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Emigration Canyon Community Council (ECCC)

Emigration Canyon Community Council Minutes

November 10, 2015

Emigration Canyon Fire Station

7:00 PM

Officers Present: Rick Raile; Chair, Steve Borst; Co-Chair, Jessica Steed; Secretary.

Members Present: Joe Smolka, Tyler Tippetts, Kathy Christensen, Pat Struhs, Gary Bowen, Joan Gallegos.

Community Representatives Present: Rita Lund; SLCO, Officer Rusty Wright; UPD, Michael Conn; UFD, James Bennett; SLCo,

Welcome. Rick Raile.

Approval of the Minutes: Yes

Presentations:

James Bennett, SLCo Environmental Health Compliance Officer on Noise Ordinance.

James Bennett gave a history of the Noise Control Act. To this day we don't have any regulations that pertain to the noise or exhaust systems of cars or light duty trucks. As part of the Noise Abatement Programs, they started product labeling using Noise Reduction Rating (NRR) or Noise Rating for the product to tell how loud the product is. Once it leaves the manufacture, it's no longer under federal mandate. Private sellers can take off mufflers or modify the mufflers. The SLCo Health Dept adopted a noise ordinance to help communities, this changes depending on who is in office. The ordinance says you need to have a muffler on your bike or car, but nothing else as far as details for what kind of muffler. Many law enforcement officers have a hard time enforcing this, many are not educated on the regulations and ordinances of noise violation. The SL County Health Department has jurisdiction in the county, but the canyon patrol is the only one in the county enforcing this regulation. The criminal penalty is a class B misdemeanor, which can lead to a jury trial, so they write fix-it tickets to avoid the class B misdemeanor ticket. The health department's regulation is far more restrictive than the states: the muffler can't be modified from how it was originally manufactured. Tyler Tippetts asked about the custom cars that he makes (because he makes them he thereby becomes the manufacturer). James Bennett said custom cars are a problem and they are trying to figure out what to do with custom cars. James Bennett gave the details on what the decibels can be: motorcycles under 40 mph need to be less than 80, and over 40 mph needs to be less than 84. Up here in the canyon, there aren't very many places that are conducive to using a decibel meter. Another problem in the canyon is the wind (can't be more than 10 mph). There are many limiting factors in taking an accurate reading. But if the officer can see that the vehicle has muffler problems then he can investigate the vehicle for probable cause. The EPA sent a "letter of inquiry" to all manufacturers in 2012, to see if there is new technology that can reduce these levels. Owners are not allowed to tamper with the label on the muffler, and they are not allowed to "mismatch"

mufflers. Competition motorcycles (bullet bikes) are not allowed for road use, only within a motor sports facility. He showed pictures of legal mufflers, modified mufflers, no mufflers on vehicles. Contact information: James Bennett 385-468-3793, jbenett@slco.org. Website is slcohealth.org. Rick Raile asked about what kind of legislation would be a solution to this. 2 citizens from Big Cottonwood Canyon have gone to Mayor McAdams and he has authorized them to put forth a bill to the upcoming legislative session which would have 3 components: 1.) At vehicle inspection they will pass that inspection but if they have an illegal muffler they need to change it within the two years or they will fail their next inspection. 2.) For those who do pass inspection but then go home and change it out there needs to be a stiffer fine. 3.) You have to have the original manufacturer, no more modified mufflers. If it passes, we'd be the second state in the nation to adopt state noise regulation. Mayor McAdams is using his staff and legal staff to put the bill together. There may be more enforcement next year in all the canyons for noise control. From the audience (Jamie White) asked why the tickets or cases are being thrown out—answer is that there is a lot of education lacking on part of the officers and the judges. Jessica Steed suggested we contact those from Big Cottonwood to lend our support this upcoming bill. Rusty Wright pointed out that there is a lot of money at stake here, and James Bennett said that the motorcycle lobbies will be very intimidating and the bill will need grass-roots support. Jamie White pointed out that it's very intrusive into life, that night and day it enters his home. And that he counted over 200 vehicles violating this ordinance in a 2 hour period on a nice Sunday. He suggested we call UPD about these vehicles; the calls are logged and it'll raise awareness, and also to change the signage that would post the actual noise ordinance as opposed to just "noise ordinance enforced." Tyler Tippetts said that he moved here for less regulation, and that as a motorcyclist himself, he has a different take on this issue. He supports lowering the noise level, but he's not sure how to solve this, and he's not anxious to jump on board with Big Cottonwood. Joan Gallegos said she agrees with Jamie's points. Rick Raile (speaking to the council) said that we need to support Barbara as she supported us on our bike issues, that we write a letter in support. Joan Gallegos made a motion to write a letter of support and that we actively support Big Cottonwood Canyon in the legislative session, partner throughout. The motion carried in the affirmative. Joan Gallegos will write the letter.

