stated no. The current code allows staff to waive the 100-foot setback to a 75-foot setback, and then if the lot is still deemed unbuildable, the setback requirement can be waived to 50 feet. The Mayor's recommendation does not include the 75-foot setback waiver.

**Council Member Jensen** asked if an applicant could pick a random square footage for his structure, but it was deemed undevelopable, whether he could get an exemption to the setback requirement.

**Mr. Woodward** stated no, it is a combination of a number of factors, such as the minimum length and width in the zoning ordinance, whether it is a sewer system or a septic tank system, an drain fields and space required to meet the minimum distance on each of these. The bottom line is whether or not a dwelling meets those standards that are in the code for a dwelling. There is nothing in the code that prevents a person from getting as big of a home as he wants.

**Council Member Bradley** stated he would be willing to remove the negotiation portion from his motion, and requesting the Mayor's Office provide clarification on the intent of the negotiation.

**Ms. Kimberly Barnett**, Associate Deputy Mayor, stated she would speak to the Mayor and get back to the Council on this.

**Council Member DeBry** stated he would vote in favor of the motion as long as the negotiation part was not included.

**Council Member Bradley, seconded by Council Member Bradshaw, made a substitute motion to direct staff to change language under Section 19.72.130.D to be consistent with the Mayor's recommendation. Council Member DeBry amended the**



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**motion to remove the part where the County has the right to negotiate purchase of a lot in lieu of a waiver. Council Member Bradley accepted the amendment. The motion failed 4 to 4 with Council Members Bradley, Bradshaw, Wilson and DeBry voting in favor, and Council Members Jensen, Newton, Snelgrove and DeBry voting in opposition. Council Member Granato was absent for the vote.**

**Council Member Snelgrove, seconded by Council Member Burdick, moved to direct staff to use the language in Section 19.72.130.D as found in the draft ordinance, which includes 50-foot setback for all structures and a 100-foot setback for all septic drain fields. The motion failed 4 to 4 with Council Members Bradley, Bradshaw, Wilson and DeBry voting in favor and Council Members Jensen, Newton, Snelgrove and DeBry voting in opposition. Council Member Granato was absent for the vote.**

**Council Member Bradshaw** stated the Council should wait to consider this motion when all Council Members are present.

**Council Member DeBry** stated this section along with the additional sections the Council did not review today will be considered during the March 7, 2017, Committee of the Whole meeting.

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Pending Consent Decree Litigation and Related Legislation

**Council Member Jensen, seconded by Council Member Bradshaw, moved to close the open session of the Committee of the Whole meeting to discuss imminent litigation. The motion passed unanimously.**

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The Council reopened the meeting by motion during the closed session.

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[The Council recessed at 12:21:33 PM and reconvened at [1:37:43 PM.](#)]

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Presentation of PILT Payment ([1:37:43 PM](#))

**Mr. Jason Vernon**, Regional Supervisor, Utah Division of Wildlife Resources, presented the County with a check for \$811.00 as "Payment in Lieu of Taxes (PILT)." PILT are federal payments to local governments to offset losses in property taxes due to non-taxable federal lands within their boundaries. In this case, the payment is for the Lee Kay Center in Salt Lake City.

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**Mr. Riley Peck**, Regional Wildlife Manager, Utah Division of Wildlife Resources (DWR), highlighted Herriman City's program to remove in-town deer by trapping, testing, and relocating resident deer. The program is a joint venture with DWR and is going very well. So far, 78 deer have been relocated.

**Council Member DeBry** asked about expected winter kill of wildlife this year due to heavy snowfall.

**Mr. Peck** stated winter kill might be more extensive in northern parts of the state, where snowfalls have been greater. From the Salt Lake area south, the results should be better.

**Mr. Bruce Johnson**, Lieutenant, Utah Division of Wildlife Resources, stated DWR typically has two officers and a sergeant assigned to Salt Lake County. Five other officers are within a 20 minute response time. His office also works extensively with the Unified Police Department (UPD) and city police departments.

