MEMORANDUM

DATE:	January 11, 2008
TO:	Council Members
FROM:	Janice Jardine Land Use Policy Analyst
SUBJECT:	Petition No.400-07-18: Zoning text amendment – establishing a Riparian Corridor Overlay District (stream corridor protection) and amending the Lowland Conservancy Overlay District

POTENTIAL MOTIONS:

A. ["I move that the Council"]

1. Continue the Public Hearing to a future Council meeting within 180 days AT WHICH TIME FURTHER REFINEMENTS TO THE ORDINANCE MAY BE MADE;
2. Adopt an INITIAL ordinance that will:
   a. Establish a Riparian Corridor Overlay District that includes sections from the proposed amendments recommended by the Planning Commission and additional changes identified by the Council. (Salt Lake City Code, Section 21A.34.130)
   b. Amend the Lowland Conservancy Overlay District (Salt Lake City Code, Section 21A.34.050)

I further move that the Council refine the ordinance by:

1. Establishing a Council subcommittee
2. Retaining the assistance of a consultant
3. Inviting public comment throughout the 180 day period and scheduling the continued hearing date within that 180 day period.
4. Scheduling a consideration date within the 180 day period for refinements to the ordinance.

I further move that the Council adopt the proposed Legislative Intent Statements.
(Please refer to Attachment 2 for details)

A. ["I move that the Council"] **Adopt the ordinances as recommended by the Planning Commission** amending the City Zoning Ordinance establishing a Riparian Corridor Overlay District and amending the Lowland Conservancy Overlay District.

B. ["I move that the Council"] **Not adopt the proposed ordinances.**

ATTACHMENTS:

1. **Proposed Ordinance with changes identified by some Council Members since the Council Work Session discussion on Tuesday, January 8, 2008.**
2. **Proposed Legislative Intent Statements**
3. **Council staff report with attachments dated January 4, 2008 provided for the Council Work Session discussion on Tuesday, January 8, 2008. (Provided for background reference purposes)**

SALT LAKE CITY ORDINANCE
No. _____ of 2008

(Enacting 21A.34.130 Riparian Corridor Overlay District (RCO), applying said overlay district to all properties located within one hundred feet (100') of the Annual High Water Level of Non-Ephemeral Above Ground Streambed Corridors, amending the Salt Lake City Zoning Map, and making other related changes)

AN ORDINANCE ENACTING SECTION 21A.34.130, *SALT LAKE CITY CODE*, TO CREATE RIPARIAN CORRIDOR OVERLAY DISTRICT (RCO), APPLYING RCO RIPARIAN CORRIDOR OVERLAY ZONE TO ALL PROPERTIES WITHIN ONE HUNDRED FEET (100') OF THE ANNUAL HIGH WATER LEVEL OF NON-EPHEMERAL ABOVE GROUND STREAMBED CORRIDORS, AMENDING THE SALT LAKE CITY ZONING MAP, AND MAKING OTHER RELATED CHANGES, PURSUANT TO PETITION NO. 400-07-18.

WHEREAS, on July 18, 2007, the Salt Lake City Council passed Ordinance No. 50 of 2007, Enacting Temporary Land Use Regulations for Non-Ephemeral Above Ground Streambed Corridors, which will expire on January 18, 2008;

WHEREAS, the Salt Lake City Council desires to enact land use regulations that will minimize erosion, stabilize banks, protect water quality, preserve fish and wildlife habitat, and preserve aesthetic values of natural watercourses and wetland areas on a permanent basis;

WHEREAS, protection and preservation of streambed corridors within the City promotes the public health, safety and general welfare of present and future City residents; and

WHEREAS, after hearings before the Planning Commission and the Salt Lake City Council, the City Council has determined that the following ordinance is in the best interest of the City;

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Section 2.40.110 I of the Salt Lake City Code shall be and hereby is enacted to read as follows:

I. Hear and decide appeals arising from decisions granting or denying a Riparian Protection Permit.

SECTION 2. Section 2.40.120 of the Salt Lake City Code shall be and hereby is amended to read as follows:

Except for appeals regarding riparian protection permits, a~~A~~ll action taken by the committee shall constitute recommendations to the mayor and shall not constitute official action. All action shall be reduced to writing and submitted to the city recorder's office for presentment to the mayor. The city recorder shall present the same to the mayor. The mayor shall have the power to review, ratify, modify or veto any action submitted by the committee. The city recorder shall promptly notify the committee in writing of the action taken by the mayor. No action shall be implemented until the committee is notified in writing that it has been ratified by the mayor, or that the action was modified and adopted by the mayor and in such event it shall be implemented as modified. In the event the mayor shall desire to hold any matter for further study, the chairperson of the committee shall be notified. Action will take effect only upon ratification by the mayor. (Amended during 1/88 supplement: prior code § 49-10-9)

SECTION 3. Enacting RCO Riparian Corridor Overlay District: That Section 21A.34.130 of the *Salt Lake City Code* shall be and hereby is enacted to read as follows:

21A.34.130 RCO Riparian Corridor (RCO) Overlay District:

A. Purpose Statement. The purpose of the Riparian Corridor Overlay (RCO) is to minimize erosion and stabilize stream banks, improve water quality, preserve fish and wildlife habitat, moderate stream temperatures, reduce potential for flood damage, as well as preserve the natural aesthetic value of streams and wetland areas of the City. This overlay District provides protection for all stream corridors and wetlands east of the Interstate 215 Highway and includes City Creek, Red Butte Creek, Emigration Creek, the Jordan River and Parleys Creek and their tributaries. Many of these streams run through single family residential areas that were already developed on the adoption date of this ordinance. In those areas, the RCO is intended to account for and to achieve a reasonable balance between the dual natures of the areas--natural streams and

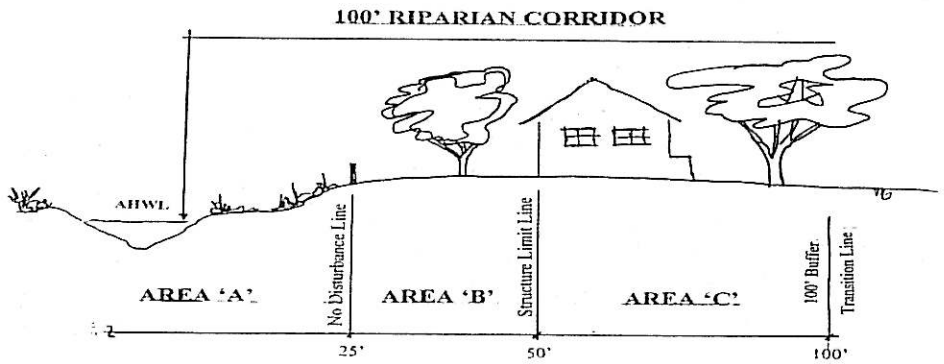
residential uses. Canals and irrigation ditches are not included. The Surplus Canal and water courses west of Interstate 215 are protected under Section 21A.34.050 Lowland Conservancy Overlay (LC) District. The requirements of the RCO District shall supplement other applicable codes and regulations, including State and Federal regulations and the Salt Lake City Floodplain Ordinance. The RCO does not relieve the obligation for compliance with all other land use and zoning regulations applicable to a property.

B. Delineations:
Any Boundaries and Delineations required under the RCO shall be prepared by a licensed professional Hydraulic Engineer, Hydrologist, Wetlands Scientist, Fluvial Geomorphologist or other equivalent qualified environmental science professional. All delineations are subject to the approval of the Public Utilities Director.

The Riparian Corridor shall be delineated at the annual high water level on the bank taking into consideration the characteristics of the surrounding area. Where the annual high water level cannot be found, the top of the channel bank may be substituted under the approval of the Salt Lake City Public Utilities Director or his designee. The Army Corps of Engineers must have approved any required wetland delineations prior to submittal to the Public Utilities Director. If a wetland occurs within and extends beyond the 100 feet or the Riparian Corridor, the outermost edge of the wetland will determine the outer edge of the Riparian Corridor.

C. Minimum Setbacks for New Construction, Additions and Accessory Structures. The following minimum setbacks shall be required within the Riparian Corridor (Illustration A):

ILLUSTRATION - A



1. **Riparian Corridor** is a one hundred foot (100') transition buffer measured from the Annual High Water Level of the adjacent water course and/or wetland. This area may be extended for wetlands as described in 21A.34.130(B). No leach fields, storm water retention ponds, detention basins or commercial parking lots shall be located within the Riparian Corridor. No person or

organization shall engage in any ground-disturbing activity that will remove, fill, dredge, clear, destroy, armor, terrace or otherwise alter this area through manipulation of soil, or other material except as allowed by: (i) this ordinance and, where required by this ordinance, also the Public Utilities Director; or (ii) the U.S. Army Corps of Engineers, Salt Lake County Flood Control, the Utah State Engineer and/or other government authorities where applicable. The following areas are established within the Riparian Corridor Overlay:

a. **Area A** is a No Disturbance Area measured from zero to twenty-five feet (0'-25') from the AHWL. This is the outermost limit that prohibits disturbance. No new construction shall occur closer than twenty-five feet (25') horizontally to the annual high water level, except as permitted by this ordinance. Approved activities within Area A which are allowed without a Riparian Protection Permit include: (1) manual removal of storm debris, dead vegetation and trash by property owner; (2) pruning or removal of trees along utility easements by the responsible entity; (3) removal of invasive plants; (4) planting of native non-invasive vegetation or other approved groundcover, shrubbery and trees on a list of approved vegetation within Riparian Areas published by Public Utilities and/or the Urban Forester; and (5) maintenance of existing fences and structures within the original footprint as long as further armoring of the stream bank is not required, and there is no instability due to movement of a steep slope, or the proposed construction activities within Area A have been approved if required, by the U.S. Army Corps of Engineers under the Clean Water Act or the River and Harbors Act, or by the Utah State Engineer under the Stream Alteration Permit Program.

b. **Outdoor residential uses** in Area A which require a Riparian Protection Permit and do not require the use of heavy equipment are: (1) new construction or maintenance of access stairs and/or paths between vertical levels within Area A, or between Area A and Area B and no more than one per level in terraced areas, and (2) open patios and decks on grade and not greater than 150 square feet each and no more than one per level in terraced areas; (3) low impact stream crossings; (4) open (such as chain link or wrought iron, as opposed to solid masonry or wood) fences. Provided, however, that any portion of any fence to be installed beyond the AHWL must first be approved by the Public Utilities Director or Designee, pursuant to applicable design standards; and (5) installation and maintenance of erosion controls, which must also be approved, if necessary, by the U.S. Army Corps of Engineers, Salt Lake County Flood Control, the Utah State Engineer and/or other government authorities with jurisdiction and which erosion controls may include armoring, if (a) the armoring is necessary to protect the structural integrity of an existing structure on the property or significant loss of property area due to erosion, (b) the owner has reasonably exhausted less intrusive methods to prevent significant property damage, (c) the armoring is placed only where necessary to prevent significant property damage in the foreseeable future, (d) the proposed armoring will not negatively impact other adjacent or downstream properties, and (e) the armoring is permitted or required by Public Utilities and/or one or more the foregoing government authorities.

c. **Area B** is a Structure Limit Area measured from twenty-five to fifty feet (25'-50') from the AHWL. This delineates the limit where any type of construction (landscape walls, additions, accessory structures or new construction) can occur, except as otherwise permitted by this or

other ordinances. Approved activities within Area B which are allowed without a Riparian Protection Permit include: (1) activities described in 21A.34.130(C)(1)(a) and (b); (2) new construction of fencing; (3) construction of open patios and decks with footings with a maximum of two feet (2') above grade; (4) minimal grading; (5) compost from yard debris; and (6) mechanized removal of fallen or diseased trees.

d. **Replacement or rebuilding of a pre-existing structure** in Areas A and /or B requires a Riparian Protection Permit and is allowed, consistent with the continuation of nonconforming uses and noncomplying structures as set forth in Section 21A.38.050, if: (1) it replaces a pre-existing structure with the same type of structure or a structure of lesser impact as pursuant to the base zoning district, (2) no portion of the footprint of the new construction is any nearer to the AHWL than the nearest point of the pre-existing structure to the AHWL, (3) the total square footage of the portion of the footprint of the new structure to be located within Areas A and/or B shall not exceed the total square footage of the footprint of the old structure as it was located within Areas A and B, (4) the new construction does not require further armoring of the stream bank, there is no instability due to movement of a steep slope, or unstable soils or geological activity along a fault has not occurred and caused changes to the ground that are so severe that it will not support the previous structural footprint; and (5) the new structure must comply with the requirements of the base zoning district.

e. **Area C** is a Buffer Transition Area measured from fifty to one-hundred feet (50'-100') from the AHWL. All development activities permitted by the base zone are allowed within Area C, as well as those described in 21A.34.130(C)(1)(c) without a Riparian Protection Permit except leach fields, storm water retention ponds, detention basins or commercial parking lots.

2. **Riparian Protection Permit.** This permit is supplemental to the standard construction building permits and associated processes. If a property owner cannot comply with the RCO or a specific activity in this ordinance requires a Riparian Protection Permit, the property owner may submit an application for a Riparian Protection Permit with the Director of Public Utilities (see Section 21A.34.130E). The Director of Public Utilities shall issue a Riparian Protection Permit for the proposed use or activity if it is consistent with this ordinance and provided the following criteria have been satisfied to the satisfaction of the Director of Public Utilities: (a) the applicant submits documentation that the construction associated with the activity will not result in the discharge of sedimentation or soils into any water body or wetlands and any existing down hill storm drains must be protected; (b) the proposed development will result in equal or better protection for the riparian area because the riparian area will be restored, buffered, or enhanced through other special measures; and (c) the proposed activity or use will not authorize alterations to occupy more than fifty percent (50%) of the total area within Area A and B. If an existing legal lot or parcel proposed for development is rendered unbuildable solely by application of the RCO or if a Riparian Protection Permit is denied, it may be appealed to the Public Utilities Advisory Board.

D. Steep Slopes and Soil Stability Standards. As part of a Riparian Protection Permit, the Public Utilities Director can require a geotechnical report and impose greater setbacks for structures or buildings from the Structure Limit Line to ensure safety. When unstable soils are

suspected regardless of the slope, the Public Utilities Director may require a geotechnical report, increase the No Disturbance Line as well as impose greater setbacks for structures or buildings from the Structure Limit Line to ensure safety. Replacement or repair of existing retaining structures requires Riparian Protection Permit. Each proposed project will be reviewed on an individual basis.

E. Riparian Protection Permit Application. In addition to the standard drawings for permit review, an applicant for a Riparian Protection Permit shall submit the following to the Public Utilities Department (and the Urban Forester for plant material), unless the permit is (a) for activities described in Section 21A.34.130(C)(1)(a) or (b) waived by the Director of Public Utilities because of the small size of affected area:

1. Plans shall be at a scale of 1"= 20'minimum. Sections requiring a horizontal and vertical scale shall be equal (example: Horizontal 1"=10', Vertical 1"=10').

2. All site plans shall have existing and proposed grades with two (2) foot contour intervals.

3. Native vegetation should be identified by location, type and size. The proposed removal of invasive vegetation must also be identified.

4. Cross section drawings showing the riparian corridor, building setbacks and location of proposed structures.

5. 100 year flood plain, past flood hazard areas, geological faults, high liquefaction areas and slopes 30% or greater must all be identified.

6. The applicant shall also submit any geotechnical or hydrological reports required as determined by the Public Utilities Department.

7. Habitat of any threatened or endangered species of aquatic and terrestrial flora or fauna shall be identified on the plan.

8. If wetlands exist on the parcel, a wetlands delineation approved by the Army Corp of Engineers.

The Public Utilities Director shall expedite the permit review process if the applicant reasonably demonstrates an imminent danger to individuals or property.

F. Definitions.

1. **Annual High Water Level (AHWL)** - Annual high water level means the highest level water reaches annually, on average on the shore and is identified by: fresh silt or sand deposits, the presence of litter and debris, or other characteristics indicative of high water levels.

2. **Armoring** – A protective covering of a stream's bed or banks with erosion-resistant material such as rock, concrete or stone filled gabion baskets. Armoring increases the stream flow velocity, which causes further damage on opposite down stream banks. Armoring can increase water temperatures, which negatively affects the stream channel, riparian habitat and water quality.

3. **Stream** – A flowing body of water confined within a defined bed and banks. Streams may have continuous or periodic flow. Streams are important as conduits in the water cycle, instruments in aquifer recharge, and corridors for fish and wildlife migration. Stream is also an umbrella term used in the scientific community for all flowing natural waters, regardless of size (brook, creek, kill, rill, or run). Streams include intermittent or seasonal waterbodies, which exist for long periods, but not all year round. They do not include Ephemeral creeks, streams, rivers, ponds or lakes that only exists for a few days following precipitation or snowmelt.

4. **Wetland** –Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

SECTION 4. Application of RCO Riparian Corridor Overlay Zone. The RCO Riparian Corridor Overlay District enacted above shall be and hereby is applied to all properties within one hundred feet (100') of the Annual High Water Level of Non-Ephemeral Above Ground Streambed Corridors.

SECTION 5. Amendment of Salt Lake City Zoning Map. The Salt Lake City Zoning Map shall be and hereby is amended consistent with the provisions set forth herein.

SECTION 6. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2008.

_____
CHAIRPERSON

ATTEST:

_____
CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____Approved. _____Vetoed.

_____
MAYOR

_____
CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2008.
Published: _____.

HB_ATTY-#2927-v1-Ordinance_Enacting_Riparian_Corridor_Overlay_District_-_1-10-08_draft.DOC

City Council Legislative Intent Statements – Riparian Corridor Overlay Zoning District

It is the City Council's intent with enacting Sec. 21A.34.130 Riparian Corridor Overlay District of the City Zoning Ordinance that:

A. The City Council appropriate funding for a consultant to:
   - Develop criteria for an exception process in the event a Riparian Protection Permit is denied,
   - Evaluate further refinement of the riparian corridor zoning regulations, and
   - Review the appropriateness of the purpose statement in relation to the ordinance.
   - This study should be completed within approximately 150-days of the adoption of the Riparian Corridor Overlay Zoning District ordinance.

B. The City Council appropriate funding for stream/riparian corridor studies for Red Butte Creek and Emigration Creek to be followed by Parleys Creek and City Creek. The studies are intended to define a baseline condition of the stream corridors and develop a desired future condition plan. The plan will identify current environmental issues such as erosion, pollution sources, invasive species and other issues that need to be addressed to achieve the desired future condition. The study will include a broad public outreach element in preparing the desired future condition. The plan will be detailed in nature such that specific identifiable projects to restore the stream corridors are presented. Budget estimates for the recommended projects will be developed and provided in the plan. The study effort will be administered by the Department of Public Utilities.

C. The City investigate and address City contributions to stream bank erosion.

D. The City Council appropriate funding for an education/stewardship program for property owners affected by the Riparian Corridor Overlay District zoning regulations.

E. The City investigates options for citywide control of pollutants and runoff from impermeable surfaces as well as materials used for fertilization and snow removal.

F. The City will work with State of Utah and Salt Lake County to understand the water quality impairments to Emigration Creek water coming into the City and work to develop viable plans to improve the water quality to meet the stream's State of Utah beneficial use classification of Class 2B. The Department of Public Utilities will coordinate the effort.

