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Emigration Canyon Community Council (ECCC)

Emigration Canyon Community Council Minutes

October 13, 2015

Emigration Canyon Fire Station

7:00 PM

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

Members Present: Gary Bowen, Joe Smolka, Tyler Tippetts, Jen Hawkes, Kathy Christensen, Pat Struhs.

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

Welcome. Rick Raile.

Approval of the Minutes: Yes

Presentations:

FCOZ and MRZ Presentation by Curtis Woodward—Zoning Administrator for SLCo.

The District Attorney put FCOZ through a legal focus, along with the Blue Ribbon Commission report, and wanted to strike a balance between private property rights and other regulations. The District Attorney thought the FCOZ was too heavily weighted toward regulations, and needed more emphasis on private property rights. Also he wanted to make it easier to read and cut out some of the unnecessary terms. In sending a draft out to the public, they know that there will be very wide opinions from the public. They are aiming for November to go before the various planning commissions, possibly January before the County Council. Wants to collect all recommendations. Kathy Christensen said she has a few issues, first is with fences, that it's too restrictive. Also, that the fire issues up here involve cutting out trees, and the code needs to mention this when it is for fire safety up here. Need to make an allowance for people who want to garden and protect fruit trees. Joe Smolka mentioned that the ordinance isn't enforced currently, that there are new fences in the canyon that are 8-10 feet tall. Jen Hawkes said she thinks the minimum height for fence regulation should be 6 ft. Question from the audience asking what the Emigration General Plan says, that the planning committee should refer to that as they draft things. Rick Raile would like to see clarification on the fences, that it's really unclear, and that it needs to consult the Emigration General Plan. Pat Struhs asked if there is a way to apply for a waiver and if it's denied by one staff member, if there is a way to appeal that. Curtis Woodward said there is a process to go through to apply for waivers, and then proceed to a "higher court." Question from Jessica Steed: What is the Blue Ribbon Commission? Mayor Caroon put a group together with representatives from various interest groups, and they looked at the ordinances and the FCOZ to make recommendations. Next, Gary Bowen listed his issues with the FCOZ. One being that the problems up here are unique, and that for instance, the fences should be allowed to stand because of these unique circumstances. The ordinance should first consult UFA because there are fire dangers up here, and the FCOZ should recognize that. His number one issue with FCOZ is that we have lots up and down the canyon that are old and need to be fixed but the hassle of getting through the mess of FCOZ is too daunting and these owners give up and sell the property. If it's an existing lot, there needs to be different language, there needs to be a grandfather exemption. Rather than enforce or amend FCOZ, the County refers them to SLC for enforcement. The zoning office needs to update some of the property lines of each property, some are ancient and inaccurate. Question from Pat Struhs about someone buying property that turns out to be unbuildable because of FCOZ, what kind of recourse there is. Gary Bowen said he thinks the county

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has an obligation to protect buyers of these lots that aren't buildable. His next issue is with septic systems, he asked if FCOZ was going to have anything to do with it. The answer was no, that his office doesn't regulate it. Gary Bowen thinks that it should regulate it somehow, and check with the Health Department before they give permission for remodels. His main point is that in the rural canyons, you need to have a different standard than down in the valley. His last question is about whether the ordinance still requires a fire sprinkler system in his house. Answer: it is dependent on various factors (how close it is to a fire hydrant, and what the flow is from that hydrant, etc). Gary Bowen said he thinks it needs to be reexamined.

Joe Smolka said that the county isn't enforcing the primary watershed up Kilyons and Pinecrest. They've labeled it as primary watershed up those two canyons but they don't enforce it, so Joe Smolka wants to know which way to go. Why is residential in the MRZ zone? Answer is that it should be only in MRZ village, nowhere else.

Question from Chris in the audience: Does SLCo flood control exempt from FCOZ? Can the county take itself to court (i.e. issue citations to another county office)? Question from the audience regarding who is the front line for FCOZ enforcement of flood control in the canyon. Ben Sorensen is a new guy but they also have code enforcement officers. They have 4 code enforcement officers for the entire county, which isn't enough. The storm inspectors catch people more often for doing things in a creek that they shouldn't. Rick Raile asked him to find out about who is the main guy that leads it and get the information to him. Why have the option for waivers or exemptions? Answer is that the courts have said that there needs to be a way to deal with unique circumstances, and avenues for relief, if people are keeping the intent of the ordinance but have something unique. If the waiver becomes the norm, then maybe the regulation is in the wrong place.

Question from Jack in the audience regarding the ridgeline protection code, that the 100 feet number is arbitrary and needs to be looked at.

Community Preservation and MSD Discussion

Rick Raile wants to put out a postcard with a historical timeline to help clarify some of the community preservation questions he's been getting from residents.

Rita Lund, SLCo Council Report and Community Preservation News

Mountainous Planning District is still being reviewed and there may be a decision next week. The main question is what to do about the Mountainous Resort Zone. Some question about how the districts will be decided. The clerk and the surveyor will put together some obvious boundaries.

Mike Hughes, EID

Update on the grant to study the creek and the septic, pump stations, drain fields, etc. Emigration Canyon creek is in violation of EPA total daily maximum load, so we have to do something about it. On Thursday there is an open house at 6:30 with all representatives there to give this detailed update.

Officer Rusty Wright, UPD Report

There were 60 calls in Sept, 10 reports, nothing major. One residential burglary in a vacant home. There was a homeless man that passed away at the mouth of the canyon. Officer Wright has removed two homeless camps at the bottom of the canyon, call him if we see any homeless people and he will have them removed. Working on a parking issue in Kilyons, and in Pinecrest for the Miner's Trail. Working on a noise ordinance grant.

Michael Conn, UFA Report

Still pursuing a fire danger sign, but not getting anywhere. Cost is too high (\$1000), but he's pursuing other avenues. Question about green waste dumpsters vs. chipping.

Miscommunication about whether the Community Council was paying for chipping as opposed to the green waste trailers. The chipping work has been done, to the amount of more than \$5300. Lincoln Nehring wanted a vote to approve to pay for the work. Rick Raile wants to increase our budget \$5000 to clear out deadfall. He also wants to get some budget money for a canyon event, at least \$2,500. Rita Lund said that Patrick O'Leary wants us to get him the budget for next year. Kathy Christensen needs to know what to do with the bill for chipping, but Rick Raile wants to look at the paper trail to see what we decided to pay for, whether it was the green waste containers or if it was the chipping. Returning to Michael Conn, he is still looking for volunteers for the wildlife fire plan. Also--the firehouse cannot be signed out for a politically one-sided meeting. Officer Wright said UPD does not support any candidates and that he is available to monitor any meetings. Rick Raile asked about the level of fire danger right now. Michael Conn said that usually October is the end of the season, but not this year.

Rick Raile

A resident in Pinecrest was angry about the EID candidate using a non-profit mailing number, but in reality the mailing was within legal rights.

Joe Smolka

The resident up Pinecrest that has dams on his property does have permits for it.

Adjourn: 9:00

Next meeting: November 10, 2015

Minutes prepared by: Jessica Steed