**Mr. Vernon** stated the Millcreek Canyon fish restoration project has been completed. With the help of volunteers, DWR removed non-native fish from the creek and restocked it with native Bonneville Cutthroat Trout. DWR also has eight community fishing ponds in the County that are stocked with various types of fish. The Lee Kay Center is also available to the public for shooting, archery, dog training, and more.

**Council Member DeBry** stated he uses the Lee Kay shooting range a couple times a year and has been impressed with the knowledge and professionalism of the safety volunteers.



Legislative Team Update ([1:53:01 PM](#))

*S.B 205. – Area Assessment Amendments (Sen. Kevin T. Van Tassell)*

*This bill amends the process for protesting the designation of an assessment area. It defines terms; and amends a definition relating to the number of protests required to prevent the designation of a sewer assessment area.*

**Mr. Gary Edwards**, Director, Salt Lake County Health Department, reviewed the bill that amends a definition relating to the number of protests required to prevent the designation of a sewer assessment area from 40 percent to 70 percent. It would apply to areas where septic systems are failing and the best approach to the problem is connection to a sewer system. He stated this bill would help the Salt Lake County Health Department address potential septic system problems in the County. It is primarily to support rural counties in the state where septic systems are much more prevalent. It would not affect the County much;

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however, if it did have a problem in the canyons, including Emigration Canyon, this would provide a way to better address that.

**Council Member Bradshaw, seconded by Council Member Jensen, moved to support S.B. 205. The motion passed unanimously.**

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*H.B. 308 – Public Health Education Module (Rep. Norman K. Thurston)*

*This bill requires the Department of Health to create an online education module regarding certain preventable diseases. It defines terms; requires the Department of Health to create an online education module regarding certain preventable diseases; amends the grounds for exemptions from required vaccines; requires the renewal of a student's vaccination exemption under certain conditions; requires the Department of Health to create a new vaccination exemption form; allows for the vaccination exemption form to be completed online in conjunction with the education module; and discontinues the practice of allowing local health departments to vaccinate students and recover costs.*

*H.B. 309 – Public Health in Schools (Rep. Norman K. Thurston)*

*This bill amends the vaccination requirements for school attendance. It defines terms; amends the Utah Health Code regarding vaccinations and records of student vaccinations; subject to certain exceptions, continues the requirement that a student receive certain vaccinations in order to attend school; requires the renewal of a student's vaccination exemption before the student begins grade 7; continues the practice of preventing a local education agency from receiving weighted pupil unit money for a student who does not comply with vaccination requirements; amends rulemaking authority of the Department of Health; addresses policies and procedures relating to vaccinations, recordkeeping, and disease outbreaks; and continues the practice of allowing local health departments to vaccinate students and recover costs.*

**Mr. Gary Edwards**, Director, Salt Lake County Health Department, stated these two bills are related, and they concerned him. The bills do not do anything to help the County in public health, and there is the potential to remove public health from the school immunization requirements. He recommended the Council stay neutral, but if the bills start to go the other way, to oppose them.

**Council Member Bradshaw, seconded by Council Member Jensen, moved to stay neutral on H.B. 308 and H.B. 309, and monitor them. The motion passed unanimously.**

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*H.B. 310 – Utah Statewide Immunization Information System Program (Rep. Norman K. Thurston)*

*This bill creates the Utah Statewide Immunization Information System program and requires health care providers to exchange information using the program's system. It creates the Utah Statewide Immunization Information System program; requires the department to make rules regarding the program; and requires health care providers to exchange immunization information using the program's system.*

**Mr. Gary Edwards**, Director, Salt Lake County Health Department, stated this is another immunization bill that would require all providers to report immunizations given to individuals into a statewide system. He asked the Council to support the bill. It has a large fiscal note, but he would still like to see it supported.