G. The City post signage at the boundaries of public access points indicating private property is beyond.

H. Public Utilities develop best management practices and standards for permitted development with the Riparian Corridor Overlay Zoning District as part of the permit process.

I. The City evaluate applying the Riparian Corridor Overlay District provisions as part of any future proposal to bring creek corridors to the surface (daylighting of creeks).

SALT LAKE CITY COUNCIL STAFF REPORT

DATE:	January 4, 2008
SUBJECT:	Petition No.400-07-18: Zoning text amendment – establishing a Riparian Corridor Overlay District (stream corridor protection) and amending the Lowland Conservancy Overlay District
STAFF REPORT BY:	Janice Jardine Land Use Policy Analyst
AFFECTED COUNCIL DISTRICTS:	If the ordinance is adopted the zoning text amendment will affect Council Districts citywide
ADMINISTRATIVE DEPT: AND CONTACT PERSON:	Community and Economic Development Marilynn Lewis, Principal Planner
NOTICE REQUIREMENTS:	Newspaper advertisement and written notification to surrounding property owners 14 days prior to the Public Hearing

Additional information provided:

- Attachment A – Proposed riparian Corridor Overlay District – Summary
- Attachment B – Proposed changes from property owners adjacent to red butte and Emigration Creeks
- Attachment C – comments and proposed changes from representatives of the environmental community

POTENTIAL OPTIONS:

A. Adopt the ordinance recommended by the Planning Commission and initiate a Legislative Action along with funding appropriation for stream/riparian corridor improvement studies and plan development for Red Butte Creek and Emigration Creek to be followed by Parleys Creek and City Creek.
   1. Request that the studies would be administered by Public Utilities Department staff. Express the intent would be to refine the citywide regulations and include specific guidelines tailored to fit the characteristics of each stream corridor and address other issues such as pollution from storm drainage and flood control practices.
   2. The study concept has been suggested to Council Members through a variety of sources including the Planning Commission, constituents, non-profit environmental preservation organizations, and various other governmental agencies.

B. Adopt the ordinance recommended by the Planning Commission with additional changes identified by the Council and initiate a Legislative Action and funding as identified in item A above. Key changes that have been identified to date include:
   1. Address exceptions in further detail. For example, in the 25 ft. no disturbance area, allow without a permit non-obtrusive open fencing, stairs using types of natural materials, decks/patios with bio-filtration, and low-impact bridge crossings.
   2. Reconsider appeal to the Board of Adjustment is the most appropriate and efficient and provide a more predictable, less time consuming appeal process.
   3. Provide an outline of predictable, objective process(es) with check lists.

4. Consideration of changes proposed by property owners and environmental preservation representatives. (Please refer to the Matters at Issue section of this staff report and Attachments A, B, C for details.)

C. Adopt an ordinance that would codify the temporary regulations currently in place and defer action on the proposed changes to a future Council meeting and, after further study, incrementally add regulations tailored to specific stream corridors and riparian corridor preservation concepts. This could include not closing the public hearing and continuing the hearing to a future Council meeting within a specified timeframe, establish a Council subcommittee to work with a consultant and property owners to further refine the riparian/streambed corridor zoning regulations.

D. Adopt an ordinance that includes (sections from the proposed ordinance to be identified by the Council) and defers action on other proposed changes to a future Council meeting. Express the Council's intent that after further study with the assistance of a consultant and participation of property owners and other interested parties to further refine the riparian/streambed corridor zoning regulations.

Staff has requested the City Attorney's office to review this option.

E. Other options identified by Council Members.

F. Do any of the above and establish a Council subcommittee to work with a consultant.

KEY ELEMENTS:

A. On July 17, 2007, the City Council adopted an ordinance enacting temporary land use regulations for non-ephemeral above ground stream corridors. The purpose was, in part, to allow the City Administration the opportunity to:
   - Evaluate current best practices and reevaluate the current Lowland Conservancy Overlay District regulations and requirements to determine what level of protection is required in light of current development pressures, particularly relating to development setbacks and preservation of streambed corridors, and potential detrimental impacts on natural features such as slopes, ponds, steams, and wetlands.
   - Provide land use regulations that will assist in minimizing erosion, stabilizing stream banks, protecting water quality and other natural resources, preserving fish and wildlife habitat, preserving the aesthetic values of natural watercourses and wetlands areas, and protecting land values.

B. The temporary land use regulations adopted by the Council provided the following rational for developing more comprehensive stream corridor and wetland land use development regulations.
   1. Under the City Zoning Code, adopted in 1995, only a very limited amount of the City's streambed corridors, watercourses, lakes, ponds, floodplains and wetland areas are designated lowland protection areas or zoned with the Lowland Conservancy Overlay District.
   2. Protection and preservation of streambed corridors within the City promote the public health, safety and general welfare of present and future City residents.
   3. Due to escalating land values and increasing development pressures throughout the City, the City Council is concerned that the current Lowland Conservancy Overlay District zoning regulations, particularly relating to development setbacks and preservation of streambed corridors, are insufficient to adequately protect and preserve the City's non-ephemeral above ground streambed corridors and lowland protection areas.

C. Two ordinances have been prepared for Council consideration that would amend City Code, Title 21A, Zoning, creating a Riparian Corridor Overlay District to provide protection on streams within Salt Lake City east of I-215, and amending the existing Lowland Conservancy Overlay District

removing reference to the Jordan River and clarifying that the regulations provide protection for the streams and wetlands west of I-215 and the Surplus Canal.

1. A summary of the proposed Riparian Corridor Overlay District is provided in Attachment A at the end of this staff report. (For ease of reference, maps depicting the stream corridors have been brought forward form the Nov. 14 Planning staff report and are attached at the end of this staff report.)
2. In regard to the proposed Lowland Conservancy Overlay District amendments, the Administration notes:
   a. There are many conditional uses in the Lowlands Conservancy Overlay ordinance that are inappropriate for a more urban neighborhood area that is part of a community.
   b. Even though the Jordan River handles storm water, it should not be treated the same as the surplus canals.

D. The following information from the Planning staff report provides an explanation of the purpose of a riparian corridor.
   1. A riparian corridor is the transitional area between flowing water and terrestrial ecosystems.
   2. Streams and their riparian areas make up the riparian corridor.
   3. Water quality and the overall health of the riparian areas are interrelated.
   4. Riparian corridors are important natural biofilters protecting aquatic environments from excessive sedimentation, polluted surface runoff and erosion.
   5. They supply shelter and food for many aquatic and terrestrial animals and provide shade which is important to regulating the temperature of streams.
   6. Riparian corridors are instrumental in water quality improvement for both surface runoff and water flowing into streams through subsurface or groundwater flow.
   7. Healthy riparian areas help to prevent the negative effects of urban development on streams.
   8. Some of the important functions of a riparian corridor include:
      a. Dissipation of stream energy, which reduces soil erosion and potential for flood damage;
      b. Traps sedimentation, which reduces suspended materials in the water and helps to replenish stream banks;
      c. Filters pollutants from developed areas and enhances water quality by means of natural biological filtration;
      d. Provides and improves wildlife habitat;
      e. Provides shading, which reduces changes in water temperature;
      f. Reduces erosion due to increased runoff in urban and suburban areas;
      g. Reduces flood potential.

E. The Administration's transmittal and Planning staff report note:
   1. This ordinance is not advocating the acquisition of open space, nor does it relate to trail connections.
   2. This ordinance is related to the general health and viability of the streams in Salt Lake City.
   3. The Riparian Corridor Overlay grandfathers all existing, legally permitted structures on site. A structure can be replaced in the exact same location as long as there are no changes to the ground so severe that it will no longer support the previous footprint.
   4. There may be some cases in which strict adherence to the proposed Riparian Corridor Overlay District could create an undue hardship, due to peculiar circumstances of the site. If that is the case, a property owner is allowed to go before the Board of Adjustment.
   5. Proposed development requests must be routed by staff to the Director of Public Utilities for a recommendation as to whether the request is feasible and whether or not it will create negative impacts to the riparian corridor, the streams, or to other properties adjacent to the stream.
   6. The text amendment does not change the underlying zoning of any of the sites adjacent to any of the streams within the City.
   7. The Riparian Corridor Overlay will help to reduce property damage to downstream owners caused by actions that can change the flow and velocity of water within streams.

8. The Riparian Corridor Overlay will provide additional protection for the City's groundwater by restricting encroachment of parking lots which will reduce the potential for petroleum products running off of hard surfaces and into streams.
9. Increasing the area along stream banks for native vegetation will provide a filtering system for storm run-off, as well as reduce opportunities for fertilizers and other chemicals to enter streams within the primary and secondary groundwater recharge areas.

F. The Planning staff report provides an analysis and findings for the Zoning Ordinance Standards for General Amendments and the Council's Policy Guidelines for Street Closures. The standards were evaluated in the Planning staff report and considered by the Planning Commission. (Discussion and findings for the standards are found in the April 5, 2007 Planning staff report on pages 3-5.)

G. The public process included a Planning Division sponsored Open House and written/electronic mail notification of the Planning Commission hearing. The Administration's transmittal indicates:
1. On September 25, 2007, a Planning Open House was held. Approximately 80 people attended. Planning staff incorporated the input from the discussion in the preparation of the proposed zoning regulations.
2. The Planning staff report notes that in order to ensure sufficient notification to property owners, staff mapped a 150 foot radius from the centerline of each stream. The Utah Department of Environmental Quality, US Fish and Wildlife, Army Corps of Engineers and the Utah Rivers Council were also invited to attend the Open House.

H. On September 26, 2007 the Planning Commission received a staff briefing and discussed the project. On November 14, 2007, the Planning Commission held a public hearing and continued the hearing and action to November 28, 2007. The Administration's transmittal notes:
1. Main issues raised at the public hearing included:
   a. D not require a plan for removal of invasive species and new desired plantings.
   b. Funding a small area or master plan for the streams.
   c. Allowing flexibility with relation to maintaining the existing footprint of a structure if it is too close to a stream.
   d. Allow outdoor uses to be developed within Area A or closer than 25 feet to the Annual High Water Level.
2. The Planning Commission tabled the issue until November 28 and directed staff to work with community members to try to revise the draft ordinance to address the main issues brought up at the hearing.
3. At the November 28th meeting, the Commission reopened the hearing to only hear new testimony based on the recent revisions to the draft ordinance.
4. The Planning Commission reviewed staff's revisions to the draft ordinance and based on written comment from a community member made further revisions.
5. The Planning Commission voted to:
   a. Forward a positive recommendation to the City Council for the proposed text amendments with revisions in the supplemental (staff) memorandum, and
   b. Recommend that the Council fund a stream study, through the Public Utilities Department, to gather specific data for each of the streams within the Riparian Corridor Overlay District to develop a guidelines document. (Please refer the Planning Commission minutes for details.)

I. State and County agencies and applicable City Departments and Divisions were provided the proposed text changes. (Please refer to the Planning staff report dated Nov. 14, 2007 - Attachment A for the comments.) The Administration's transmittal and Planning staff report indicates:
1. Comments raised by other Department and Divisions and other governmental agencies (St. Dept. of Natural Resources and Salt Lake County Public Works), in general, contained no issues and were supportive. Salt Lake County is currently working on their Water Quality Stewardship Plan. Once that document is finalized it will provide new information and recommendations that could be incorporated into this ordinance.

2. Development proposals will be required to comply with City standards and regulations and demonstrate that there are adequate services to meet the needs of the project.
3. The Department of Airports expressed safety concerns relating to the application of the Riparian Corridor Overlay District to the canals and wetlands surrounding or within Airport property. They note that encouraging wildlife habitat west of I -215 can directly affect the function and safety of Airport and the Airport requires flexibility with the placement of fencing and structures for issues of aviation safety and Homeland Security. As a result of discussions with Airport staff, the proposed Riparian Corridor Overlay District has been revised to apply only to the Jordan River and bodies of water east of I-215. The existing Lowland Conservancy Overly District zoning regulations will apply west of I-215 and are expected to provide protection in this area without impacting the functions of the Airport.

MATTERS AT ISSUE:

Council Members may wish to discuss proposals recommended by several property owners adjacent to Emigration and Red Butte Creeks and representatives from the environmental community.

A. On December 20, 2007, Council Members-Elect Martin and Garrott and Council Members Jergensen and Love met with several property owners whose homes are adjacent to Emigration and Red Butte Creeks, representatives from the environmental community and other interested parties. The purpose of the meeting was to discuss issues relating to the proposal and changes to the Riparian Corridor regulations proposed by the property owners. (The Planning Commission considered and accepted some but not all of the property owners recommended changes. A copy of the proposed changes is provided in Attachment B at the end of this staff report.)
B. Representatives from the environmental community (in attendance at the Dec. 20 meeting) have expressed support of the proposed Riparian Corridor regulations. They note it is a good first step but the regulations will provide only minimal protection as written. They have provided several recommendations to further refine the regulations and recommend that the City take time to study the individual corridors and develop a Riparian Corridor Improvement Plan requiring a study to document baseline conditions and City goals for each of the five corridors listed in the ordinance. (Documents providing details of the proposed recommendations are provided in Attachment C at the end of this staff report.)

BUDGET RELATED FACTS

The proposal may have a budget impact relating to:

- Funding for stream/riparian corridor studies
- Additional resources that may be needed by the Urban Forester and Public Utilities for implementation of the regulations and permit review
- Potential for additional staffing in the Planning and Permits Divisions for implementation of the regulations and permit review

MASTER PLAN AND POLICY CONSIDERATIONS:

A. The Administration's transmittal notes that the City's adopted master plans discuss to varying degrees the need for environmental protection with regards to: slopes and soil stabilization, habitat, flooding and liquefaction. Some of these plans also address issues regarding clean up, restoration and preservation of natural areas including waterways and open stream corridors. Below is a partial list of issues identified by Planning staff in each of the adopted community master plans:

Avenues, 1987 – Foothill protection, slope stabilization and re-vegetation.

Central City, 2005 – Flood risk due to stream overflow, seismic fault zones and liquefaction potential. Manage urban development to protect the environment and the well-being of the community.

Capitol Hill, 2001 – Encourage environmental protection and clean up. Identify the community's unique natural amenities, resources and settings designate natural areas to be preserved and improved as appropriate. Slope preservation.

East Bench, 1987 – Slope stabilization is a major concern. It is important to preserve the unique scenic beauty, environmental habitat, recreational use and accessibility of the Wasatch foothills.

Northwest/Jordan,1992 – Wetlands, Jordan River delta, Great Salt Lake, flood potential, high liquefaction potential.

Sugar House, 2005 – Maintain storm water and flood control within the Parleys Creek area.

West Salt Lake, 1995 –This area has a high water table with minimal sloping for positive drainage; the Mid-City Master Drainage Plan and the Westside Master Drainage Plan need to be reviewed and further implemented; high liquefaction potential.

B. The City's Strategic Plan and the Futures Commission Report express concepts such as maintaining a prominent sustainable city, ensuring the City is designed to the highest aesthetic standards and is pedestrian friendly, convenient, and inviting, but not at the expense of minimizing environmental stewardship or neighborhood vitality. The plans recommend:
   1. Adopting policies which allow future development to occur in an environmentally conscious and fiscally sound manner.
   2. Develop programs to identify, preserve and enhance environmentally sensitive lands and resources in the city including steep slopes and riparian areas.
   3. Minimize the environmental impact of growth and development through appropriate education and regulation.
   4. Ensure individual, neighborhood and community ownership and participation in environmental decisions and actions.

C. The Council's growth policy notes that growth in Salt Lake City will be deemed the most desirable if it meets the following criteria:
   1. Is aesthetically pleasing;
   2. Contributes to a livable community environment;
   3. Yields no negative net fiscal impact unless an overriding public purpose is served; and
   4. Forestalls negative impacts associated with inactivity.

D. The Open Space Master identifies the following general goals, 1) conserve the natural environment, 2) enhance open space amenities for all citizens, 3) connect the various parts of the City to natural environments, and 4) educate the citizens on proper use of open space. The Plan notes the policy of preserving habitat and water resources by expanding and protecting foothill open space areas, particularly natural stream channels and their resultant natural vegetation.

CHRONOLOGY:

Please refer to the Administration's transmittal for a complete chronology of events relating to the proposed text amendment.

• July 17, 2007	City Council adopted Ordinance No. 50 of 2007 enacting temporary land use regulations regarding for non-ephemeral above ground streambed corridors
• July 27, 2007	Petition assigned to planner
• September 25, 2007	Planning Open House
• September 26, 2007	Planning Commission staff briefing and discussion
• November 14, 2007	Planning Commission Public Hearing continued to Nov. 28
• November 28, 2007	Planning Commission Public Hearing and decision
• December 20, 2007	Transmittal received in City Council Office

cc: David Everitt, Esther Hunter, Sam Guevara, Lyn Creswell, Ed Rutan, Lynn Pace, Melanie Reif, Jeff Niermeyer, Brad Stewart, Florence Reynolds, Stephanie Duer, Vicki Bennett, Rick Graham, Dell Cook, Val Pope, Allen McCandless, Louis Zunguze, Mary De La Mare-Schaefer, Orion Goff, Larry Butcher, George Shaw, Doug Wheelwright, Cheri Coffey, Marilynn Lewis, Sarah Church, Jennifer Bruno, City Council Liaisons, Community Affairs Specialists

File Location: Community Development Dept., Planning Division, Zoning Text Amendment, Riparian Corridor and Lowland Conservancy Overlay Districts

ATTACHMENT A

PROPOSED RIPARIAN CORRIDOR OVERLAY DISTRICT – SUMMARY

A. Purpose

1. Minimize erosion and stabilize stream banks.
2. Improve water quality.
3. Preserve fish and wildlife.
4. Moderate stream temperatures.
5. Reduce potential for flood damage.
6. Preserve the natural aesthetic value of streams and wetland areas of the City.
7. Provide protection for all stream corridors and wetlands **east of the Interstate 215 Highway and includes City Creek, Red Butte Creek, Emigration Creek, Parleys Creek, the Jordan River and their tributaries.**
8. Canals and irrigation ditches are not included.
9. The **Surplus Canal and water courses west of Interstate 215 are protected under the Lowland Conservancy Overlay (LC) District.**
10. Requirements of the Riparian Corridor Overlay District (RCO) supplement other applicable codes and regulations, including State and Federal regulations and the Salt Lake City Floodplain Ordinance.
11. Does not relieve the obligation for compliance with all other land use and zoning regulations applicable to a property.

B. Delineations

1. Boundaries and delineations required under the RCO shall be prepared by a licensed professional Hydraulic Engineer, Hydrologist, Wetlands Scientist, Fluvial Geomorphologist or equivalent environmental science professionals.
2. All delineations are subject to the approval of the Public Utilities Director.
3. The Riparian Corridor shall be delineated at the annual high water level on the bank taking into consideration the characteristics of the surrounding area.
4. Where the annual high water level cannot be found, the top of the channel bank may be substituted under the approval of the SLC Public Utilities Director.
5. Required wetland delineations require approval from the Army Corps of Engineers prior to submittal to the Public Utilities Director.
6. If a wetland occurs within and extends beyond 100 feet of the Riparian Corridor, the outermost edge of the wetland will determine the outer edge of the Riparian Corridor.