Max Johnson, SLCo Township Planning Supervisor on the proposed PUD Ordinance Amendment.

There will be a lot of revisions to ordinances. In regards to existing neighborhoods, it creates a collision between what the neighborhoods want and what the ordinances allow, particularly in regards to density and height allowed. They took Sandy's ordinance to adopt for the issues in the Millcreek area. It reduces impacts on existing neighborhoods. Creates predictability for developers but protects the communities at the same time. He's been taking this to the various community councils. Granite Community Council is looking at this from an FCOZ perspective, as would we, and they have issues with undevelopable land. Tyler Tippetts said that parking was the number one issue in various developments he managed, and that the numbers for parking are too low in this draft. Gary Bowen said that he's had friends want to build a duplex on their property up the canyon, and asked how this ordinance applies to our canyon (considering FCOZ). Rick Raile asked how soon SLCo will look at adopting this, and Max Johnson said as soon as he finishes taking it to all the community councils. Tyler Tippetts also mentioned that the local fire jurisdiction needs to sign off on this. Answer to that is that UFA and transportation engineer will all approve this. Tyler Tippetts also stated that people need to know what their limited common area is. Joe Smolka asked about integrating the FR zone into this. Max Johnson said that essentially it's doesn't apply because of the FR zone. That we can weigh in, but that it doesn't affect us. Kathy Christensen said that they run into developers not following the rules, and that there need to be a lot more inspectors to keep these builders on track. She also said that the roads need to be wider. Tyler Tippetts made the comment that they have the opportunity to spell out the need for more efficient lighting, and that for new construction this would be a great place to put it.

Rita Lund, SLCo Council Report and Emigration Canyon Metro Township

Rita Lund said that in regards to the election, that there are still some areas that are still undecided. The MSD is in place, but budgets are not ready yet. Rick Raile asked about additional funds (because as of now our budget is the same as last year) and Rita Lund said that because Patrick O'Leary didn't receive requests in time he just put in the same budget as last year. She said to get the final budget in soon. Rita Lund passed out the proposed districts boundaries map. Ours is based on the 2010 census detail, on average of 3 residents per rooftop, trying to keep natural boundaries and keeping like communities of interest together. For comments we have 8 days to submit. Gary Bowen said the map is terribly offensive to the canyon. The road shouldn't be used as a boundary (which is exactly what they did). She said this is why it's on the website, so that we can submit our comments. It has to be finalized and approved by the 15th. Pat Struhs said he doesn't know why it matters, to which Gary Bowen said he doesn't think the road should be boundaries. Rita Lund said to submit our comments to the mayor's office. Pat Struhs said we need to submit a map in order for them to do anything about changing it. There is a public meeting on December 8th; she'll send out final details later. Filing for candidacy will start early next year.

Officer Rusty Wright, UPD Report

There were 58 calls, 19 reports written. Mail theft was an issue and still is. Residents need to be aware of packages being stolen as Christmas is coming up. Not a lot of problems with hunters. Up Kilyons, they putting up "no parking" signs from the paved road up to the trailhead. They exercised eminent domain to put in a hammerhead. Gary Bowen passed along that our community is the healthiest zip code (and one of the healthiest in the world). We are a target because of the wealth up here in the canyon.

Michael Conn, UFA Report

On November 14th, the department is putting together a CPR Open House. From noon-3. "Push to Survive." It's a very brief lecture, a short film, and then hands on. They'll do 3 sessions on the hour. They've seen dramatic increases in their survival rates since implementing this program. Reminded us to change our fire alarm batteries, and if anyone needs help with vaulted ceilings or installing smoke detectors they are willing to help.

Kathy Christensen, Reporting on Backyard and Beyond Conference

Kathy Christensen said if we can keep our firewise community status, we'll get a discount on insurance.

New Business

Joe Smolka mentioned that next month we will do a vote for officers.

Adjourn: 9:00

Next meeting: December 8, 2015

Minutes prepared by: Jessica Steed