**Council Member Bradshaw, seconded by Council Member Jensen, moved to support H.B. 310. The motion passed unanimously.**

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*H.B. 333 – Utah Indoor Clean Air Act Amendments (Rep. Marc K. Roberts)*

*This bill amends the Utah Indoor Clean Air Act. It changes a temporary exemption for certain hookah establishments and e-cigarette establishments into a permanent exemption; and removes a sunset date.*

**Mr. Gary Edwards**, Director, Salt Lake County Health Department, reviewed the bill, wherein the temporary exemption for certain hookah establishments and e-cigarette establishments was for five-years, five years ago, to allow these business to re-work their business model. The exemption is set to sunset, and this bill removes that sunset. He stated this bill would have negative effects on the Indoor Clean Air Act, so he would like the Council to oppose the bill.

**Council Member Bradshaw, seconded by Council Member Jensen, moved to oppose H.B. 333. The motion passed unanimously.**

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*Food Truck Legislation (Sen. Deidre M. Henderson)*

*This bill would allow for the streamlining of the inspection and licensing of food trucks.*

**Mr. Gary Edwards**, Director, Salt Lake County Health Department, stated this is not a bill yet. He wanted the Council to be aware that when this bill comes out, if the language is written the way the draft language is, it would not be good for the County. It would not be

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good for public health, zoning for tax sales, or sales tax collection. He recommended monitoring it until the actual language came out.

**Council Member Bradshaw, seconded by Council Member Jensen, moved to monitor this legislation. The motion passed unanimously.**

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*S.B. 197 – Manufacturing Amendments (Sen. J. Stuart Adams)*

*This bill amends a sales and use tax exemption for manufacturing. It repeals a provision related to the economic life of machinery, equipment, or normal operating repair or replacement parts for purposes of a sales and use tax exemption related to certain business activities; and amends the sales and use tax exemption to include certain materials.*

**Ms. Kara Trevino**, Legislative Specialist, Council Office, stated this is the third time this bill has been proposed. It exempts manufacturing equipment, such as mining equipment. It affects state sales tax as well as local sales tax. In the past, the Council has taken a position to oppose it because it is a significant loss of sales tax to the County. The impact to the State's budget this year would be \$50 million, and the next year it would be \$60 million. She did not think it was going to pass, but the Council should take a position to oppose it.

**Council Member Bradshaw, seconded by Council Member Jensen, moved to oppose S.B. 197. The motion passed unanimously.**

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*H.B. 298 – Free Expression Regulation by Local Government (Rep. Norman K. Thurston)*

*This bill addresses local government regulation of free expression. It requires that a political subdivision pass an ordinance to impose a generally applicable time, place, or manner restriction on free expression and include a statement regarding the constitutional justification for the restriction; requires that a political subdivision ensure that a generally or individually applicable time, place, or manner restriction on free expression complies with certain constitutional requirements; prohibits a political subdivision from prohibiting political activities outside a public building.*

**Ms. Darcy Goddard**, Deputy District Attorney, stated H.B. 298 as originally drafted was impossible to comply with. It required the County to adopt an ordinance every time, place, or manner restriction on free expression countywide, both generally applicable and in connection with individual permit requests. It was crazy, and it would not work for the County. The requester of the bill has been responsive to comments, and just issued a substantially revised draft consistent with what the County sent them last night. Some tweaks still need to be

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made because there is circular section that makes no sense. It requires the Council to pass an ordinance in order to pass its ordinance on a policy. The District Attorney's Office is working to fix that. Other than that, the County is good.

**Ms. Kara Trevino**, Legislative Specialist, Council Office asked if Ms. Goddard wanted the Council to support this bill with language to fix that.

**Ms. Goddard** stated she thought the Council could stay neutral on it. The County already complies with the First Amendment in its permitting requirements; the bill really does not change that. All it would do is put into statute the requirements for time, place, and manner restrictions on speech, which the County already follows. When originally drafted, it was not done in consultation with Salt Lake City or Salt Lake County. Salt Lake City has about 500 permit applications a year and the County has over 100, so it would have been unworkable.