C. Minimum Setbacks for New Construction, Additions and Accessory Structures.

1. **Riparian Corridor**
   - 100 ft. transition buffer measured from the Annual High Water Level (AHWL) of the adjacent water course and/or wetland.
   - May be extended for wetlands.
   - No leach fields, storm water retention ponds, detention basins or commercial parking lots shall be located within the Riparian Corridor.
   - No ground-disturbing activity that will remove, fill, dredge, clear, destroy, armor, terrace or otherwise alter this area through manipulation of soil, or other material except as allowed by: (i) this ordinance and, where required by this ordinance, also the Public Utilities Director; or (ii) the U.S. Army Corps of Engineers, Salt Lake County Flood Control, the Utah State Engineer and/or other government authorities where applicable.

- The following areas are established within the Riparian Corridor Overlay:

  a. **No Disturbance Line 25 ft. from the AHWL, (Area A)**
     - Outermost limit that prohibits disturbance.
     - No new construction shall occur closer than twenty-five feet (25') horizontally to the annual high water level, except as permitted by this ordinance.
     - ***Development activities allowed without a Riparian Protection Permit*** include:
       1. Manual removal of storm debris, dead vegetation and trash by property owner.
       2. Pruning or removal of trees along utility easements by the responsible entity.
       3. Removal of invasive plants.
       4. Planting of native non-invasive vegetation or other approved groundcover, shrubbery and trees on a list of approved vegetation within Riparian Areas published by Public Utilities and/or the Urban Forester.
       5. Maintenance of existing fences and structures within the original footprint as long as further armoring of the stream bank is not required and there is no instability due to movement of a steep slope, or the proposed construction activities within Area A have been approved if required, by the U.S. Army Corps of Engineers under the Clean Water Act or the River and Harbors Act, or by the Utah State Engineer under the Stream Alteration Permit Program.
       6. Installation and maintenance of erosion control that is approved, if necessary, by the U.S. Army Corps. of Engineers, Salt Lake County Flood Control, the Utah State Engineer and/or other government authorities with jurisdiction.

  b. ***Permitted outdoor residential uses in Area A which require a Riparian Protection Permit and do not require the use of heavy equipment***
     1. New construction or maintenance of access stairs and/or paths between vertical levels within Area A, or between Area A and Area B and no more than one per level in terraced areas.
     2. Open (as opposed to solid masonry or wood) fences at the edge of terraced areas.

  c. **Structure Limit Line 50 ft. from the AHWL, (Area B).**
     - Delineates the limit where any type of construction (landscape walls, additions, accessory structures or new construction) can occur.
     - ***Development activities allowed without a Riparian Protection Permit***
       1. Activities described in 21A.34.130(C)(1)(a) and (b).
       2. New construction of fencing.
       3. Construction of open patios and decks with footings with a maximum of two feet (2') above grade.
       4. Minimal grading.
       5. Compost from yard debris.
       6. Mechanized removal of fallen or diseased trees.

d. Replacement or rebuilding of a pre-existing structure in Area A and /or B

- ***Development activities that require a Riparian Protection Permit and allowed if***

1. Replaces a pre-existing structure with the same type of structure or a structure of lesser impact as pursuant to the base zoning district.
2. No portion of the footprint of the new construction is any nearer to the AHWL than the nearest point of the pre-existing structure to the AHWL.
3. Total square footage of the portion of the footprint of the new structure within Areas A and/or B shall not exceed the total square footage of the footprint of the old structure as it was located within Areas A and B.
4. New construction does not require stream bank armoring, there is no instability due to movement of a steep slope, or unstable soils or geological activity along a fault has not occurred and caused changes to the ground that are so severe that it will not support the previous structural footprint.
5. New structure must comply with the requirements of the base zoning district.
6. If the new structure cannot comply with the base zoning district it may be appealed to the Board of Adjustment.

e. Buffer Transition Line 100 ft. from the AHWL, (Area C)

- ***Development activities permitted without a Riparian Protection permit***

1. All development activities permitted by the base zone are allowed within Area C.
2. Development activities described in 21A.34.130(C)(1)(c) (**Structure Limit Line 50 ft. from the AHWL, (Area B)**).
3. EXCEPT leach fields, storm water retention ponds, detention basins or commercial parking lots.

2. **Riparian Protection Permit**

a. Supplemental to the standard construction building permits and associated processes.
b. If a property owner cannot comply with the RCO or a specific activity in this ordinance requires a Riparian Protection Permit, the property owner may submit an application for a Riparian Protection Permit with the Director of Public Utilities (see Section 21A.34.130.E – Riparian Protection Permit Application).
c. The Director of Public Utilities shall issue a Riparian Protection Permit for the proposed use or activity if it is approved by this ordinance and provided the following criteria have been satisfied:
    1. The applicant submits documentation that the construction associated with the activity will not result in the discharge of sedimentation or soils into any water body or wetlands and any existing down hill storm drains must be protected.
    2. The proposed development will result in equal or better protection for the riparian area because the riparian area will be restored, buffered, or enhanced through other special measures.
    3. The proposed activity or use will not authorize alterations to occupy more than fifty percent (50%) of the total area within Area A and B.
    4. If an existing legal lot or parcel proposed for development is rendered not buildable solely by application of the RCO or if a Riparian Protection Permit is denied, it may be appealed to the Board of Adjustment.

D. **Steep Slopes and Soil Stability Standards**

1. As part of a Riparian Protection Permit, the Public Utilities Director can require a geotechnical report and impose greater setbacks for structures or buildings from the Structure Limit Line to ensure safety.
2. When unstable soils are suspected regardless of the slope, the Public Utilities Director may require a geotechnical report, increase the No Disturbance Line as well as impose greater setbacks for structures or buildings from the Structure Limit Line to ensure safety.
3. Replacement or repair of existing retaining structures requires Riparian Protection Permit.
4. Proposed projects will be reviewed on an individual basis.

E. **Riparian Protection Permit Application.** In addition to the standard drawings for permit review, a Riparian Protection Permit shall submit the following to the Public Utilities Department (and the Urban Forester for plant material), unless the permit is:

- for activities described in Section 21A.34.130(C)(1)(a)(1), (2) or (3), or
- waived by the Director of Public Utilities because of the small size of affected area:
  1. Plans shall be at a scale of 1"= 20'minimum. Sections requiring a horizontal and vertical scale shall be equal (example: Horizontal 1"=10', Vertical 1"=10').
  2. All site plans shall have existing and proposed grades with two (2) foot contour intervals.
  3. Native vegetation should be identified by location, type and size.
  4. The proposed removal of invasive vegetation must also be identified.
  5. Cross section drawings showing the riparian corridor, building setbacks and location of proposed structures.
  6. 100 year flood plain, past flood hazard areas, geological faults, high liquefaction areas and slopes 30% or greater must all be identified.
  7. The applicant shall also submit any geotechnical or hydrological reports required as determined by the Public Utilities Department.
  8. Habitat of any threatened or endangered species of aquatic and terrestrial flora or fauna shall be identified on the plan.
  9. If wetlands exist on the parcel, a wetlands delineation approved by the Army Corp of Engineers.

F. Definitions.

1. **Annual High Water Level (AHWL) -** Annual high water level means the highest level water reaches annually, on average on the shore and is identified by: fresh silt or sand deposits, the presence of litter and debris, or other characteristics indicative of high water levels.

2. **Armoring** – A protective covering of a stream's bed or banks with erosion-resistant material such as rock, concrete or stone filled gabion baskets. Armoring increases the stream flow velocity, which causes further damage on opposite down stream banks. Armoring can increase water temperatures, which affects riparian habitat and water quality.

3. **Stream** – A flowing body of water confined within a defined bed and banks. Streams may have continuous or periodic flow. Streams are important as conduits in the water cycle, instruments in aquifer recharge, and corridors for fish and wildlife migration. Stream is also

an umbrella term used in the scientific community for all flowing natural waters, regardless of size (brook, creek, kill, rill, or run). Streams include intermittent or seasonal waterbodies, which exist for long periods, but not all year round. They do not include Ephemeral creeks, streams, rivers, ponds or lakes that only exists for a few days following precipitation or snowmelt.

4. **Wetland** –Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

PROPOSED AMENDMENTS – LOWLAND CONSERVANCY OVERLAY DISTRICT – KEY POINTS

A. Places the Jordan River under the new Riparian Corridor Overlay District with the other streams in the City, and removes it from the existing Lowlands Conservancy Overlay District.

[19 Dec 2007 proposed changes to the draft ordinance that has been submitted by Planning Commission to City Council; prepared by neighbors with property bordering creeks]

21A.34.130 RCO Riparian Corridor (RCO) Overlay District:

A. **Purpose Statement.** The purpose of the Riparian Corridor Overlay (RCO) is to minimize erosion and stabilize stream banks, improve water quality, preserve fish and wildlife habitat, moderate stream temperatures, reduce potential for flood damage, as well as preserve the natural aesthetic value of streams and wetland areas of the City. This overlay provides protection for all stream corridors and wetlands east of the Interstate 215 Highway and includes City Creek, Red Butte Creek, Emigration Creek, the Jordan River and Parleys Creek and their tributaries. Many of these streams run through single family residential areas that were already developed on the adoption date of this ordinance. In those areas, the RCO is intended to account for and to achieve a reasonable balance between the dual natures of the areas—natural streams and residential areas. Canals and irrigation ditches are not included. The Surplus Canal and water courses west of Interstate 215 are protected under Section 21A.34.050 Lowland Conservancy Overlay (LC) District. The requirements of the RCO District shall supplement other applicable codes and regulations, including State and Federal regulations and the Salt Lake City Floodplain Ordinance. The RCO does not relieve the obligation for compliance with all other land use and zoning regulations applicable to a property. Notwithstanding any provision of this ordinance to the contrary, the RCO shall not apply to parcels within the RCO that are developed with residences as of the date on which the ordinance was initially adopted; provided, however, that if a parcel is greater than one acre in size, then only the area on which the residence is developed and one acre surrounding that parcel shall be exempted from this ordinance, i.e., the area greater than one acre shall be covered by the RCO.

B. **Delineations:**
Any Boundaries and Delineations required under the RCO shall be prepared by a licensed professional Hydraulic Engineer, Hydrologist, Wetlands Scientist, Fluvial Geomorphologist or equivalent environmental science professionals. All delineations are subject to the approval of the Public Utilities Director.

The Riparian Corridor shall be delineated at the annual high water level on the bank taking into consideration the characteristics of the surrounding area. Where the annual high water level cannot be found, the top of the channel bank may be substituted under the approval of the SLC Public Utilities Director or his designee. The Army Corps of Engineers must have approved any required wetland delineations prior to submittal to the Public Utilities Director. If a wetland occurs within and extends beyond the 100 feet or the Riparian Corridor. the outermost edge of the wetland will determine the outer edge of the Riparian Corridor.

C. **Minimum Setbacks for New Construction, Additions and Accessory Structures.** The following minimum setbacks shall be required within the Riparian Corridor (Illustration A):

1. **Riparian Corridor** is a one hundred foot (100') transition buffer measured from the Annual High Water Level of the adjacent water course and/or wetland. This area may be extended for wetlands as described in 21A.34.130(B). No leach fields, storm water retention ponds, detention basins or commercial parking lots shall be located within the Riparian Corridor. No person or organization shall engage in any ground-disturbing activity that will remove, fill, dredge, clear,

destroy, armor, terrace or otherwise alter this area through manipulation of soil, or other material except as allowed by: (i) this ordinance and, where required by this ordinance, also the Public Utilities Director: or (ii) the U.S. Army Corps of Engineers, Salt Lake County Flood Control, the Utah State Engineer and/or other government authorities where applicable. The following areas are established within the Riparian Corridor Overlay:

a. **No Disturbance Line** is measured twenty-five feet (25') from the AHWL, hereinafter (Area A). This is the outermost limit that prohibits disturbance. No new construction shall occur closer than twenty-five feet (25') horizontally to the annual high water level, except as permitted by this ordinance. Approved activities within Area A which are allowed without a Riparian Protection permit include: (1) manual removal of storm debris, dead vegetation and trash by property owner; (2) pruning or removal of trees along utility easements by the responsible entity; (3) removal of invasive plants; (4) planting of native non-invasive vegetation or other approved groundcover, shrubbery and trees on a list of approved vegetation within Riparian Areas published by Public Utilities and/or the Urban Forester; and (5) maintenance of existing fences and structures within the original footprint as long as further armoring of the stream bank is not required, and there is no instability due to movement of a steep slope, or the proposed construction activities within Area A have been approved, if required, by the U.S. Army Corps of Engineers under the Clean Water Act or the River and Harbors Act, or by the Utah State Engineer under the Stream Alteration Permit Program~~; and (6) installation and maintenance of erosion control that is approved, if necessary, by the U.S. Army Corps of Engineers, Salt Lake County Flood Control, the Utah State Engineer and/or other government authorities with jurisdiction.~~.

b. **Outdoor residential uses** in Area A which require a Riparian Protection Permit and do not require the use of heavy equipment ~~is~~are: (1) new construction or maintenance of access stairs and/or paths between vertical levels within Area A, or between Area A and Area B; (2) open patios and decks on grade and not greater than 150 square feet each and no more than one per level in terraced areas~~, and (2~~; (3) open (such as chain link or wrought iron, as opposed to solid masonry or wood) fences ~~at~~; and (4) installation and maintenance of erosion controls, which must also be approved, if necessary, by the U.S. Army Corps of Engineers, Salt Lake County Flood Control, the Utah State Engineer and/or other government authorities with jurisdiction and which erosion controls may include armoring, if (a) the ~~edge~~armoring is necessary to protect the structural integrity of ~~terraced areas.~~ an existing structure on the property or significant loss of property area due to erosion, (b) the owner has reasonably exhausted less intrusive methods to prevent significant property damage, (c) the armoring is placed only where necessary to prevent significant property damage in the foreseeable future and (d) the armoring is permitted or required by Public Utilities and/or one or more the foregoing government authorities.

c. **Structure Limit Line** is measured fifty feet (50') from the AHWL, hereinafter (Area B). This delineates the limit where any type of construction (landscape walls, additions, accessory structures or new construction) can occur, except as otherwise permitted by this or other ordinances. Approved activities within Area B which are allowed without a Riparian Protection Permit include: (1) activities described in 21A.34.130(C)(1)(a) and (b); (2) new construction of fencing; (3) construction of open patios and decks with footings with a maximum of two feet (2 ') above grade; (4) minimal grading; (5) compost from yard debris; and (6) mechanized removal of fallen or diseased trees.

d. **Replacement or rebuilding of a pre-existing structure** in ~~Area~~Areas A and /or B requires a Riparian Protection Permit and is allowed if: (1) it replaces a pre-existing structure with the same type of structure or a structure of lesser impact as pursuant to the base zoning district, (2) no portion of the footprint of the new construction is any nearer to the AHWL than the nearest point

of the pre-existing structure to the AHWL, (3) the total square footage of the portion of the footprint of the new structure to be located within Areas A and/or B shall not exceed the total square footage of the footprint of the old structure as it was located within Areas A and B, (4) the new construction does not require further armoring of the stream bank, there is no instability due to movement of a steep slope, or unstable soils or geological activity along a fault has not occurred and caused changes to the ground that are so severe that it will not support the previous structural footprint; and (5) the new structure must comply with the requirements of the base zoning district. If the new structure will not comply with the base zoning district ~~it may be appealed to~~, then the ~~Board~~director of ~~Adjustment~~the Salt Lake City Planning Department (or the director's designee) may adjust the requirements on an equitable basis.

~~c.~~e. **Buffer Transition Line** is measured one-hundred feet (100') from the AHWL, hereinafter (Area C). All development activities permitted by the base zone are allowed within Area C as well as those described in 21A.34.130(C)(1)(c) without a Riparian Protection Permit except leach fields, storm water retention ponds, detention basins or commercial parking lots.

2. **Riparian Protection Permit.** This permit is supplemental to the standard construction building permits and associated processes. If a property owner cannot comply with the RCO or a specific activity in this ordinance requires a Riparian Protection Permit, the property owner may submit an application for a Riparian Protection Permit with the Director of Public Utilities (see Section 21 A.34.130E). The Director of Public Utilities shall issue a Riparian Protection Permit for the proposed use or activity if it is approved by this ordinance and provided the following criteria have been satisfied to the satisfaction of the Director of Public Utilities: (a) the applicant submits documentation that the construction associated with the activity will not result in the discharge of sedimentation or soils into any water body or wetlands and any existing down hill storm drains must be protected; (b) the proposed development will result in equal or better protection for the riparian area because the riparian area will be restored, buffered, or enhanced through other special measures; and (c) the proposed activity or use will not authorize alterations to occupy more than fifty percent (50%) of the total area within Area A and B. If an existing legal lot or parcel proposed for development is rendered not buildable solely by application of the RCO or if a Riparian Protection Permit is denied, it may be appealed to the Board of Adjustment.

D. **Steep Slopes and Soil Stability Standards.** As part of a Riparian Protection Permit, the Public Utilities Director can require a geotechnical report and impose greater setbacks for structures or buildings from the Structure Limit Line to ensure safety. Proposed projects will be reviewed on an individual basis. When unstable soils are suspected regardless of the slope, the Public Utilities Director may require a geotechnical report, increase the No Disturbance Line as well as impose greater setbacks for structures or buildings from the Structure Limit Line to ensure safety. Replacement or repair of existing retaining structures requires Riparian Protection Permit. Proposed projects will be reviewed on an individual basis.

E. **Riparian Protection Permit Application.** In addition to the standard drawings for permit review, an applicant for a Riparian Protection Permit shall submit the following to the Public Utilities Department (and the Urban Forester for plant material), unless the permit is (a) for activities described in Section 21A.34.130(C)(1)(a)~~(1), (2) or (3)~~ or (b) waived by the Director of Public Utilities because of the small size of affected area~~:~~; Public Utilities shall expedite the review process if the applicant reasonably demonstrates imminent danger to property or safety:

1. Plans shall be at a scale of 1"= ~~20'~~20' minimum. Sections requiring a horizontal and vertical scale shall be equal (example: Horizontal 1"=10', Vertical 1"=10').

2. All site plans shall have existing and proposed grades with two (2) foot contour intervals.

3. Native vegetation should be identified by location, type and size. The proposed removal of invasive vegetation must also be identified.

4. Cross section drawings showing the riparian corridor, building setbacks and location of proposed structures.

5. 100 year flood plain, past flood hazard areas, geological faults, high liquefaction areas and slopes 30% or greater must all be identified.

6. The applicant shall also submit any geotechnical or hydrological reports required as determined by the Public Utilities Department.

7. Habitat of any threatened or endangered species of aquatic and terrestrial flora or fauna shall be identified on the plan.

8, If wetlands exist on the parcel, a wetlands delineation approved by the Army Corp of Engineers.

F. **Definitions.**

1. **Annual High Water Level (AHWL)** - Annual high water level means the highest level water reaches annually, on average on the shore and is identified by: fresh silt or sand deposits, the presence of litter and debris, or other characteristics indicative of high water levels.

2. **Armoring** - A protective covering of a stream's bed or banks with erosion-resistant material such as rock, concrete or stone filled gabion baskets. Armoring increases the stream flow velocity, which causes further damage on opposite down stream banks. Armoring can increase water temperatures, which affects riparian habitat and water quality.

3. **Stream** - A flowing body of water confined within a defined bed and banks. Streams may have continuous or periodic flow. Streams are important as conduits in the water cycle, instruments in aquifer recharge, and corridors for fish and wildlife migration. Stream is also an umbrella term used in the scientific community for all flowing natural waters, regardless of size (brook, creek, kill, rill, or run). Streams include intermittent or seasonal waterbodies, which exist for long periods, but not all year round. They do not include Ephemeral creeks, streams, rivers, ponds or lakes that only exists for a few days following precipitation or snowmelt.

4. **Wetland** -Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

on

1. These comments represent the views of the following individuals and groups:

Dr. Arthur Morris, PhD. – Riparian Ecologist, Salt Lake City resident
Lindsey Christensen – Research Scientist, Natural Resource Ecology Lab at CSU, property owner along Emigration Creek in Salt Lake City
Melissa Stamp – Watershed Scientist, Salt Lake City resident
Amy Defreese –River Defense Coordinator at Utah Rivers Council, Salt Lake City resident
Carl Fisher – Save Our Canyons, Salt Lake City resident

2. We support a stream setback ordinance in Salt Lake City that is based on a 100-foot riparian corridor with tiered setbacks for varying levels of disturbance.

3. While the Ordinance will provide only minimal protection as written, it is a valid place to begin in achieving the City's goal to protect its waterways.

4. The Ordinance could be improved to provide more meaningful protection if:

a) Language was removed that allows for new construction of patios and decks within Zones A & B. This language weakens the purpose of the Ordinance which is "to minimize erosion and stabilize stream banks, improve water quality, preserve fish and wildlife habitat, moderate stream temperatures, reduce potential for flood damage, as well as preserve the natural aesthetic value of streams and wetland areas of the City". New patio and deck construction will threaten the integrity of existing banks by increasing the area of impermeable surfaces, and will eliminate wildlife habitat the City is trying to protect with this ordinance;
b) The City would identify an enforcement mechanism, including the entity responsible for ensuring that the Ordinance is followed.
c) The City would enable development of a Riparian Corridor Improvement plan requiring a study to document baseline conditions and City goals for each of the five corridors listed in the Ordinance; and,
d) The City would provide a mechanism in the Ordinance that allows for individuals, business owners, and/or groups of residents to establish larger setbacks where appropriate. For example, where extensive wildlife habitat may exist or where increased protection would provide water quality or erosion control benefits beyond what could be provided with a smaller setback.

October 12, 2007

Marilyn Lewis
Salt Lake City Department of Planning
451 S. State Street, Rm 406
PO Box 145480
Salt Lake City, Utah 84114-5480

Dear Ms. Lewis,

I am writing on behalf of the Utah Rivers Council, a non-profit community-based organization of approximately 1,000 members. The Utah Rivers Council advocates for the protection and restoration of Utah's clean water sources and is therefore very encouraged by Salt Lake City Council's recent moratorium to limit construction within a 100 foot riparian corridor along City waterways. We applaud the efforts of Salt Lake City Planning Department to propose a Riparian Corridor Overlay District that establishes stream setbacks for new and existing development.

Fully functioning riparian corridors are critical because they function to improve water quality, provide critical wildlife habitat, and mitigate floodwaters. Riparian habitat is becoming increasingly rare in Utah and occupies less than 1 percent of Utah's land cover. Yet, 75 percent of Utah's bird species use riparian habitat to nest, forage, water, migrate and/or winter. Flooding in southern Utah, California and the mid-west over the last decade has raised awareness around the country about the dangers of building structures in floodplains. Between flood events, these impermeable surfaces contribute to the degradation of downstream water quality by increasing surface runoff containing pollutants that would otherwise be absorbed by riparian vegetation. For these reasons and more, it has become increasingly important to implement stream protection mechanisms at the local level, instead of relying on state and federal agencies to do it.

There is little agreement about the most effective size for stream buffers. For wildlife habitat, the literature suggests a minimum width of 300 feet, no matter the stream size. While there is no specific buffer width that will guarantee clean water, we know that it is important to consider vegetation within the buffer (wetland or upland), and the likely source of pollutants. For flood control purposes, some stream experts say the width of the buffer should be five times the width of the stream. It is clear that there is no "one size fits all" solution, but even a 100 foot buffer might not be big enough in some cases.

While we believe that larger setbacks than those proposed in the draft ordinance would better protect the functions of our streams, we agree that the proposed limits represent a good first step. Ultimately, the City should take the time to study individual corridors and establish a riparian corridor that considers vegetation, wildlife habitat needs, stream width, slope, and geology. Given the few streams that exist within our City, an effort to map on-the-ground characteristics would be easy and in the long run, extremely valuable. In the meantime, we strongly support the existing draft setback requirements and provide these additional recommendations:

1. While we appreciate the thoughtful consideration of bank slope (less than or greater than 30%) in the establishment of setbacks, we recommend that the setbacks remain consistent across varying bank slopes. Typically, more gradual bank slopes indicate a larger riparian corridor with a floodplain and high water table, whereas streams with steep bank slopes may not support a floodplain at all and simply transition into non-riparian habitat. It is however impossible to predict how slope affects the riparian corridor without on-the-ground field work. Therefore, we suggest that prior to the establishment of a field verified riparian corridor, this distinction be eliminated.

2. Because the Jordan River is a much larger water body than its tributaries, and because it maintains a much wider floodplain, we recommend that a larger riparian corridor be considered for it. Instead of a 100 foot corridor, the City should establish a 200 foot corridor where the No Disturbance Line exists at 50 feet and where the Structural Limit Line exists at 100 feet.

3. It is unclear in the existing draft ordinance whether setbacks apply to wetlands outside of the riparian corridor. We recommend that the City establish a separate wetlands ordinance as the functions of wetlands are much different than riparian corridors and should therefore be considered separately.

4. Upon completion of an on-the-ground riparian corridor study, the City should ideally limit all new development within that area. The City could also consider implementing percentage based limitations instead of linear feet limitations. For example, instead of a 25 foot No Disturbance Line, one could establish a No Disturbance Line based on 25% of the Riparian Corridor width. An on-the-ground riparian corridor study will result in varying corridor widths even along the same stream, therefore this approach would eliminate the inherent difficulty in assessing a 25 foot limit in a 25 foot wide riparian corridor.

5. Create a maintenance and enforcement mechanism in order to ensure that the ordinance is meaningful.

6. As described in Section G of the attached ordinance, the City should provide a variance for riparian corridors in undeveloped areas that may be larger than 100 feet. Spatial extensions of the Riparian Corridor shall require approval by the Salt Lake City Public Utilities Department after public hearings.

7. The Lowland Conservancy District Overlay and the Riparian Corridor District Overlay are unclear in the areas to which they apply, and the reasons why. We recommend one overlay district, the Riparian Corridor District in order to simplify the code.

We very much appreciate the opportunity to comment on this ordinance and applaud your efforts to protect stream corridors and the valuable functions they provide in Salt Lake City. Please contact me at (801) 486-4776 or amy@utahrivers.org with any questions you may have regarding the attached ordinance or the recommendations we have made in this letter.

Sincerely,

Amy Defreese
River Defense Coordinator
Utah Rivers Council

21.A34.130 RCO RIPARIAN CORRIDOR OVERLAY

Streams and their riparian areas comprise stream corridors. Stream water quality and stream functions depend integrally on the condition of riparian areas. Historically streams in Salt Lake City were tightly linked with riparian areas; this linkage contributed to clean water, healthy stream systems, and biodiverse riparian areas. Riparian areas are beloved by people for the proximity to flowing water, green vegetation, and the sights and sounds of birds and other wildlife. Riparian areas support the highest levels of biodiversity in this region. For example, although riparian areas comprise less than 1% of the land area in Utah, riparian habitats are selected by over 2/3 of Utah's bird species. The Utah Division of Wildlife Resources and Utah Partners in Flight list riparian areas as highest priority for conservation in Utah.

Riparian areas have experienced high levels of alteration due to urban development in western states, for a variety of reasons. Unfortunately, this has led to widespread degradation of riparian areas, with concomitant problems for flowing water systems. As riparian areas are degraded, their valuable services to humans are diminished or lost. Services provided by healthy riparian areas that are of value to human health and welfare include: helping to attenuate downstream flood peaks and flood severity, buffering surface runoff and groundwater flow (preventing contamination of streams), and preventing erosion. Healthy riparian areas also provide shade, therefore providing thermal refuges for people, wildlife, and plants. Healthy riparian areas help to prevent negative effects of urban development on streams.

Protection of riparian areas has been recognized to be of national importance (National Research Council, 2002, ISBN 0-309-08295-1). Protection of riparian areas in stream corridors in Salt Lake City is particularly important because this is a semi-arid area where water is relatively limited and streams are few. Human health and welfare will be particularly benefited by protection of riparian areas in Salt Lake City because the effects of protected, healthy riparian areas will help to offset water quality and quality of life problems caused by increasingly dense and widespread urban development. In addition, and not of least importance, protection of riparian areas in Salt Lake City will benefit the many plants and animals that prefer riparian habitats.

A. Purpose Statement. This overlay will provide protection and preservation for all stream corridors within the corporate limits of Salt Lake City (see Attachment 1: Stream Corridor Map), which will promote public health, safety, and welfare by protecting and preserving riparian areas with proper function. This overlay extends protection specifically to riparian areas. This overlay shall, therefore, supplement other applicable codes and regulations, including State and Federal Regulations, the Salt Lake City Floodplain Ordinance, and the Lowland Conservancy District.

B. Definitions:

1. **Annual High-Water Level -** Annual high-water level means the highest level water reaches annually, on average. The annual high-water level is generally indicated by physical characteristics visible on the bank such as a clear, natural line impressed on the bank, changes in the character of soil, the presence of litter and debris, distinct slope break, fresh sand or silt deposits and other physical characteristics indicative of high-water levels.

2. **No Disturbance Line** – This is the outer-most limit in which human-caused disturbance of the riparian area is prohibited as described in Section xxxx. , For streams with streambank slopes less than 30%, the No Disturbance Line is twenty-five (25) feet from the Annual High-Water Level; for streams with streambank slopes greater than 30%, this line is at fifty (50) feet from the Annual High-Water Level

3. **Riparian Area** – Riparian areas are adjacent to streams and lakes. They are the transitional areas between flowing water and terrestrial ecosystems, distinguished by gradients in biophysical conditions, ecological conditions, and biota. Riparian areas are areas where streams are connected with uplands through surface and subsurface hydrology. Riparian areas include those portions of the terrestrial ecosystems that significantly influence exchanges of matter and energy with aquatic ecosystems. (Definition from NRC 2002).

4. **Riparian Corridor** -- The Riparian Corridor as defined in this Salt Lake City Ordinance is a buffer of one hundred (100) feet measured from the Annual High-Water Level of the adjacent water course. Within this riparian corridor, human disturbances to the riparian area are constrained depending on distance from the stream and stream bank slope as described in Section XXXX. Structures existing in the Riparian Corridor may be maintained and or replaced as described in 21.A34.130 E.4.

5. **Stream** – A body of flowing water, confined within a defined bed and banks. Streams may have continuous or periodic flow. Stream is also an umbrella term used in the scientific community for all flowing natural waters, regardless of size (brook, creek, kill, rill, or run).

    a. Ephemeral Stream – An ephemeral stream is a stream that only exists for a few days following precipitation or snowmelt. Ephemeral streams are not the same as intermittent or seasonal streams, which exist for longer periods, but not all year round

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6. **Structure Limit Line**—This is the outermost limit in which new houses, buildings, or accessory structures are prohibited. For streams with streambanks less than 30%, this is fifty (50) feet from the Annual High-Water Level; for streams with streambanks more than 30%, this is seventy-five (75) feet from the Annual High-Water Level

7. **Wetlands** – Those non-tidal areas that are inundated or saturated by surface or gorund water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

C. Delineations:

Boundaries and Delineations of the Annual High-Water Level and the associated setbacks shall be performed by a licensed professional Civil or Hydraulic Engineer, Landscape Architect, Hydrologist, Fluvial Geomorphologist or equivalent environmental science professional. All delineations are subject to the approval of the Public Utilities Director. The Army Corps of Engineers must approve wetland delineations prior to their submittal to the Public Utilities Director.

The stream setback shall be delineated from the Annual High-Water Level. Where the Annual High-Water Level cannot be determined, the top of the channel bank may be substituted under the approval of the Salt Lake City Public Utilities Director or his designee.

If a wetland occurs within and extends beyond the 100' Riparian Corridor, the outermost edge of the wetland will determine the outer edge of the Riparian Corridor.

D. Prohibited Activities within the No Disturbance Zone

Within the no disturbance zone, no person shall engage in any activity that will disturb, remove, fill, dredge, clear, destroy, terrace or alter any riparian area through manipulation of soil, vegetation, or other material except by authorization from 1) Salt Lake City Public Utilities Director and upon his approval, 2) U.S. Army Corps of Engineers where applicable.

E. Minimum Setbacks for New Construction, Alterations, Additions and Accessory Structures within the Riparian Corridor.

1. The Riparian Corridor is a buffer of one hundred (100) feet measured from the Annual High-Water Level of the adjacent water course. Within this riparian corridor, human disturbances to the riparian area are constrained depending on distance from the stream and stream bank slope. All leach fields, storm water retention ponds, detention basins, streets, driveways, and parking lots are prohibited within the Riparian Corridor and shall be no closer than one hundred (100) feet horizontally to the annual high water level.

a. For slopes less than 30% from the Annual High Water Level, the following setbacks apply:

   i. Twenty-five (25) feet is designated as the "No Disturbance Line". No human-caused disturbance is allowed within twenty five (25) feet of the annual high-water level. Human-caused disturbance includes removing soil, filling, dredging, clearing vegetation or other natural groundcover, armoring (i.e. use of riprap, gabions, cement, etc. on streambankds), terracing, and building houses or other structures. All wooden and chain link fences are prohibited within this area.

   ii. Fifty (50) feet from the Annual High-Water Level is designated as the "Structure Limit Line." No new building, walls, or accessory structures shall be erected closer than fifty (50) feet horizontally to the Annual High-Water Level. From the Structure Limit Line to the No Disturbance Line, fencing and surface vegetation alteration is allowed;

   iii. From the outer boundary of the Riparian Corridor at 100 feet to the Structure Limit Line (50 feet), structures and grading are allowed.

b. For slopes greater than 30% from the Annual High Water Level, the following setbacks apply:

   i. Twenty-five (25) feet is designated as the "No Disturbance Line". No human-caused disturbance is allowed within twenty five (25) feet of the annual high-water level. Human-caused disturbance includes removing soil, filling, dredging, clearing vegetation or other natural groundcover, armoring (i.e. use of riprap, gabions, cement, etc. on streambankds), terracing, and building houses or other structures. All wooden and chain link fences are prohibited within this area.

   ii. Seventy-five (75) feet from the Annual High-Water Level is designated as the "Structure Limit Line." No new building, walls, or accessory structures shall be erected closer than fifty (50) feet horizontally to the Annual High-Water Level. From the Structure Limit Line to the No Disturbance Line, fencing and surface vegetation alteration is allowed;

   iii. From the outer boundary of the Riparian Corridor at 100 feet to the Structure Limit Line (50 feet), structures and grading are allowed.

2. Jurisdictional wetlands in the Riparian Area. All buildings, accessory structures, leach fields, and parking areas or lots shall be set back no closer than fifty (50) feet horizontally from the delineated edge of a jurisdictional wetland (delineated by the US Army Corps of Engineers). The Riparian Corridor shall not be less than 100 feet; however, where jurisdictional wetlands exist, buildings, accessory structures, leach fields, and parking areas or lots may not occur within 50 feet of the delineated edge of the wetland even if that is greater than Riparian Corridor limits described in 21.A34.130 E and G.

3. The foot print of an existing structure within the Riparian Corridor can be retained for new construction, as long as instability due to movement of a steep slope or geological activity along a fault has not occurred and caused changes to the ground that are so severe it will not support the previous structural foot print, and armoring of the stream bank is not required for the protection of the new structure. (Section 21A.34.130.D –Prohibited Activities)

F. Slope Stability Standards:

The minimum setback required for all construction on parcels abutting stream banks with steep slopes of 30% or greater, the No Disturbance Line shall be 50 feet from the annual high water level and no structure shall be closer than 75 feet from the annual high water level. The area of slopes 30% or greater may not be counted in the density calculations for new development.

G. Exceptional Riparian Values:

Where relatively-natural riparian areas exist in Salt Lake City, their unique natural characteristics may not all occur within 100 feet of the Annual High Water Level. The Salt Lake City Public Works Department shall evaluate the spatial extent and functions of riparian areas remaining in Salt Lake City where houses, buildings, or accessory structures do not yet exist. Where exceptional, natural riparian conditions exist, the Riparian Corridor may be extended beyond 100 feet and or the No Structure Limit or No Disturbance Boundary may be extended beyond distances described in 21.A34.130 E and G. Spatial extensions of the Riparian Corridor shall require approval by the Salt Lake City Public Utilities Department after public hearings.

I. Riparian Alteration Plan Standards:

For construction activities that involve alterations to the Riparian Corridor, in addition to the standard drawings for permit review, a Riparian Alteration Plan shall also be submitted for review and approval by the Public Utilities Department. An applicant must have a Riparian Alteration Plan approved by the Public Utilities Department (and the Urban Forester for plant material) before a permit can be issued.

1. Plans shall be at a scale of 1"= 20'minimum. Sections requiring a horizontal and vertical scale shall be equal (example: Horizontal 1"=10', Vertical 1"=10').

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2. All site plans shall have exiting and proposed grading with two (2) foot contour intervals.

3. Native vegetation should be identified by location, type and size. The proposed removal of any vegetation must also be identified.

4. The Riparian Corridor (and limit lines) measured from the annual high water level, 100 year flood plain, geological faults, high liquefaction areas and slopes 30% or greater must all be identified.