**Council Member Jensen, seconded by Council Member Burdick, moved to remain neutral on H.B. 298. The motion passed unanimously.**

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*S.B. 182 – Public Transportation Safety Oversight Amendments (Rep. Norman K. Thurston)*

*This bill modifies the Transportation Code by designating the Department of Transportation as the state safety oversight agency for rail fixed guideway public transportation safety. It provides definitions; provides directions to the state treasurer to transfer funds in certain circumstances to a county served by rail fixed guideway to cover costs of safety oversight; designates the Department of Transportation as the state safety oversight agency for rail fixed guideway public transportation safety; specifies the powers and duties of the Department of Transportation as the state safety oversight agency; requires the Department of Transportation to annually provide a status report on the safety of certain rail fixed guideway public transportation systems; and grants the Department of Transportation rulemaking authority to make rules necessary to administer and enforce the requirements of state and federal law as the designated state safety oversight agency.*

**Mr. Patrick Reimherr**, Senior Advisor & Director of Government Relations, Mayor's Office, stated this bill separates funds for oversight for the transit systems. The federal government agreed it did not make sense to have the entity being overseen pay the oversight funds to another entity. Part of the funds the County sends to the Utah Transit Authority (UTA) for taxes it imposes actually pay for oversight. If this bill passes, Salt Lake City would send those oversight funds to UDOT as opposed to the UTA.

**Council Member Jensen** asked if UTA was going to take a hit operationally, or if it was already spending the money on oversight.

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**Mr. Reimherr** stated it was his understanding UTA already spent those funds on oversight. The other plus of this bill is it would actually reduce the County's overall cost because the federal government would pick up 80 percent of the total oversight cost.

**Council Member Bradshaw, seconded by Council Member Granato, moved to support S.B. 182. The motion passed unanimously.**

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*H.B. 327 – Nighttime Highway Construction Noise Amendments (Rep. Kay J. Christofferson)*

*This bill modifies the Transportation Code by amending provisions relating to nighttime highway construction. It modifies the definition of "nighttime highway construction" to include activities related to and necessary for highway construction.*

*H.B. 360 – Public Transit Amendments (Rep. Stephen G. Handy)*

*This bill amends provisions related to public transit safety. It exempts an occupant of a paratransit vehicle operated by a public transit district from a requirement to wear a seatbelt; and enhances a drug-related charge if an offense occurs in a transit vehicle or within 100 feet of certain facilities related to public transit.*

**Mr. Patrick Reimherr**, Senior Advisor & Director of Government Relations, Mayor's Office, stated these bills have to deal with nighttime construction. Last year, the County put together a compromise with the Utah Department of Transportation (UDOT) around nighttime construction permitting. UDOT wanted more flexibility in securing permits, so the Salt Lake County Health Department negotiated some language that would work for the County and UDOT. The County had a strict definition of nighttime construction, which was between 10:00 p.m. and 7:00 a.m. Now, different people are trying to expand what nighttime construction actually means. H.B. 327 would add an additional type of activity that would be allowed between 7:00 p.m. and 7:00 a.m. It is a creeping in on the code. He was told it was for an issue in Morgan County, but other cities have expressed some concerns too, specifically, Cottonwood Heights. H.B. 360 is less problematic. It essentially exempts UTA from the rules that were agreed upon last year, but UTA was not specifically recognized last year.

**Council Member Newton** asked what provision in H.B. 327 would allow for 7:00 p.m. to 7:00 a.m. construction.

**Mr. Reimherr** stated the activities would be related to and necessary for highway construction, including the perforation and transportation of equipment or materials, and the manufacturing of materials at a gravel pit, mixing plant, or a similar site.

**Council Member Wilson** asked if it would be loud.

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**Mr. Reimherr** stated it could potentially be loud, but would not allow a jackhammer going into the ground.

**Council Member Jensen** stated he was bothered by the seatbelt regulation exemption for paratransit vehicles in H.B. 360.

**Council Member Newton** stated she was concerned about that too, and asked if there was some reason a person with a disability could not wear a seatbelt.

**Council Member Jensen** asked why H.B. 360 enhanced a drug-related charge for a transit vehicle. Drugs are bad no matter what.

**Council Member DeBry** stated because a transit vehicle driver transports other people.

**Council Member Bradshaw** stated the enhanced charge is not specific to the driver.

**Mr. Reimherr** stated this is public transit catchall bill. He would be happy to get more information on it.

**Council Member Bradshaw, seconded by Council Member Jensen, moved to monitor H.B. 327 and H .B 360, with direction that the Council wants the definition of nighttime construction to be what was decided upon last year. The motion passed unanimously.**

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*Appropriation Requests (Sen. Wayne Harper)*

**Ms. Kara Trevino**, Legislative Specialist, Council Office, stated Sen. Wayne Harper sponsored a couple of projects that the legislative team would like the County to support, one of which came out of the transportation appropriation subcommittee.

**Mr. Wilf Sommerkorn**, Office of Regional Development, stated the first request is a project that would link transit in the southern part of Davis County with Salt Lake City. It has been worked on for about three to four years. Some people have argued FrontRunner provides that service, but it does not really do that because people residing in South Davis generally do not use FrontRunner to go to Salt Lake. This enhanced transit program would provide that missing link. Davis and Salt Lake Counties, and the cities of Salt Lake, North Salt Lake, and Bountiful have been attempting to get funding for this, and there was actually a legislative proposal last year, but it disappeared. Davis County Commissioner Bret Millburn is heading up the effort right now. It looks like the Legislature will fund the environmental work and some preliminary engineering. Depending upon how much it funds, the County may be asked to contribute to the project. If so, the Office of Regional Development has funds in its budget for that. That would be done through an interlocal agreement.



The cities of Murray and Taylorsville are working on a similar project, phase one of which would run from the FrontRunner and Trax station at the Intermountain Hospital through part of Murray and to the Salt Lake Community College campus in Taylorsville. The second phase would eventually go to West Valley City near its City Hall to the Trax station there. The Legislature is looking at these two projects together. He asked the Council to support both projects.

**Council Member Jensen, seconded by Council Member Granato, moved to support the appropriation requests. The motion passed unanimously.**

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**Ms. Kara Trevino**, Legislative Specialist, Council Office, updated the Council on the following bills on which they have already taken a position:

*H.B. 115 – Solid Waste Revisions (Rep. Mike McKell)*

*This bill states that no person may own, construct, modify, or operate any facility or site for the purpose of transferring, treating, or disposing of nonhazardous solid waste without first submitting and receiving the approval of the director for an operation plan for that facility or site; modifies fee structures for nonhazardous solid waste streams; and makes technical changes.*

**Ms. Trevino** stated the Council has taken a position to oppose this legislation due to the change in funding. The bill is currently being held in committee. The Utah League of Cities and Towns and the Utah Association of Counties are working with the sponsor.

**Mr. Patrick Reimherr**, Director of Government Relations and Senior Advisor, Mayor's Office, stated as currently written, the bill will have a threefold increase in fees that the County will have to pass along. The County is working to get that figure brought down. The bill will also have the effect of bringing out-of-state waste into Utah.

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*S.B. 29 – Utah Marriage Commission Amendments (Sen. Allen Christensen)*

*This bill increases the marriage license fee by \$20 and creates a restricted account to support marriage and relationship strengthening efforts in the state; offers a couple a \$20 rebate if both parties complete premarital education or counseling that meets specific criteria; provides content requirements for premarital education and counseling; provides requirements for providers of premarital education and counseling; creates the Marriage Education Restricted Account; and provides a reporting requirement.*

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**Ms. Kara Trevino**, Legislative Specialist, Council Office, stated the Council opposed this bill because it involved a fee and premarital counseling. The bill failed in the Senate by a vote of 14 to 14.

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*H.B. 293 – Mountainous Planning District Amendments (Rep. Mike Schultz)*

*This bill modifies the areas that a municipal legislative body may designate as a mountainous planning district; amends repeal dates for provisions relating to mountainous planning districts; and makes technical and conforming changes.*

**Ms. Kara Trevino**, Legislative Specialist, Council Office, stated this bill was in committee yesterday and has a first substitute. Instead of a full repeal, it extends the sunset for three years.

**Mr. Patrick Reimherr**, Director of Government Relations and Senior Advisor, Mayor's Office, stated he heard from one Salt Lake County representative about concern that the Mountainous Planning District (MPD) would be extended to the Oquirrh Mountains and into the cities. It was clarified that the MPD only applies to the Central Wasatch Mountains and could not be extended.