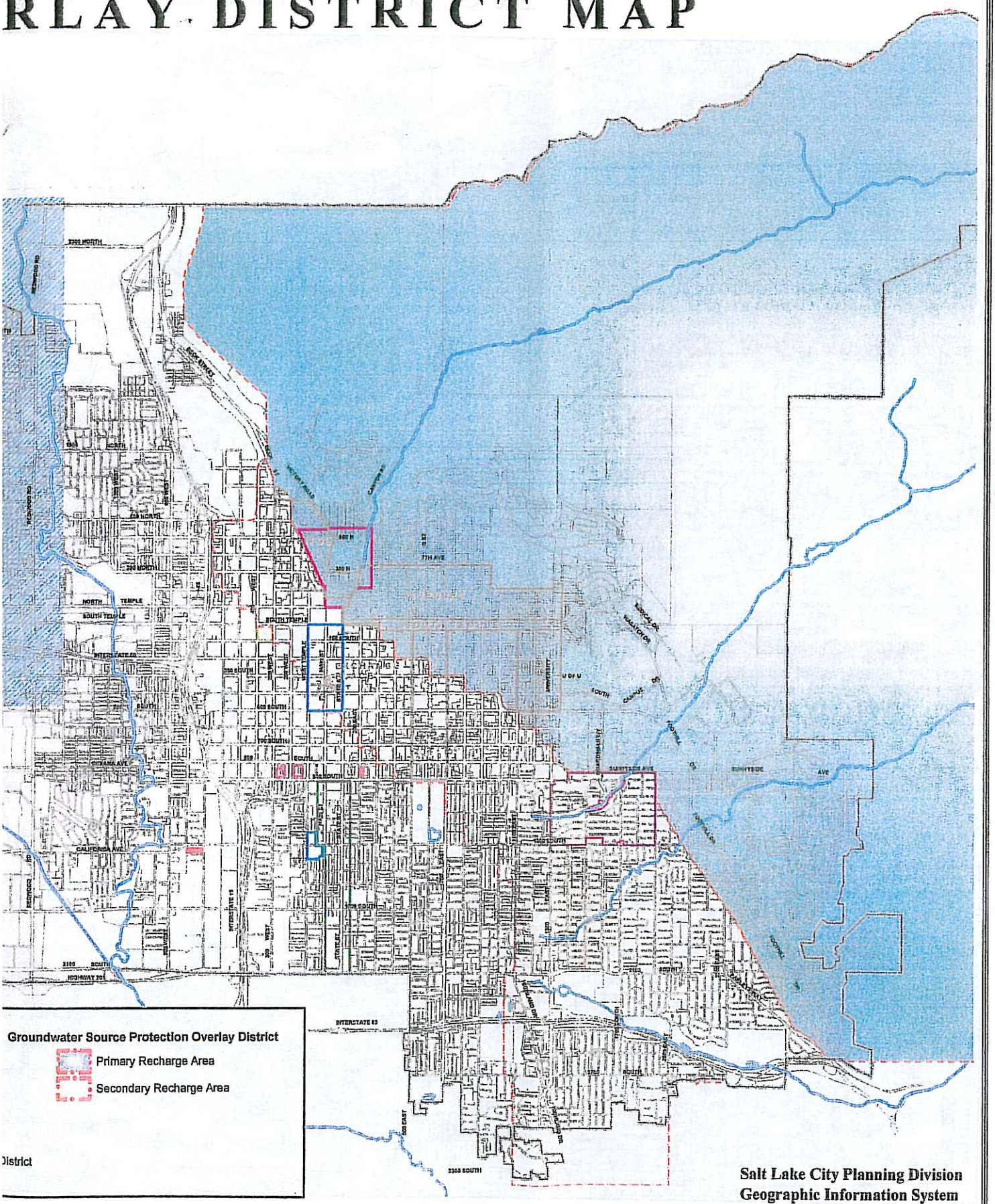
5. The applicant shall also submit any geotechnical or hydrological reports required as needed by the Public Utilities Department.

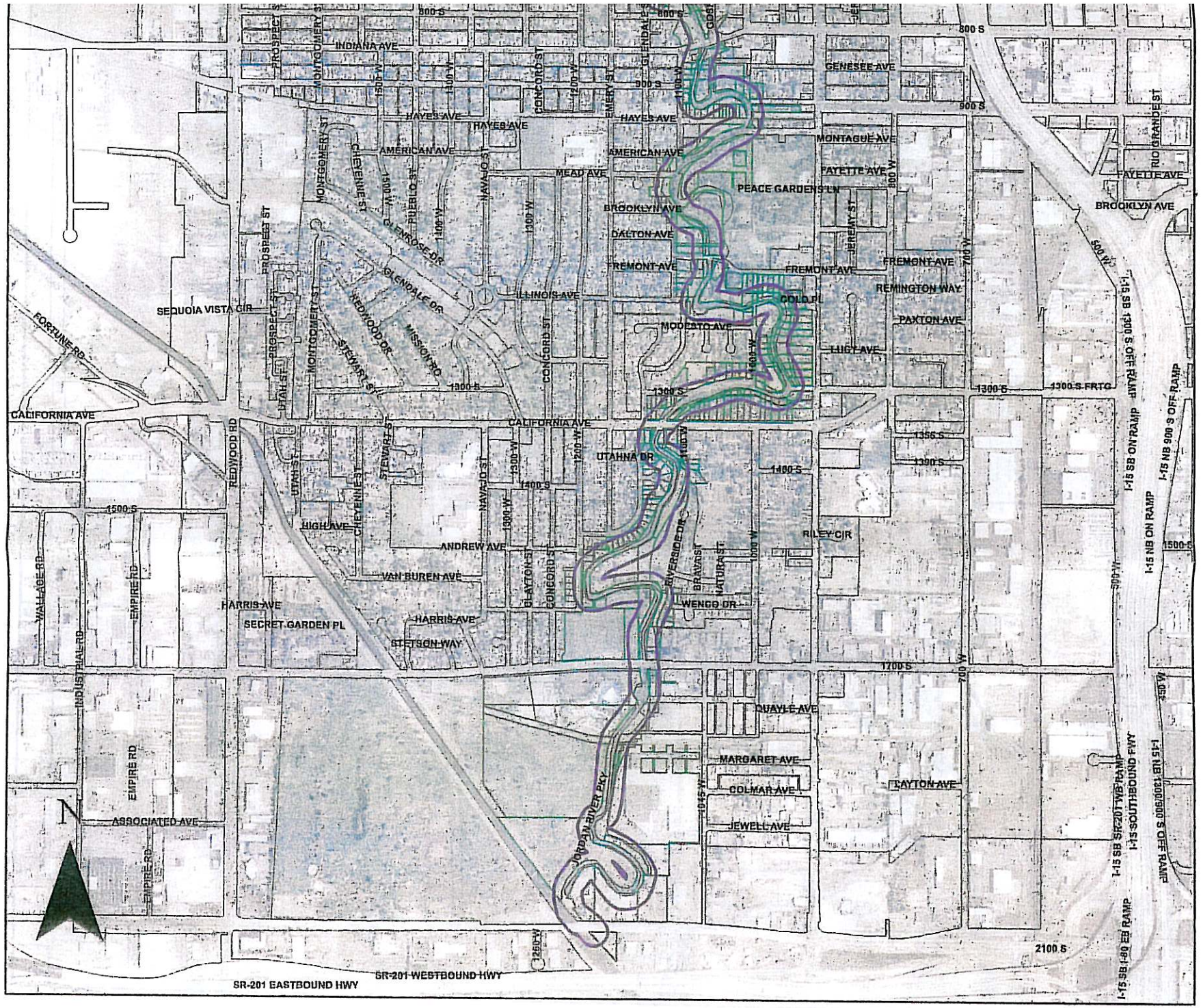
6. Habitat of any threatened or endangered species of aquatic and terrestrial flora or fauna shall be identified on the plan.

7. Where wetlands exist within the Riparian Corridor, applicants must obtain an approved wetland delineation and permit (where applicable) from the U.S. Army Corps of Engineers.

RF

RLAY DISTRICT MAP





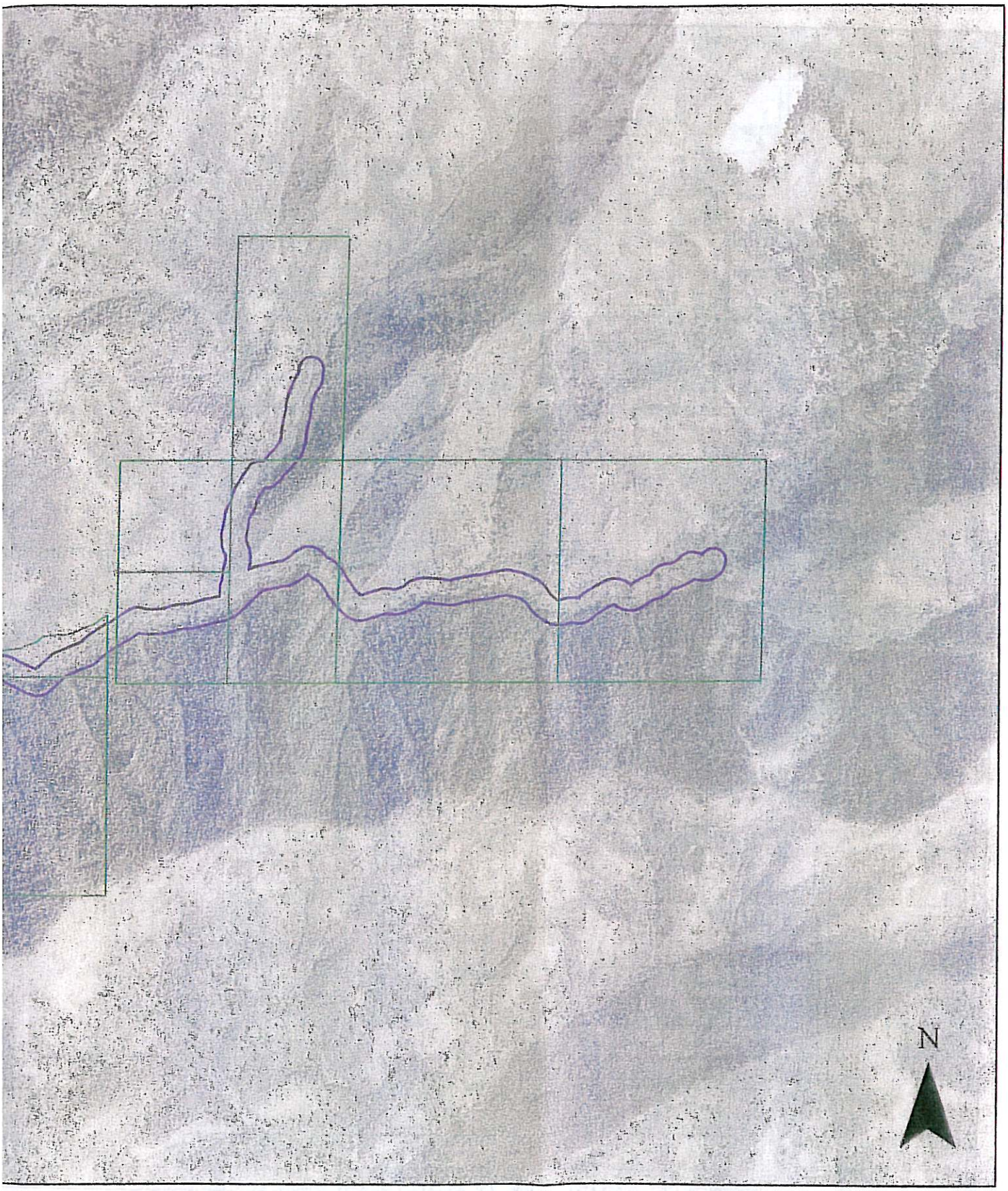
* Actual location is measured

Corridor #1

* Actual location is measured at Annual High Water Level

Properties that Intersect the 150 Radius

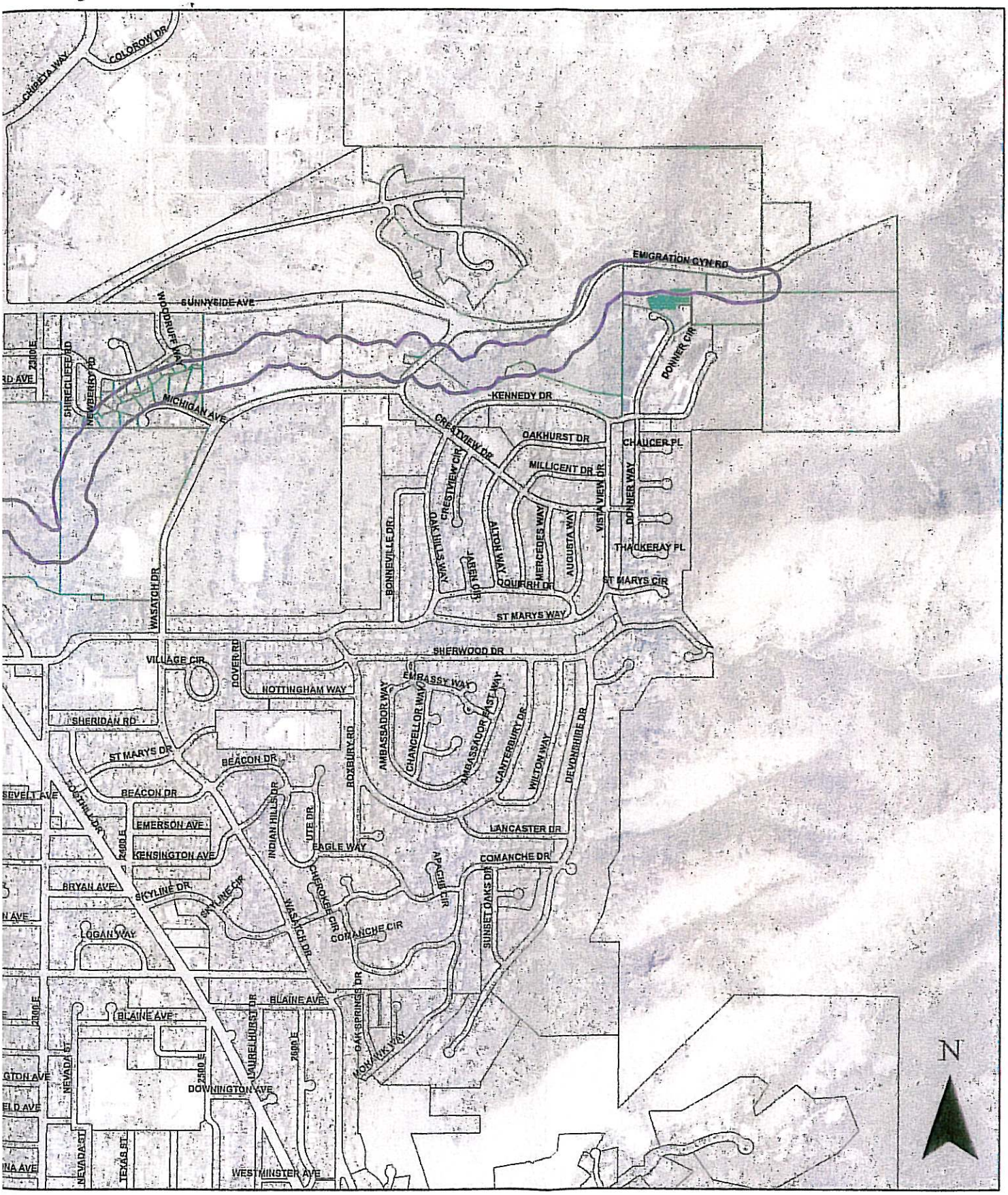
Corridor #3



* Actual location is measured at Annual High Water Level

Properties that Intersect the 150 Radius

anyon Corridor



* Actual location is measured at annual high water level

Properties that Intersect the 150 Radius

A. LOUIS ZUNGUZE
DIRECTOR
BRENT B.WILDE
DEPUTY DIRECTOR

SALT LAKE CITY CORPORATION
DEPT. OF COMMUNITY DEVELOPMENT
OFFICE OF THE DIRECTOR

ROSS C. "ROCKY" ANDERSON
MAYOR

CITY COUNCIL TRANSMITTAL

TO: Lyn Creswell, ~~Chief Administrative Officer~~ **DATE:** December 20, 2007

FROM: Louis Zunguze, Community Development Director

RE: Petition 400-07-18: Stream Corridor Overlay Zoning Text Amendment requested by Salt Lake City Council

STAFF CONTACTS: Marilynn Lewis, Principal Planner, at 535-6409 or marilynn.lewis@slcgov.com

RECOMMENDATION: That the City Council hold a briefing and schedule a Public Hearing.

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: To be determined (Technical Stream Study)

DISCUSSION:

Issue Origin: On July 17, 2007, the Salt Lake City Council issued a moratorium and an ordinance titled "Temporary Land Use Regulations for Non-ephemeral above Ground Stream Corridors."

Analysis: Following enactment of the moratorium, the Planning Division researched stream corridors regulations. As a result of that review, Planning staff proposed the following text amendment creating a Riparian Corridor Overlay District to provide protection on streams within Salt Lake City east of I-215. The Riparian Corridor Overlay District will provide a buffer along the stream corridors to minimize erosion, stabilize stream banks, protect water quality, preserve fish and wildlife habitat, and preserve aesthetic values of natural watercourses and wetland areas. The proposed revisions to the existing Lowland Conservancy Overlay District will enhance protection for the streams and wetlands west of I-215 and the Surplus Canal.

Both proposals were circulated for comment to pertinent City Departments and Divisions. Concerns were raised by Airport staff about having the Riparian Corridor Overlay District apply to property on or near Airport property. These concerns were discussed with the airport and resulted in revisions to the proposed ordinance such that the Riparian Corridor Overlay District applies only to the bodies of water east of I-215. The Lowland Conservancy Overlay District will

apply west of I-215 and are expected to provide protections in this area without impacting the functions of the Airport. The comments raised by other Department and Divisions, in general, contained no issues and were supportive.

Master Plan Considerations: The City's adopted master plans discuss to varying degrees the need for environmental protection with regards to: slopes and soil stabilization, habitat, flooding and liquefaction. Some of the plans also address issues regarding clean up and preservation of natural areas. Below is a list of salient issues regarding the protection of the natural habitat identified in each of the adopted community master plans:

- *Avenues, 1987 – Foothill protection, slope stabilization and re-vegetation.*
- *Central City, 2005 – Flood risk due to stream overflow, seismic fault zones and liquefaction potential*
- *Capitol Hill, 2001 – Encourage environmental protection and clean up. Identify the community's unique natural amenities, resources and settings designate natural areas to be preserved and improved as appropriate. Slope preservation.*
- *East Bench, 1987 – Slope stabilization is a major concern. It is important to preserve the unique scenic beauty, environmental habitat, recreational use and accessibility of the Wasatch foothills.*
- *Northwest/Jordan, 1992 – wetlands, Jordan River delta, Great Salt Lake, flood potential, high liquefaction potential*
- *Sugar House, 2005 – maintain storm water and flood control within the Parleys Creek area,*
- *West Salt Lake, 1995 –this area has a high water table with minimal sloping for positive drainage, the Mid-City Master Drainage Plan and the Westside Master Drainage Plan need to be reviewed and further implemented, high liquefaction potential*

PUBLIC PROCESS:

An Open House for the aforementioned city-wide petition was held on September 25, 2007. Seventy-two (72) people signed in, however, close to eighty (80) people attended to obtain information, ask questions, and participate in discussions. Planning staff incorporated the input from these discussions in the preparation of the proposed corridor and revision to the existing

Staff briefed the Planning Commission on September 26, 2007. The Planning Commission discussed the project but did not make any motions on the information presented.
The Planning Commission held a Public Hearing on November 14, 2007. The main issues raised by the public during the hearing included: not requiring a plan for removal of invasive species and new desired plantings, funding a small area or master plan study for the streams, allowing flexibility with relation to maintaining the existing footprint of a structure if it is too close to a stream, and allowing outdoor uses to be developed within Area A or closer than 25 feet to the Annual High Water Level. At the conclusion of the hearing, the Planning Commission passed a motion to table the issue until November 28, 2007. The Planning Commission directed staff to work with members of the community and revise the draft ordinance to address the main issues brought up at the hearing.

On November 28, 2007, the Planning Commission discussed the issues from the previous meeting and reopened the hearing to hear only new testimony based on the recent revisions to the draft ordinance. The Planning Commission reviewed staff's revisions to the draft ordinance, and based on written comment from a community member, made further revisions and determined that they were ready to make a motion. The Planning Commission passed a motion 7-1 to forward a favorable recommendation with revisions to the City Council for approval.