**Ms. Trevino** stated Rep. Schultz wanted to add one more person to the commission who is a canyon property owner. The bill came out of committee with one dissenting vote.

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*H.B. 135 – Deposit of Public Funds (Rep. Adam Gardiner)*

*This bill amends the time frame requirement for an officer of a political subdivision to deposit public funds; and makes technical corrections.*

**Ms. Kara Trevino**, Legislative Specialist, Council Office, stated this bill has passed.

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*H.B. 143 – Tax Advisory Board Amendments (Rep. Adam Gardiner)*

*This bill modifies membership requirements for board members of a tax advisory board for a county of the first class.*

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**Ms. Kara Trevino**, Legislative Specialist, Council Office, stated this bill has passed on consent.

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*H.B. 239 – Juvenile Justice Amendments (Rep. Lowry Snow)*

*This bill addresses duties of prosecutors; modifies adjudications of minors under the Alcoholic Beverage Control Act; amends provisions related to sanctions and driver licenses; addresses education of certain persons under 21 years of age; amends provisions related to powers and duties of local school boards, charter school governing boards, school districts, or public school administrators; addresses reporting of certain conduct; addresses public school discipline policies; modifies provisions related to rules addressing prohibited conduct; enacts a tiered approach to disciplinary actions related to students; amends provisions related to disruptive student behavior; addresses contracts between LEAs and law enforcement for school resource officer services; modifies provisions related to controlled substances and prohibited acts; modifies sentencing requirements for minors and drug paraphernalia and controlled substances; repeals language regarding programs and procedures for minors committed to the custody of the Division of Child and Family Services; amends provisions related to in-home services; amends definition provisions; modifies provisions related to the Division of Juvenile Justice Services; modifies provisions related to restitution by a youth offender; addresses location of detention facilities and services; addresses commitment; modifies provisions related to the Youth Parole Authority; addresses discharge of youth offender; addresses youth services for prevention and early intervention; addresses community-based programs; modifies provisions related to the Commission on Criminal and Juvenile Justice; amends provisions related to minors and intoxication; amends provisions related to the buying and possession of a cigar, cigarette, electronic cigarette, or tobacco; addresses the Utah Indigent Defense Commission; addresses the jurisdiction of the juvenile court; enacts language regarding warrants; addresses when a minor may be taken into custody; addresses summons; repeals language regarding bench warrants; modifies provisions related minors being taken into custody or detention or alternatives; addresses when the attorney general represents the Division of Child and Family Services; modifies provisions related to the adjudication in juvenile courts; addresses a judgment, decree, or order and the rights and responsibilities of agency or individual granted custody, probation, or protective supervision; addresses fines, fees, and restitution; enacts provisions related to case planning and appropriate responses; enacts provisions related to detention risk assessment tool; amends provisions related to prosecutors and review of case; modifies the citation procedure; addresses a minor held in detention; modifies suspension of driver license; modifies jurisdiction of district court; modifies enforcement of contempt or a fine, fee, or restitution; addresses youth court; addresses right to counsel; addresses the imposition of fees and expenses;*

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*addresses jurisdiction of courts; and makes technical and conforming amendments.*

**Mr. Sim Gill**, District Attorney, stated he is a huge supporter of criminal justice reform with one caveat. It must be understood that any reform has to have a proportional financial investment to achieve its goals. This bill does three things:

1. Makes indigent defense available on all matters in juvenile court. This will mean a fiscal shift to all counties.
2. Takes all non-adjudicative matters handled by probation officers, and requires the District Attorney's Office to screen them. That will increase his case screening by 4,000 to 5,000 cases.
3. Severely limits the contempt power of juvenile court judges to hold juveniles who are non-responsive and non-compliant.

The objectives of the bill are admirable and he supports them. However, if the bill passes, he will be back to the Council in the next budget cycle asking for more resources.

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*H.B. 339 – Economic Development and Low Income Housing (Rep. Kim Coleman)*

*This bill removes the housing allocation requirement for community reinvestment project areas; and makes technical changes.*

**Ms. Kara Trevino**, Legislative Specialist, Council Office, stated this bill has been assigned a number. The Council opposed the bill because it removes the 10 percent set aside in Community Development Areas.

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*S.B. 250 – Alcoholic Beverage Policy Amendments (Sen. Jerry Stevenson)*

*This bill amends the provision related to bringing alcoholic products onto or removing alcoholic products from premises; modifies licensing requirements of an on-premise beer retailer that is not a tavern; modifies certain quotas; addresses licensing fees; amends the operational requirements for transferees; repeals the requirement that a person file a notice of intended transfer and makes conforming amendments; amends notice requirements related to notice of a transfer of a license; amends the application process for transfers; and makes technical changes.*

**Council Member Newton** stated she spoke with Scott Beck, President & Chief Executive Officer, Visit Salt Lake, about this bill to remove the Zion Curtain. Other provisions in

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the bill may make it more difficult for restaurants to get a liquor license. She asked that the County lobbying team speak to Mr. Beck and follow the bill.

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*H.B. 200 – Sexual Assault Kit Processing Amendments (Rep. Angela Romero)*

*This bill requires that all sexual assault kits, except for those classified as restricted kits, be tested to obtain DNA profiles; provides that testing of a sexual assault kit be completed within a specified amount of time; provides the process by which sexual assault kits shall be stored and transmitted for testing; provides that a sexual assault kit shall be classified as a restricted kit if the victim chooses not to interview with law enforcement about the sexual assault or sexual abuse; provides the guidelines and process for the retention and disposal of sexual assault kits; requires medical personnel who conduct sexual assault examinations to inform each victim of specified rights, available treatments, and services; authorizes the Department of Public Safety to develop and implement a statewide sexual assault kit tracking system; requires the Department of Public Safety and the Utah Prosecution Council to develop and offer training to law enforcement officers on responding to cases of sexual assault or sexual abuse; requires the Peace Officers Standards and Training division to provide training to persons seeking certification as a peace officer on sexual assault and sexual abuse; provides rulemaking authority for the Department of Public Safety to implement the tracking system, establish the timelines for processing sexual assault kits, and the submission of information for each sexual assault kit; and requires the Department of Public Safety to report to the Law Enforcement and Criminal Justice Interim Committee each year regarding the processing of sexual assault kits.*

**Council Member Snelgrove** stated a year or so ago, the Council took a position that the Sheriff's Office would test 100 percent of rape kits in the County. This bill would make that a requirement statewide.

**Council Member Snelgrove, seconded by Council Member Bradshaw, moved to support H.B. 200.**

**Ms. Kara Trevino**, Legislative Specialist, Council Office, stated this bill has passed out of committee and has a fiscal note of \$2.4 million.

**Council Member DeBry** stated the State will also provide additional funding and personnel to the crime lab to deal with this issue.

**Mr. Sim Gill**, District Attorney, stated in Salt Lake County, over 1,700 rape kits have been submitted for testing.

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**Council Member Snelgrove, seconded by Council Member Bradshaw, moved to support H.B. 200. The motion passed unanimously.**

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Board Appointments ([2:25:32 PM](#))

*Library Board*

Mayor Ben McAdams submitted a letter requesting the Council's advice and consent to the appointment of **Adam Gardiner** as a member of the Salt Lake County Library Board to serve a four-year term. His term will begin February 15, 2017, and end February 14, 2021.

After a question and answer period with Mr. Gardiner, the Council made the following motion:

**Council Member Wilson, seconded by Council Member Newton, moved to approve the appointment and forward it to the 4:00 p.m. Council meeting for formal consideration. The motion passed unanimously.**

Mayor Ben McAdams submitted a letter requesting the Council's advice and consent to the appointment of **Nancy Thorne** as a member of the Salt Lake County Library Board to serve a four-year term. Her term will begin February 15, 2017, and end February 14, 2021.