RELEVANT ORDINANCES:

Amendments to the Zoning Ordinance and Maps are authorized under Section 21A.50 of the Salt Lake City Zoning Ordinance, as detailed in Section 21A.50.050: "A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard." It does, however, list five standards, which should be analyzed prior to rezoning property (Section 21A.50.050 A-E). The five standards are discussed in detail starting on page 6 of the Planning Commission Staff Report (see Attachment 5b.).

Other relevant ordinances include: 21A.34.050 LC Lowlands Conservancy Overlay District 21A.34.060 GW Groundwater Source Protection Overlay District and 21A.18 Variances.

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1. CHRONOLOGY

PROJECT CHRONOLOGY

July 17, 2007 City Council enacted the Temporary Land Use Regulations for Non-Ephemeral Above Ground Streambed Corridors Ordinance.

July 25, 2007 Petition delivered to Planning Division.

July 27, 2007 Petition assigned to Project Planner.

August 02, 2007 Staff requested additional parameters of intent Council to be considered in formulating the proposed ordinance. None were given.

September 17, 2007 Notices were sent out for an Open House.

September 25, 2007 An Open House was held to gather comments from the public.

September 11, 2007 A memo was sent to the pertinent City Departments and Divisions to gather comments. Comments were due back to Planning Staff by September 25, 2007.

September 26, 2007 Staff briefed the Planning Commission on the proposed ordinances, as well as comments from the Public Open House and requested additional direction in formulating the proposed ordinance. Planning Commissioners stated that they were not prepared to discuss them. A few comments were received, but no motion was proposed or passed.

October 10, 2007 The Planning Commission minutes from the September 26, 2007 meeting were ratified, for the briefing.

October 29, 2007 Staff requested draft ordinances from the City Attorney to give them to format the documents. We will provide any revisions after Planning Commission meets. The final drafts are due November 21, 2007.

October 30, 2007 Planning Commission Hearing agenda/notices were sent out.

November 14, 2007 The Planning Commission held a public hearing and passed a motion to table the petition. They further directed staff to work with members of the community to try and revise the ordinance to address their issues.

November 26, 2007 The memorandum and the revised drafts were forwarded to the Planning Commissioners and posted on the City's web site.

November 28, 2007 The Planning Commission discussed the revisions staff made and re-opened the public hearing for comments on the revised document only. The Planning Commission passed a motion to forward a favorable recommendation with additional revisions to the City Council.

December 3, 2007 Staff requested revisions to the draft ordinances from City Attorney's office. The final drafts are due December 6, 2007.

December 6, 2007 The transmittal packet was forwarded to Community Development a week in advance of the regular time frame. Due to the abbreviated time frame draft minutes were included in the packet with the approval of the CD Director. Council staff was notified of the transmittal.

2. ORDINANCES

Riparian Corridor (Clean)

SALT LAKE CITY ORDINANCE
No. _____ of 2008

(Enacting 21A.34.130 Riparian Corridor Overlay District (RCO), applying said overlay district to all properties located within one hundred feet (100') of the Annual High Water Level of Non-Ephemeral Above Ground Streambed Corridors, and amending the Salt Lake City Zoning Map accordingly)

AN ORDINANCE ENACTING SECTION 21A.34.130, *SALT LAKE CITY CODE*, TO CREATE RIPARIAN CORRIDOR OVERLAY DISTRICT (RCO), APPLYING RCO RIPARIAN CORRIDOR OVERLAY ZONE TO ALL PROPERTIES WITHIN ONE HUNDRED FEET (100') OF THE ANNUAL HIGH WATER LEVEL OF NON-EPHEMERAL ABOVE GROUND STREAMBED CORRIDORS, AND AMENDING THE SALT LAKE CITY ZONING MAP ACCORDINGLY, PURSUANT TO PETITION NO. 400-07-18.

WHEREAS, on July 18, 2007, the Salt Lake City Council passed Ordinance No. 50 of 2007, Enacting Temporary Land Use Regulations for Non-Ephemeral Above Ground Streambed Corridors, which will expire on January 18, 2008;

WHEREAS, the Salt Lake City Council desires to enact land use regulations that will minimize erosion, stabilize banks, protect water quality, preserve fish and wildlife habitat, and preserve aesthetic values of natural watercourses and wetland areas on a permanent basis;

WHEREAS, protection and preservation of streambed corridors within the City promotes the public health, safety and general welfare of present and future City residents; and

WHEREAS, after hearings before the Planning Commission and the Salt Lake City Council, the City Council has determined that the following ordinance is in the best interest of the City.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Enacting RCO Riparian Corridor Overlay District: That Section 21A.34.130 of the *Salt Lake City Code* shall be and hereby is enacted to read as follows:

21A.34.130 RCO Riparian Corridor (RCO) Overlay District:

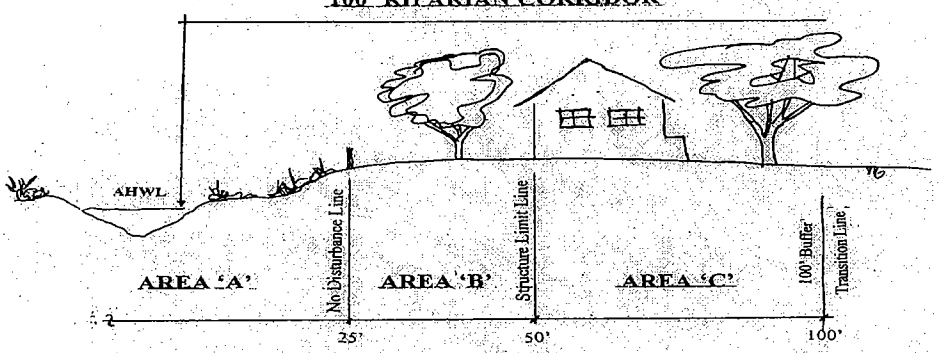
A. Purpose Statement. The purpose of the Riparian Corridor Overlay (RCO) is to minimize erosion and stabilize stream banks, improve water quality, preserve fish and wildlife habitat, moderate stream temperatures, reduce potential for flood damage, as well as preserve the natural aesthetic value of streams and wetland areas of the City. This overlay provides protection for all stream corridors and wetlands east of the Interstate 215 Highway and includes City Creek, Red Butte Creek, Emigration Creek, the Jordan River and Parleys Creek and their tributaries. Canals and irrigation ditches are not included. The Surplus Canal and water courses west of Interstate 215 are protected under Section 21A.34.050 Lowland Conservancy Overlay (LC) District . The requirements of the RCO District shall supplement other applicable codes and regulations, including State and Federal regulations and the Salt Lake City Floodplain Ordinance. The RCO does not relieve the obligation for compliance with all other land use and zoning regulations applicable to a property.

B. Delineations:
Any Boundaries and Delineations required under the RCO shall be prepared by a licensed professional Hydraulic Engineer, Hydrologist, Wetlands Scientist, Fluvial Geomorphologist or equivalent environmental science professionals. All delineations are subject to the approval of the Public Utilities Director.

The Riparian Corridor shall be delineated at the annual high water level on the bank taking into consideration the characteristics of the surrounding area. Where the annual high water level cannot be found, the top of the channel bank may be substituted under the approval of the SLC Public Utilities Director or his designee. The Army Corps of Engineers must have approved any required wetland delineations prior to submittal to the Public Utilities Director. If a wetland occurs within and extends beyond the 100 feet or the Riparian Corridor, the outermost edge of the wetland will determine the outer edge of the Riparian Corridor.

C. Minimum Setbacks for New Construction, Additions and Accessory Structures. The following minimum setbacks shall be required within the Riparian Corridor (Illustration A):

ILLUSTRATION - A



1. **Riparian Corridor** is a one hundred foot (100') transition buffer measured from the Annual High Water Level of the adjacent water course and/or wetland. This area may be extended for wetlands as described in 21A.34.130(B). No leach fields, storm water retention ponds, detention basins or commercial parking lots shall be located within the Riparian Corridor. No person or organization shall engage in any ground-disturbing activity that will remove, fill, dredge, clear, destroy, armor, terrace or otherwise alter this area through manipulation of soil, or other material except as allowed by: (i) this ordinance and, where required by this ordinance, also the Public Utilities Director; or (ii) the U.S. Army Corps of Engineers, Salt Lake County Flood Control, the Utah State Engineer and/or other government authorities where applicable. The following areas are established within the Riparian Corridor Overlay:

a. **No Disturbance Line** is measured twenty-five feet (25') from the AHWL, hereinafter (Area A). This is the outermost limit that prohibits disturbance. No new construction shall occur closer than twenty-five feet (25') horizontally to the annual high water level, except as permitted by this ordinance. Approved activities within Area A which are allowed without a Riparian Protection Permit include: (1) manual removal of storm debris, dead vegetation and trash by property owner; (2) pruning or removal of trees along utility easements by the responsible entity; (3) removal of invasive plants; (4) planting of native non-invasive vegetation or other approved groundcover, shrubbery and trees on a list of approved vegetation within Riparian Areas published by Public Utilities and/or the Urban Forester; (5) maintenance of existing fences and structures within the original footprint as long as further armoring of the stream bank is not required, and there is no instability due to movement of a steep slope, or the proposed construction activities within Area A have been approved if required, by the U.S. Army Corps of Engineers under the Clean Water Act or the River and Harbors Act, or by the Utah State Engineer under the Stream Alteration Permit Program; and (6) installation and maintenance of erosion control that is approved, if necessary, by the U.S. Army Corps. of Engineers, Salt Lake County Flood Control, the Utah State Engineer and/or other government authorities with jurisdiction.

b. **Outdoor residential uses** in Area A which require a Riparian Protection Permit and do not require the use of heavy equipment is: (1) new construction or maintenance of access stairs and/or paths between vertical levels within Area A, or between Area A and Area B and no more than one per level in terraced areas, and (2) open (as opposed to solid masonry or wood) fences at the edge of terraced areas.

c. **Structure Limit Line** is measured fifty feet (50') from the AHWL, hereinafter (Area B). This delineates the limit where any type of construction (landscape walls, additions, accessory structures or new construction) can occur, except as otherwise permitted by this or other ordinances. Approved activities within Area B which are allowed without a Riparian Protection Permit include: (1) activities described in 21A.34.130(C)(1)(a) and (b); (2) new construction of fencing; (3) construction of open patios and decks with footings with a maximum of two feet (2') above grade; (4) minimal grading; (5) compost from yard debris; and (6) mechanized removal of fallen or diseased trees.

d. **Replacement or rebuilding of a pre-existing structure** in Area A and /or B requires a Riparian Protection Permit and is allowed if: (1) it replaces a pre-existing structure with the same type of structure or a structure of lesser impact as pursuant to the base zoning district, (2) no portion of the footprint of the new construction is any nearer to the AHWL than the nearest point of the pre-existing structure to the AHWL, (3) the total square footage of the portion of the footprint of the new structure to be located within Areas A and/or B shall not exceed the total square footage of the footprint of the old structure as it was located within Areas A and B, (4) the new construction does not require armoring of the stream bank, there is no instability due to movement of a steep slope, or unstable soils or geological activity along a fault has not occurred and caused changes to the ground that are so severe that it will not support the previous structural footprint; (5) the new structure must comply with the requirements of the base zoning district. If the new structure will not comply with the base zoning district it may be appealed to the Board of Adjustment.

e. **Buffer Transition Line** is measured one-hundred feet (100') from the AHWL, hereinafter (Area C). All development activities permitted by the base zone are allowed within Area C, as well as those described in 21A.34.130(C)(1)(c) without a Riparian Protection Permit except leach fields, storm water retention ponds, detention basins or commercial parking lots.

2. **Riparian Protection Permit.** This permit is supplemental to the standard construction building permits and associated processes. If a property owner cannot comply with the RCO or a specific activity in this ordinance requires a Riparian Protection Permit, the property owner may submit an application for a Riparian Protection Permit with the Director of Public Utilities (see Section 21A.34.130E). The Director of Public Utilities shall issue a Riparian Protection Permit for the proposed use or activity if it is approved by this ordinance and provided the following criteria have been satisfied to the satisfaction of the Director of Public Utilities: (a) the applicant submits documentation that the construction associated with the activity will not result in the discharge of sedimentation or soils into any water body or wetlands and any existing down hill storm drains must be protected; (b) the proposed development will result in equal or better protection for the riparian area because the riparian area will be restored, buffered, or enhanced

through other special measures; and (c) the proposed activity or use will not authorize alterations to occupy more than fifty percent (50%) of the total area within Area A and B. If an existing legal lot or parcel proposed for development is rendered not buildable solely by application of the RCO or if a Riparian Protection Permit is denied, it may be appealed to the Board of Adjustment.

D. Steep Slopes and Soil Stability Standards. As part of a Riparian Protection Permit, the Public Utilities Director can require a geotechnical report and impose greater setbacks for structures or buildings from the Structure Limit Line to ensure safety. Proposed projects will be reviewed on an individual basis. When unstable soils are suspected regardless of the slope, the Public Utilities Director may require a geotechnical report, increase the No Disturbance Line as well as impose greater setbacks for structures or buildings from the Structure Limit Line to ensure safety. Replacement or repair of existing retaining structures requires Riparian Protection Permit. Proposed projects will be reviewed on an individual basis.

E. Riparian Protection Permit Application. In addition to the standard drawings for permit review, a Riparian Protection Permit shall submit the following to the Public Utilities Department (and the Urban Forester for plant material), unless the permit is (a) for activities other than those described in Section 21A.34.130(C)(1)(a)(1), (2) or (3) or (b) waived by the Director of Public Utilities because of the small size of affected area:

1. Plans shall be at a scale of 1"= 20'minimum. Sections requiring a horizontal and vertical scale shall be equal (example: Horizontal 1"=10', Vertical 1"=10').

2. All site plans shall have existing and proposed grades with two (2) foot contour intervals.

3. Native vegetation should be identified by location, type and size. The proposed removal of invasive vegetation must also be identified.

4. Cross section drawings showing the riparian corridor, building setbacks and location of proposed structures.

5. 100 year flood plain, past flood hazard areas, geological faults, high liquefaction areas and slopes 30% or greater must all be identified.

6. The applicant shall also submit any geotechnical or hydrological reports required as determined by the Public Utilities Department.

7. Habitat of any threatened or endangered species of aquatic and terrestrial flora or fauna shall be identified on the plan.

8. If wetlands exist on the parcel, a wetlands delineation approved by the Army Corp of Engineers.

F. Definitions.

1. **Annual High Water Level (AHWL)** - Annual high water level means the highest level water reaches annually, on average on the shore and is identified by: fresh silt or sand deposits, the presence of litter and debris, or other characteristics indicative of high water levels.

2. **Armoring** – A protective covering of a stream's bed or banks with erosion-resistant material such as rock, concrete or stone filled gabion baskets. Armoring increases the stream flow velocity, which causes further damage on opposite down stream banks. Armoring can increase water temperatures, which affects riparian habitat and water quality.

3. **Stream** – A flowing body of water confined within a defined bed and banks. Streams may have continuous or periodic flow. Streams are important as conduits in the water cycle, instruments in aquifer recharge, and corridors for fish and wildlife migration. Stream is also an umbrella term used in the scientific community for all flowing natural waters, regardless of size (brook, creek, kill, rill, or run). Streams include intermittent or seasonal waterbodies, which exist for long periods, but not all year round. They do not include Ephemeral creeks, streams, rivers, ponds or lakes that only exists for a few days following precipitation or snowmelt.

4. **Wetland** –Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

SECTION 2. Application of RCO Riparian Corridor Overlay Zone. The RCO Riparian Corridor Overlay District enacted above shall be and hereby is applied to all properties within one hundred feet (100') of the Annual High Water Level of Non-Ephemeral Above Ground Streambed Corridors.

SECTION 3. Amending Salt Lake City Zoning Map. The Salt Lake City Zoning Map shall be and hereby is amended consistent with the provisions set forth herein.

SECTION 4. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2008.

_____
CHAIRPERSON

ATTEST:

_____
CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____Approved. _____Vetoed.

_____
MAYOR

_____
CHIEF DEPUTY CITY RECORDER

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date January 3, 2008
By Melanie Reif

(SEAL)

Bill No. _____ of 2008.
Published: _____.

HB_ATTY-#2781-v1-Enacting_21A_34_130_Riparian_Corridor_Overlay_District__Etc__--_12-18-07_draft.DOC

Lowland Conservancy (Legislative)

SALT LAKE CITY ORDINANCE
No. _____ of 2008

(Amending 21A.34.050 Lowland Conservancy Overlay District (LC))

AN ORDINANCE AMENDING SECTION 21A.34.050, *SALT LAKE CITY CODE*, PERTAINING TO LOWLAND CONSERVANCY OVERLAY DISTRICT (LC), PURSUANT TO PETITION NO. 400-07-18.

WHEREAS, the Planning Commission and the City Council of Salt Lake City, Utah, have held public hearings and have taken into consideration citizen testimony, filing, and demographic details of the area, the long range general plans of the City, and the local master plan as part of their deliberation. Pursuant to these deliberations, the City Council has concluded that the proposed amendments are in the best interest of the City.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. **Amending Lowland Conservancy Overlay District (LC)**. That Section 21A.34.050 of the *Salt Lake City Code*, pertaining to Lowland Conservancy Overlay District be, and hereby is, amended to read as follows:

21A.34.050 LC Lowland Conservancy Overlay District:

A. **Purpose Statement**: It is the purpose of this District to promote the public health, safety and general welfare of the present and future residents of the City and downstream drainage areas by providing for the protection, preservation, proper maintenance, and use of the City's watercourses, lakes, ponds, floodplain and wetland areas. The requirements of this District shall supplement other applicable codes and regulations, including State and Federal regulations and the Salt Lake City Floodplain Ordinance.

B. **Lowland Protection Areas**: Areas protected by the LC Lowland Conservancy Overlay District encompass areas consisting of waterbodies such as streams, lakes, ponds and wetlands west of Interstate 215, as identified on the Zoning Map, and also the ~~Jordan River and the~~ Surplus Canal. These areas are referred to herein as lowland protection areas.

C. **Lowland Protection Area Standards**:

1. Setback Required: A nonbuildable setback area around the waterbodies described in subsection B of this Section above shall be required. The nonbuildable setback shall be fifty feet (50') for nonresidential uses and twenty five feet (25') for residential uses from the boundary line of the LC Lowland Conservancy Overlay District as identified on the Zoning Map, or from the banks of the ~~Jordan River or~~ Surplus Canal.

2. Permitted Uses: No development or improvement to land shall be permitted within the limits of a waterbody. Within the setback area identified in subsection C1 of this Section, permitted uses shall be limited to the following, subject to the other requirements of this District.

a. Agricultural uses, provided such uses are permitted in the underlying district and do not involve any grading, earthmoving, modification of site hydrology, removal of wetland vegetation or construction of permanent buildings/structures;

b. Open space and recreational uses that do not involve any grading, earthmoving, modification of site hydrology, removal of wetland vegetation or construction of permanent buildings/structures.

3. Conditional Uses: Within the limits of a waterbody, conditional uses shall be limited to those involving only limited filling, excavating or modification of existing hydrology, as listed below:

a. Boat launching ramps;

b. Swimming beaches;

c. Public and private parks including wildlife and game preserves, fish and wildlife improvement projects, and nature interpretive centers;

d. Boat docks and piers;

e. Roads and bridges;

f. Observation decks and walkways within wetlands;

g. Repair or replacement of existing utility poles, lines and towers; and

h. Watercourse relocation and minor modifications.

Within the setback area, conditional uses shall be limited to the following.

a. All uses listed above;

b. Stormwater drainage and detention facilities;

c. Pedestrian paths and trails; and

d. Public and private open space that requires grading or modification of site hydrology.

4. Natural Vegetation Buffer Strip: A natural vegetation strip shall be maintained along the edge of the stream, lake, pond or wetland to minimize erosion, stabilize the streambank, protect water quality, maintain water temperature at natural levels, preserve fish and wildlife habitat, to screen manmade structures, and also to preserve aesthetic values of the natural watercourse and wetland areas. Within the twenty five foot (25') natural vegetation strip, no buildings or structures (including paving) may be erected, except as allowed by conditional use. Planting of native non-invasive vegetation or other approved groundcover, shrubbery and trees on a list of approved vegetation within Riparian Areas published by Public Utilities and/or the Urban Forester is allowed without a Riparian Permit as set forth in Section 21A.34.130(E). However, normal repair

and maintenance of existing buildings and structures shall be permitted. The natural vegetation strip shall extend landward a minimum of twenty five feet (25') from the ordinary high water mark of a perennial or intermittent stream, lake or pond and the edge of a wetland. The natural vegetation strip may be interrupted to provide limited access to the waterbody. Within the natural vegetation strip, trees and shrubs may be selectively pruned or removed for harvest of merchantable timber, to achieve a filtered view of the waterbody from the principal structure and for reasonable private access to the stream, lake, pond or wetland. Said pruning and removal activities shall ensure that a live root system stays intact to provide for streambank stabilization and erosion control.

5. Landscape Plan Required: A landscape plan shall be submitted with each conditional use permit application for development activity within the LC Lowland Conservancy Overlay District and contain the following:

a. A plan describing the existing vegetative cover of the property and showing those areas where the vegetation will be removed as part of the proposed construction;

b. A plan describing the proposed revegetation of disturbed areas specifying the materials to be used. The vegetation must be planned in such a way that access for stream maintenance purposes shall not be prevented; and

c. Such a plan shall be in conformance with the requirements of Part IV, Chapter 21A.48 of this Title.

D. **State And Federal Permits Required**: A conditional use shall not be granted unless the applicant has first obtained a section 404 permit from the Army Corps of Engineers and a stream

alteration permit from the Utah State Department of Natural Resources, Water Rights Division, as applicable.

E. **Conditional Use Standards**: In addition to demonstrating conformance with the conditional use standards contained in Part V, Chapter 21A.54 of this Title, each applicant for a conditional use within the LC Lowland Conservancy Overlay District must demonstrate conformance with the following standards:

1. The development will not detrimentally affect or destroy natural features such as ponds, streams, wetlands, and forested areas, nor impair their natural functions, but will preserve and incorporate such features into the development's site;

2. The location of natural features and the site's topography have been considered in the designing and siting of all physical improvements;

3. Adequate assurances have been received that the clearing of the site topsoil, trees, and other natural features will not occur before the commencement of building operations; only those areas approved for the placement of physical improvements may be cleared;

4. The development will not reduce the natural retention storage capacity of any watercourse, nor increase the magnitude and volume of flooding at other locations; and that in addition, the development will not increase stream velocities;

5. The soil and subsoil conditions are suitable for excavation and site preparation, and the drainage is designed to prevent erosion and environmentally deleterious surface runoff;

6. The proposed development activity will not endanger health and safety, including danger from the obstruction or diversion of flood flow;

7. The proposed development activity will not destroy valuable habitat for aquatic or other flora and fauna, adversely affect water quality or groundwater resources, increase storm water runoff velocity so that water levels from flooding increased, or adversely impact any other natural stream, floodplain, or wetland functions, and is otherwise consistent with the intent of this Title;

8. The proposed water supply and sanitation systems are adequate to prevent disease, contamination and unsanitary conditions; and

9. The availability of alternative locations not subject to flooding for the proposed use.

SECTION 2. **Effective Date:** This Ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____, 2008.

_____
CHAIRPERSON

ATTEST:

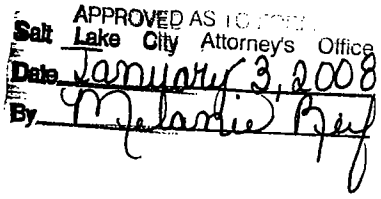
_____
CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____Approved. _____Vetoed.

_____
MAYOR

_____
CHIEF DEPUTY CITY RECORDER



(SEAL)

Bill No. _____ of 2008.
Published: _____.

HB_ATTY-#2388-v1-Amending_21A_34_050_Lowland_Conservancy_Overlay_District_--_11-06-07_draft.DOC

Lowland Conservancy (Clean)

SALT LAKE CITY ORDINANCE
No. _____ of 2008

(Amending 21A.34.050 Lowland Conservancy Overlay District (LC))

AN ORDINANCE AMENDING SECTION 21A.34.050, *SALT LAKE CITY CODE*, PERTAINING TO LOWLAND CONSERVANCY OVERLAY DISTRICT (LC), PURSUANT TO PETITION NO. 400-07-18.

WHEREAS, the Planning Commission and the City Council of Salt Lake City, Utah, have held public hearings and have taken into consideration citizen testimony, filing, and demographic details of the area, the long range general plans of the City, and the local master plan as part of their deliberation. Pursuant to these deliberations, the City Council has concluded that the proposed amendments are in the best interest of the City.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. **Amending Lowland Conservancy Overlay District (LC)**. That Section 21A.34.050 of the *Salt Lake City Code*, pertaining to Lowland Conservancy Overlay District be, and hereby is, amended to read as follows:

21A.34.050 LC Lowland Conservancy Overlay District:

A. **Purpose Statement**: It is the purpose of this District to promote the public health, safety and general welfare of the present and future residents of the City and downstream drainage areas by providing for the protection, preservation, proper maintenance, and use of the City's watercourses, lakes, ponds, floodplain and wetland areas. The requirements of this District shall supplement other applicable codes and regulations, including State and Federal regulations and the Salt Lake City Floodplain Ordinance.

B. **Lowland Protection Areas**: Areas protected by the LC Lowland Conservancy Overlay District encompass areas consisting of waterbodies such as streams, lakes, ponds and wetlands west of Interstate 215, as identified on the Zoning Map, and also the Surplus Canal. These areas are referred to herein as lowland protection areas.

C. **Lowland Protection Area Standards**:

1. Setback Required: A nonbuildable setback area around the waterbodies described in subsection B of this Section above shall be required. The nonbuildable setback shall be fifty feet (50') for nonresidential uses and twenty five feet (25') for residential uses from the boundary line of the LC Lowland Conservancy Overlay District as identified on the Zoning Map, or from the banks of the Surplus Canal.

2. Permitted Uses: No development or improvement to land shall be permitted within the limits of a waterbody. Within the setback area identified in subsection C1 of this Section, permitted uses shall be limited to the following, subject to the other requirements of this District.

a. Agricultural uses, provided such uses are permitted in the underlying district and do not involve any grading, earthmoving, modification of site hydrology, removal of wetland vegetation or construction of permanent buildings/structures;

b. Open space and recreational uses that do not involve any grading, earthmoving, modification of site hydrology, removal of wetland vegetation or construction of permanent buildings/structures.

3. Conditional Uses: Within the limits of a waterbody, conditional uses shall be limited to those involving only limited filling, excavating or modification of existing hydrology, as listed below:

a. Boat launching ramps;

b. Swimming beaches;

c. Public and private parks including wildlife and game preserves, fish and wildlife improvement projects, and nature interpretive centers;

d. Boat docks and piers;

e. Roads and bridges;

f. Observation decks and walkways within wetlands;

g. Repair or replacement of existing utility poles, lines and towers; and

h. Watercourse relocation and minor modifications.

Within the setback area, conditional uses shall be limited to the following.

a. All uses listed above;

b. Stormwater drainage and detention facilities;

c. Pedestrian paths and trails; and

d. Public and private open space that requires grading or modification of site hydrology.

4. Natural Vegetation Buffer Strip: A natural vegetation strip shall be maintained along the edge of the stream, lake, pond or wetland to minimize erosion, stabilize the streambank, protect water quality, maintain water temperature at natural levels, preserve fish and wildlife habitat, to screen manmade structures, and also to preserve aesthetic values of the natural watercourse and wetland areas. Within the twenty five foot (25') natural vegetation strip, no buildings or structures (including paving) may be erected, except as allowed by conditional use. Planting of native non-invasive vegetation or other approved groundcover, shrubbery and trees on a list of approved vegetation within Riparian Areas published by Public Utilities and/or the Urban Forester is allowed without a Riparian Permit as set forth in Section 21A.34.130(E). However, normal repair

and maintenance of existing buildings and structures shall be permitted. The natural vegetation strip shall extend landward a minimum of twenty five feet (25') from the ordinary high water mark of a perennial or intermittent stream, lake or pond and the edge of a wetland. The natural vegetation strip may be interrupted to provide limited access to the waterbody. Within the natural vegetation strip, trees and shrubs may be selectively pruned or removed for harvest of merchantable timber, to achieve a filtered view of the waterbody from the principal structure and for reasonable private access to the stream, lake, pond or wetland. Said pruning and removal activities shall ensure that a live root system stays intact to provide for streambank stabilization and erosion control.

5. Landscape Plan Required: A landscape plan shall be submitted with each conditional use permit application for development activity within the LC Lowland Conservancy Overlay District and contain the following:

a. A plan describing the existing vegetative cover of the property and showing those areas where the vegetation will be removed as part of the proposed construction;

b. A plan describing the proposed revegetation of disturbed areas specifying the materials to be used. The vegetation must be planned in such a way that access for stream maintenance purposes shall not be prevented; and

c. Such a plan shall be in conformance with the requirements of Part IV, Chapter 21A.48 of this Title.

D. **State And Federal Permits Required**: A conditional use shall not be granted unless the applicant has first obtained a section 404 permit from the Army Corps of Engineers and a stream

alteration permit from the Utah State Department of Natural Resources, Water Rights Division, as applicable.

E. **Conditional Use Standards**: In addition to demonstrating conformance with the conditional use standards contained in Part V, Chapter 21A.54 of this Title, each applicant for a conditional use within the LC Lowland Conservancy Overlay District must demonstrate conformance with the following standards:

1. The development will not detrimentally affect or destroy natural features such as ponds, streams, wetlands, and forested areas, nor impair their natural functions, but will preserve and incorporate such features into the development's site;

2. The location of natural features and the site's topography have been considered in the designing and siting of all physical improvements;

3. Adequate assurances have been received that the clearing of the site topsoil, trees, and other natural features will not occur before the commencement of building operations; only those areas approved for the placement of physical improvements may be cleared;

4. The development will not reduce the natural retention storage capacity of any watercourse, nor increase the magnitude and volume of flooding at other locations; and that in addition, the development will not increase stream velocities;

5. The soil and subsoil conditions are suitable for excavation and site preparation, and the drainage is designed to prevent erosion and environmentally deleterious surface runoff;

6. The proposed development activity will not endanger health and safety, including danger from the obstruction or diversion of flood flow;

7. The proposed development activity will not destroy valuable habitat for aquatic or other flora and fauna, adversely affect water quality or groundwater resources, increase storm water runoff velocity so that water levels from flooding increased, or adversely impact any other natural stream, floodplain, or wetland functions, and is otherwise consistent with the intent of this Title;

8. The proposed water supply and sanitation systems are adequate to prevent disease, contamination and unsanitary conditions; and

9. The availability of alternative locations not subject to flooding for the proposed use.

SECTION 2. **Effective Date:** This Ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____, 2008.

_____
CHAIRPERSON

ATTEST:

_____
CHIEF DEPUTY CITY RECORDER

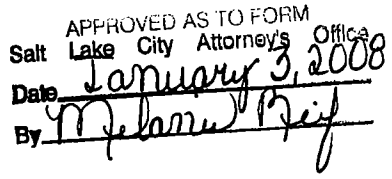
Transmitted to Mayor on _____.

Mayor's Action: _____Approved. _____Vetoed.

_____
MAYOR

_____
CHIEF DEPUTY CITY RECORDER

(SEAL)



Bill No. _____ of 2008.
Published: _____.

HB_ATTY-#2869-v1-Amending_21A_34_050_Lowland_Conservancy_Overlay_District_--_01-03-08_final.DOC

3. NOTICE OF CITY COUNCIL HEARING

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is considering a Zoning Text Amendment to Title 21A Zoning Ordinance. On July 18, 2007 the Council enacted a six month moratorium and the Temporary Land Use Regulations for Non-Ephemeral Above Ground Streambeds. The purpose of this legislation, as stated, was to minimize erosion, stabilize stream banks, protect water quality, preserve fish and wildlife habitat, as well as preserve aesthetic values of natural watercourses and wetland areas.

The petition will create the proposed 21A.34.130 Riparian Corridor Overlay District and amend the existing 21A.34.050 Lowland Conservancy Overlay District for a zoning text amendment to the adopted Salt Lake City Zoning Ordinance.

The City Council will hold a public hearing to receive comments regarding the petition. During this hearing, the Planning staff may present information on the petition and anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

DATE:

TIME:

PLACE: Room 315
City and County Building
451 South State Street
Salt Lake City, Utah

Salt Lake City complies with all ADA guidelines. People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this hearing. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the ADA Coordinator at 535-7971; TDD 535-6021.

If you have any questions relating to this proposal, please attend the meeting or contact Marilynn Lewis at 535-6049 or via e-mail Marilynn.lewis@slcgov.com .

4. MAILING LIST

SUSAN WHITNEY
1739 ROSECREST DRIVE
SLC, UT 84114

JIM WEBSTER
938 MILITARY DRIVE
SLC, UT 84108

LEROY JOHNSON
2008 SHERIDAN ROAD
SLC, UT 84114

LINDSAY CHRISTENSEN
1804 HARRISON AVENUE
SLC, UT 84108

DAN JENSEN
WHCC CHAIR
1670 E. EMERSON AVE.
SLC, UT 84108

MELISSA STAMP
1052 E. ROOSEVELT AVENUE
SLC, UT 84105

ALAN CONDIE
1375 KRISTIE LANE
SLC, UT 84114

RAWLINGS YOUNG
2135 S. 1900 E.
SLC, UT 84108

ARTHUR MORRIS
1556 S. 1600 E.
SLC, UT 84114

RON WOODHEAD
1938 SHERIDAN ROAD
SLC, UT 84108

MEL THATCHER
1573 BRYAN AVENUE
SLC, UT 84105

CINDY CROMER
816 E. 100 S.
SLC, UT 84105

ANNE CANNON
1647 KENSINGTON AVENUE
SLC, UT 84108

DANIEL LEE
1373 SOUTH 1900 EAST
SLC, UT 84108

AMY PRICE
1328 ALLEN PARK DRIVE
SLC, UT 84108

TOM HULBERT
1547 YALE AVENUE
SLC, UT 84105

DIANE FOSNOCHT
1430 BRYAN AVENUE
SLC, UT 84105

SILIVEI NIU
1564 S. CONCORND ST.
SLC, UT 84108

MORRIS LINTON
2001 BROWNING AVENUE
SLC, UT 84108

DAVID DARLEY
2019 ALEFU CIRCLE
SLC, UT 84114

SHANE CARLSON
375 L STREET
SLC, UT 84114

VINCE RAMPTON
170 SOUTH MAIN STREET
#1500
SLC, UT 84114

CHRISTIAN THURGOOD
6286 S. HAVENCHASE LANE
SLC, UT 84121

EMIL KMET
2509 S. HIGHLAND DRIVE
SLC, UT 84108

ELLEN REDDICK
2177 ROOSEVELT AVENUE
SLC, UT 84108

PATRICIA K. CLAHAS
1349 NORMANDIE CIRCLE
SLC, UT 84105

GLEN DECKER
1082 S. 1100 E.
SLC, UT 84105

TIM KOMOLOS
1664 EMERSON AVENUE
SLC, UT 84105

DAN DUGGLBY
1650 E. KENSINTON AVENUE
SLC, UT 84108

ROBERT& SUSAN WEBSTER
1248 YALE AVENUE
SLC, UT 84105

KELLY GARDNER
1990 BROWNING AVENUE
SLC, UT 84108

WILLIAM MCCLENNEN
1144 E. 1300 S.
SLC, UT 84105

JEFF VANDEL
1538 EMERSON AVENUE
SLC, UT 84105

DAWN G. CURTIS
1750 BROWNING AVENUE
SLC, UT 84108

RICK KNUTH
1446 DOWNIGTON AVENUE
SLC, UT 84108

MICHAEL GOTTFREDSON
1989 BROWNING AVENUE
SLC, UT 84105

DAVID E. CURTIS
1752 BROWNING AVENUE
SLC, UT 84108

SHELLEY MCCLENNEN
1144 E. 1300 S.
SLC, UT 84105

JOHN STRALEY
2016 ALDO CIRCLE
SLC, UT 84108

ESTHER HUNTER
1049 NORRIS PLACE
SALT LAKE CITY, UT 84102

PRESTON RICHARDS
2046 LAIRD DRIVE
SLC, UT 84100

RUTH PRICE
1343 ALLEN PARK DRIVE
SLC, UT 84105

BETH BOWMAN
1445 HARRISON AVENE
SLC, UT 84108

LAURIE GOLDNER
1709 EAST BRYAN AVENUE
SLC, UT 84108

WESLEY THOMPSON
3897 W. 7925 S.
WEST JORDAN, UT 84118

JON DEWEY
1724 E. PRINCETON AVENUE
SLC, UT 84108

RYAN THOMPSON
1465 E. WOODLAND AVENUE
SLC, UT 84106

JON DEWEY
1724 E. PRINCETON AVENUE
SLC, UT 84105

NANCY R. REISEL
1385 S. 1900 E.
SLC, UT 84108

BECKY L. LARSEN
1163 E. CHARLTON AVENUE
SLC, UT 84106

TOM DEVROOM
213 NORTH 800 WEST
SLC, UT 84102

ROBIN CARBAUGH
1428 E. SUNNYSIDE AVENUE
SLC, UT 84108

SHERMAN MARTIN
2065 HARVARD OAKS CIRCLE
SLC, UT 84105

NICHELLE CARIGNAN
2730 S. HIGHLAND DRIVE
SLC, UT 84105

MICHELLE JENSEN
1670 E. EMERSON AVENUE
SLC, UT 84108

LOUISE HILL
1264 YALE AVENUE
SLC, UT 84105

THAM SOLEOTJO
225 WEST 300 SOUTH
SLC, UT 84102

JOHN HAYMOND
3060 S. MARIE CIRCLE
SLC, UT 84109

PAM PHILLIPS
439 EAST SANDY OAKS DRIVE
SLC, UT 84106

ELIZABETH BOWMAN
1539 S. 1600 E.
SLC, UT 84106

TERRY HURST
346 NORTH 600 WEST
SLC, UT 84102

PAUL TAYLOR
OAK HILLS CHAIR
1165 OAKHILLS WAY
SLC UT 84108

STEVE WOODS
945 WEST BEARDSLEY
SLC, UT 84104

JEFF GOCHNOUR
2855 COTTONWOOD PKWY
SLC, UT 84116

DARREN MENLOVE
1370 WEST NORTH TEMPLE
SLC, UT 84102

TONY NISSEN
456 NORTH 600 WEST
SLC, UT 84102

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SLC, UT 84102

DAVE SOLLIS
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SLC, UT 84105

VICKY ORME
159 NORTH 1320 WEST
SLC, UT 84102

JOHN WILLIAMS
574 NE CAPITOL STREET
SLC, UT 84103

TIFFANY SANDBERG
310 NORTH 1000 WEST
SLC, UT 84116

JESSE DALE STOKES
2346 EAST LAKE VIEW STREET
SLC, UT 84109

AAM INVESTMENTS LTD
5365 S COTTONWOOD LN
HOLLADAY UT 84117

ADAMS, GARY L & CARA J; TC
242 S 800 E
PAYSON UT 84651

ALDOUS, RICHARD A & LAREE B
1979 E BROWNING AVE
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ALLBRIGHT, MAGDALENA
1785 E ROSECREST DR
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ALLEN PARK
SOUTH 2815 WILBUR ROAD
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1149 S 1100 W
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ALLEN, MAT
1583 E GLEN ARBOR ST
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ALTO, BRUNO R. & DOROTHY J.
2033 E 1300 S
SALT LAKE CITY UT 84108