After a question and answer period with Ms. Thorne, the Council made the following motion:

**Council Member Granato, seconded by Council Member Newton, moved to approve the appointment and forward it to the 4:00 p.m. Council meeting for formal consideration. The motion passed unanimously.**

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**CONSENT AGENDA:** ([3:53:39 PM](#))

Board Appointments

Mayor Ben McAdams submitted a letter requesting the Council's advice and consent to the reappointments of **Max Chung, Byron Russell** and **Gay Cookson** as members of the Zoo, Arts and Park (ZAP) Tier I Advisory Board to serve three-year terms. Their terms began January 1, 2017, and will end December 31, 2019.

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Mayor Ben McAdams submitted a letter requesting the Council's advice and consent to the appointment of **Janell Fluckiger** as a member of the Salt Lake County Housing Authority to serve a partial term. Her term will end March 30, 2020.

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Mayor Ben McAdams submitted a letter requesting the Council's advice and consent to the reappointment of **Jennifer Johnston Jolley** as a member of the Housing Authority of Salt Lake County to serve a four-year term. Her term will begin February 15, 2017, and end February 14, 2021.

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Mayor Ben McAdams submitted a letter requesting the Council's advice and consent to the appointment of **Taylor Weavil** as a member of the Sugar House Authority Board to serve a partial term. Her term will end May 19, 2020.

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Mayor Ben McAdams submitted a letter requesting the Council's advice and consent to the reappointments of **Jake Garn** and **Jonathan Barnes** as members of the Clark Planetarium Advisory Board to serve three-year terms. Their terms will begin February 15, 2017, and end February 14, 2020.

**Council Member Bradshaw, seconded by Council Member Burdick, moved to approve the appointments and forward them to the 4:00 p.m. Council meeting for formal consideration. The motion passed unanimously.**

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#### Tax Matters

The Council reviewed the tax matters, which will be placed on the Council agenda for final approval and execution.

**Council Member Bradshaw, seconded by Council Member Burdick, moved to approve the tax matters and forward them to the 4:00 p.m. Council meeting for formal consideration. The motion passed unanimously.**

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Resolutions

The Council reviewed the following resolutions which have been placed on the 4:00 p.m. Council agenda for final approval:

*Resolutions*

*Shelter the Homeless Committee* regarding a \$100,000 appropriation to provide employment for a time-limited, one-year transition program manager.

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*Resolutions and Quit Claim Deeds*

*Mark D. Meeersman* to purchase surplus property located at 12983 South Kale Lane, Riverton, for \$379.19.

*Tailor Built Homes* to purchase surplus property located at 10633 South Savannah Drive, Sandy, for \$362.99.

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*Resolution, Right-of-Way Contract, and Quit Claim Deed*

*Utah Department of Transportation (UDOT)* to purchase surplus property located at 13065 South Redwood Road for \$8,400.

**Council Member Bradshaw, seconded by Council Member Burdick, moved to approve the resolutions, right-of-way contract, and quit claim deeds and to forward them to the 4:00 p.m. Council meeting for formal consideration. The motion passed unanimously.**

*Centro Civico Mexicano* regarding fee waiver at the landfill.

This item was not discussed.

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Mr. Michael Ongkiko, Director, Human Resources Division, submitted a letter requesting approval to offer employees a Community Supported Agriculture (CSA) benefit that would allow employees to purchase shares of a CSA and have their harvest boxes delivered to the Government Center and other Salt Lake County locations



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**Council Member Bradshaw, seconded by Council Member Burdick, moved to approve the request and forward it to the 4:00 p.m. Council meeting for formal consideration. The motion passed unanimously.**

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Mr. Michael Ongkiko, Director, Human Resources Division, submitted a letter requesting approval to start the Employee Job Slotting Appeals on February 15, 2017.

**Council Member Bradshaw, seconded by Council Member Burdick, moved to approve the request and forward it to the 4:00 p.m. Council meeting for formal consideration. The motion passed unanimously.**

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*Approval of Minutes*

**Council Member Bradshaw, seconded by Council Member Burdick, moved to approve the January 31, 2017, Committee of the Whole minutes. The motion passed unanimously.**

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The meeting was adjourned at [5:05:27 PM](#).

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Chair, Committee of the Whole

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Deputy Clerk

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