AMARO, ROSAMARIA
1407 S UTAHNA DR
SALT LAKE CITY UT 84104

AMARO, ROSAMARIA
1407 S UTAHNA DR
SALT LAKE CITY UT 84104

AMES-LABRUM, SONJA M
1387 S UTAHNA CIR
SALT LAKE CITY UT 84104

AMSCO WINDOWS
1880 S 1045 W
SALT LAKE CITY UT 84104

AMSCO WINDOWS
1880 S 1045 W
SALT LAKE CITY UT 84104

ANDERSEN, BORGE B; TR
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1951 E BROWNING AVE
SALT LAKE CITY UT 84108

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1719 E KENSINGTON AVE
SALT LAKE CITY UT 84108

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1068 S 1100 W
SALT LAKE CITY UT 84104

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CAMBRIDGE MA 02141

B & M HOLDINGS #4 LLC
404 E 4500 S # B22
MURRAY UT 84107

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SALT LAKE CITY UT 84116

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729 LACEY WAY
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BAIERSCHMIDT, EUGENE S
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BAILESS, LAURENCE P & SANDRA; JT
8674 S WILLOW GREEN CIR
SANDY UT 84093

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SALT LAKE CITY UT 84104

AMSCO WINDOWS
1880 S 1045 W
SALT LAKE CITY UT 84104

AMSCO WINDOWS
1880 S 1045 W
SALT LAKE CITY UT 84104

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SALT LAKE CITY UT 84105

ANDERSON, CHARLES S.
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SALT LAKE CITY UT 84105

ANDERSON, DOROTHY S
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MURRAY UT 84107

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SALT LAKE CITY UT 84104

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SALT LAKE CITY UT 84116

BALDWIN, KATHRYN P
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SALT LAKE CITY UT 84116

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SALT LAKE CITY UT 84104

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1756 E SUNNYSIDE AVE
SALT LAKE CITY UT 84108

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1756 E SUNNYSIDE AVE
SALT LAKE CITY UT 84108

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259 S 1200 W
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BARTA, RICHARD M & KRISTIN S; JT
1948 E CLAREMONT WY
SALT LAKE CITY UT 84108

BARTON, THOMAS R & EISENMAN, SUSAN H; JT
1763 E 900 S
SALT LAKE CITY UT 84108

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3316 S. MONTE VERDE DR.
SALT LAKE CITY UT 84109

BC WARNER INVESTMENT COMPANY
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1134 W 700 S
SALT LAKE CITY UT 84104

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BENNETT, BRANDON B & VIERRA, VIRGINIA; JT
1187 E HARVARD AVE
SALT LAKE CITY UT 84105

BENNETT, EDEN M; TR
1842 E HARRISON AVE
SALT LAKE CITY UT 84108

BENNETT, WARREN L & MONIKA R; JT
980 S MILITARY DR
SALT LAKE CITY UT 84108

BLACK, JOHN L & KAREN S; JT
957 S DIESTEL RD
SALT LAKE CITY UT 84105

BNO, LLC
68 S MAIN ST # 200
SALT LAKE CITY UT 84101

BOARD OF EDUCATION OF SALT LAKE CITY
440 E 100 S
SALT LAKE CITY UT 84111

BOARD OF EDUCATION OF SALT LAKE CITY
440 E 100 S
SALT LAKE CITY UT 84111

BOARD OF EDUCATION OF SALT LAKE CITY, THE
440 E 100 S
SALT LAKE CITY UT 84111

BOARD OF EDUCATION OF SLC
440 E 100 S
SALT LAKE CITY UT 84111

BOBICH, EDWARD M
751 N RIVERSIDE DR
SALT LAKE CITY UT 84116

BOE, KAREN
1751 E ROSECREST DR
SALT LAKE CITY UT 84108

BOETTCHER, JERRY L
1176 W 2100 S
WEST VALLEY UT 84119

BOETTCHER, JERRY L & JAMES D; JT
1176 W 2100 S
WEST VALLEY UT 84119

BOLINDER, LEAH DEANN
1774 E HARRISON AVE
SALT LAKE CITY UT 84108

BORGENICHT, NANCY S; TR
1062 S 1500 E
SALT LAKE CITY UT 84105

BOSEMAN, J JERALD & SHERRIE;
1876 E HARRISON AVE
SALT LAKE CITY UT 84108

BOTTMAN, THOMAS A & PARIS B;
944 S MILITARY DR
SALT LAKE CITY UT 84108

BOULTON, MELVIN, AFTON D, SHAUNA D & DEBRA
1516 E GLEN ARBOR ST
SALT LAKE CITY UT 84105

BOYDEN, STEPHEN G. & PATRICIA
1100 S 1500 E
SALT LAKE CITY UT 84105

BRACY, RUTH G (TR)
1419 E HARVARD AVE
SALT LAKE CITY UT 84105

BRADSHAW, HOWARD C; ET AL
1931 E BROWNING AVE
SALT LAKE CITY UT 84108

BRAMWELL, TERESA
923 S DIESTEL RD
SALT LAKE CITY UT 84105

BRAVO, ROCIO & GOMEZ, CLEMEN TC
1156 W 500 S
SALT LAKE CITY UT 84104

BOLINDER, LEAH DEANN
1774 E HARRISON AVE
SALT LAKE CITY UT 84108

BRENNAN, WILLIAM A & RONDA A; JT
2429 E MICHIGAN AVE
SALT LAKE CITY UT 84108

BRENNAN, WILLIAM A & RONDA A; JT
2429 E MICHIGAN AVE
SALT LAKE CITY UT 84108

BRIONES, LUIS & JOSE S; JT
1084 W CALIFORNIA AVE
SALT LAKE CITY UT 84104

BROCKBANK, DONNA
468 N REDWOOD RD
SALT LAKE CITY UT 84116

BROWN, DAVID D
1379 S UTAHNA DR
SALT LAKE CITY UT 84104

BRUBAKER, JAN L; ET AL
202 CHICHESTER RD
NEW CANAAN CT 06840

BRUSSARD, JANET M
875 S DONNER WY # 208
SALT LAKE CITY UT 84108

BUCKSTAD, LISA & TOMSETT, ANDREW; TC
1144 W PACIFIC AVE
SALT LAKE CITY UT 84104

BUCKSTAD, LISA A & TOMSETT, ANDREW O; JT
1144 W PACIFIC AVE
SALT LAKE CITY UT 84104

BUNKER, HUGH C & CARIN D; JT
867 S DIESTEL RD
SALT LAKE CITY UT 84105

BURDETT, RICHARD S & JENSEN, SHARON B; JT
1592 E GLEN ARBOR ST
SALT LAKE CITY UT 84105

BURTON, JON D & MICHELYN M (JT)
1423 S UTAHNA DR
SALT LAKE CITY UT 84104

BUTCHER, ROY E & SHARON L; JT
1297 N CAROUSEL ST
SALT LAKE CITY UT 84116

BUTTERFIELD, ROY W & AILENE H; ET AL
1521 S 1200 W
SALT LAKE CITY UT 84104

BYTHROW, BRIAN & MICHELLE; JT
1353 S 1900 E
SALT LAKE CITY UT 84108

CALDER, KENNETH E. & MONIQUE
1527 E GLEN ARBOR ST
SALT LAKE CITY UT 84105

CAMPBELL, DOUGLAS S & BARBARA M; TRS
965 S DIESTEL RD
SALT LAKE CITY UT 84105

CAMPELO, MARIA C
1215 S 1000 W
SALT LAKE CITY UT 84104

CAMPOS, EDWARD P & SLOAN, JANET; JT
1403 E WESTMINSTER AVE
SALT LAKE CITY UT 84105

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255 KAANAPALI DR
NAPA CA 94558

CANNON, WAYNE; TR ET AL
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CANYON CREST CONDM COMM(AREA MASTER CARD
875 S DONNER WY
SALT LAKE CITY UT 84108

CAO, VU
3588 W CRAB APPLE CIR
TAYLORSVILLE UT 84118

CAO, VU, V&L AUTO SERVICES A REPAIR
1310 SOUTH 900 WEST
SALT LAKE CITY UT 84111

CARLOS, JUAN P
1515 S 1200 W
SALT LAKE CITY UT 84104

CARROLL, NOLA R
1156 S FOOTHILL DR # 121
SALT LAKE CITY UT 84108

CATES, SUSAN
1414 E DOWNINGTON AVE
SALT LAKE CITY UT 84105

CENTRAL CHURCH OF THE NAZARENE
1099 W 800 S
SALT LAKE CITY UT 84104

CHADWICK, JOHN L
743 S 1100 W
SALT LAKE CITY UT 84104

CHAVEZ, FLORENTINE C &
CATHERINE C
4858 E MAYCHELLE DR
ANAHEIM CA 92807

CHENEY, CRAIG S & BARBER,
FRANCIE R; JT
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SALT LAKE CITY UT 84108

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FRANCIE R; JT
2074 E LAIRD DR
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CHILDRESS, CHAD
641 S GLENDALE ST
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CHILDS, WAYNE C & JEANETTE I;
TRS
8811 S 1645 E
SANDY UT 84093

CHILDS, WAYNE C & JEANETTE I;
TRS
8811 S 1645 E
SANDY UT 84093

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953 S DIESTEL RD
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CHRISTENSEN, CONNIE S; TR
2034 E 1300 S
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CHRISTENSEN, JACK K & DENNIS;
JT
1415 S UTAHNA DR
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CHRISTENSEN, LINDSEY
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CHRISTENSEN, RIO L & LINDSEY
H; JT
1538 E GLEN ARBOR ST
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CHRISTENSEN, RIO L & LINDSEY
H; JT
1538 E GLEN ARBOR ST
SALT LAKE CITY UT 84105

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CYNTHIA J; TRS
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CISERNOS, AGUSTIN & ANGELINA;
JT
1005 N GARNETTE ST
SALT LAKE CITY UT 84116

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1389 S UTAHNA CIR
SALT LAKE CITY UT 84104

CLARKEN, JAMES L
1308 E YALE AVE
SALT LAKE CITY UT 84105

CLAYTON, ARVIL & O'NEIL,
GAYANNE; JT
1618 W 500 N
SALT LAKE CITY UT 84116

CLAYTON, MIRIAM J; TR
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SALT LAKE CITY UT 84108

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1215 N CAROUSEL ST
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COLBY, GARY L & TAMARA L; TC
412 N CHAZ CT
SALT LAKE CITY UT 84116

COLONIAL HILLS CORP. OF CH C
JC OF LDS
50 E NORTHTEMPLE ST
SALT LAKE CITY UT 84150

COMMONS AT SUGARHOUSE LC
1165 WILMINGTON AVE # 275
SALT LAKE CITY UT 84106

CONDAS, CATHY
2470 E NINTH SOUTH CIR
SALT LAKE CITY UT 84108

CONDIE, ALAN S & M MICHELLE (
1375 S KRISTIE LN
SALT LAKE CITY UT 84108

CONTRERAS, JUVENAL &
CONTRERAS-OLMEDO, ALMA; JT
1124 W 600 S
SALT LAKE CITY UT 84104

COON, SHIRLEY E
2655 E COMANCHE DR
SALT LAKE CITY UT 84108

CORNELL, JARED & LOWE-
CORNELL, BRENDA; JT
1156 S FOOTHILL DR # 132
SALT LAKE CITY UT 84108

CORNISH, JOAN C
1391 S UTAHNA CIR
SALT LAKE CITY UT 84104

CORNISH, JOAN C
1393 S UTAHNA CIR
SALT LAKE CITY UT 84104

CORP OF PB OF CH JC OF LDS
50 E NORTHTEMPLE ST
SALT LAKE CITY UT 84150

CORP OF PB OF CH JC OF LDS
50 E NORTHTEMPLE ST #2200
SALT LAKE CITY UT 84150

CORP OF PB OF CH JC OF LDS
50 E NORTHTEMPLE ST #2200
SALT LAKE CITY UT 84150

CORP OF PB OF CH JC OF LDS
60 E NORTHTEMPLE ST #1800
SALT LAKE CITY UT 84150

CORP OF PB OF CH OF JC OF LDS
50 E NORTHTEMPLE ST
SALT LAKE CITY UT 84150

CORP OF PRES BISHOP OF CH OF JC OF LDS
50 E NORTHTEMPLE ST
SALT LAKE CITY UT 84150

CORP OF PRES BISHOP OF CH OF JC OF LDS
50 E NORTHTEMPLE ST
SALT LAKE CITY UT 84150

CORP OF THE PB OF CH JC LDS
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COSTANZO, ARTHUR R & DARLENE; TRS
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CORP OF PB OF CH JC OF LDS
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DALTON, KAREN H
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SALT LAKE CITY UT 84104

DANZIG, PETER & ELIZABETH; JT
1610 W 500 N
SALT LAKE CITY UT 84116

DARGAN-MCDONALD, ANN E
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2019 E ALDO CIR
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939 S DIESTEL RD
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DAVIS, CELESTE A
1240 S 900 W
SALT LAKE CITY UT 84104

DEANS, JENNIFER S
1539 E GLEN ARBOR ST
SALT LAKE CITY UT 84105

DALTON, KAREN H
1225 S 1000 W
SALT LAKE CITY UT 84104

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SALT LAKE CITY UT 84104

CRUZ, JESUS & CALDERON, BI JT
787 S GOSHEN ST
SALT LAKE CITY UT 84104

CURTIS, DAVID E & DAWN G (J
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DAIGLE, BARRY W
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DOHONEY, RICHARD L
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2733 E PARLEYS WY # 300
SALT LAKE CITY UT 84109

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DOXEY, ROBERT & DENISE; ET AL
2028 E LAIRD DR
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EDGEHILL CORP OF CH OF JC LDS
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EDWARDS, DON
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GOLD, MARJORY A; TR
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LIEBER, WILFORD K & CONSTANCE L; JT
931 S DIESTEL RD
SALT LAKE CITY UT 84105

LINCK, BLAINE C & CAROL; TRS
1085 N GARNETTE CIR
SALT LAKE CITY UT 84116

LINCOLN, FAE F
1436 E YALE AVE
SALT LAKE CITY UT 84105

LINDBECK, FREDRICK C & SHAUN/
PO BOX 3627
MESQUITE NV 89024

LINO, CHRISTOPHER J & LINDSTR(
COLLEEN R; TC
852 S DIESTEL RD
SALT LAKE CITY UT 84105

LINO, CHRISTOPHER J & LINDSTR(
COLLEEN R; TC
852 S DIESTEL RD
SALT LAKE CITY UT 84105

LINTON, JANE H; TR
2001 E BROWNING AVE
SALT LAKE CITY UT 84108

LINTON, JANE H; TR
2001 E BROWNING AVE
SALT LAKE CITY UT 84108

LISONBEE, JAMES K; TR
2729 W ANDREW AVE
SALT LAKE CITY UT 84104

LITTLETON, CLARK G
1557 E GLEN ARBOR ST
SALT LAKE CITY UT 84105

LLOYD, GREGORY J
1319 N CAROUSEL ST
SALT LAKE CITY UT 84116

LLOYD, WILLIAM H & FRANCES Y \
TRS
2045 E 1300 S
SALT LAKE CITY UT 84108

LLOYD, WILLIAM H & FRANCES Y V; TRS
2045 E 1300 S
SALT LAKE CITY UT 84108

LOMELI, FRANCISCO
1601 W 800 N
SALT LAKE CITY UT 84116

LONE STAR STEAKHOUSE & SALOON OF UTAH, INC
PO BOX 22845
OKLAHOMA CITY OK 73123

LONG, JUDITH A
1106 W 800 S
SALT LAKE CITY UT 84104

LONG, STEVEN L & LISA L; JT
1608 E MICHIGAN AVE
SALT LAKE CITY UT 84105

LONG, STEVEN L & LISA L; JT
1608 E MICHIGAN AVE
SALT LAKE CITY UT 84105

LOPEZ, LUCIO G & BRANDY K; TC
402 N REDWOOD RD
SALT LAKE CITY UT 84116

LOVATO, ANNA Z; TR
PO BOX 27411
SALT LAKE CITY UT 84127

LOWE, MARCUS D
11441 S STATE ST # A-233
DRAPER UT 84020

LOWE, MARCUS D
735 S 850 E
BOUNTIFUL UT 84010

LUCKY LAKE, LLC
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LYMAN, MELISSA
307 E 5300 S
MURRAY UT 84107

LYMAN, SUSAN B & WHITNEY, GARY L; JT
1739 E ROSECREST DR
SALT LAKE CITY UT 84108

MADDEN, STEPHEN E; TR
4080 PARADISE RD #15-253
LAS VEGAS NV 89109

MADRID, LINDA J & SCHARMAN, TONI; JT
1411 S UTAHNA DR
SALT LAKE CITY UT 84104

MAESTAS, ROBERT & MARIA T (JT)
1216 W GILLESPIE AVE
SALT LAKE CITY UT 84104

MAGALHAES, ADRIANA F; ET AL
1156 S FOOTHILL DR # 114
SALT LAKE CITY UT 84108

MAGUIRE, FRANCIS P
864 S DIESTEL RD
SALT LAKE CITY UT 84105

MAI, TRINH & PROSPERO, MOISES, JR; TC
561 S JAKE GARN BLVD
SALT LAKE CITY UT 84104

MARING, J GEORGE
3359 S MAIN ST # 281
SALT LAKE CITY UT 84115

MARLOWE, PATRICIA J
1412 E YALE AVE
SALT LAKE CITY UT 84105

MARQUE, ANGENI
961 W FREMONT AVE
SALT LAKE CITY UT 84104

MARSDEN, MILO S & KAREN J; JT
2450 E NINTH SOUTH CIR
SALT LAKE CITY UT 84108

MARTIN, J TODD & KIMBERLY G; JT
1016 S MILITARY DR
SALT LAKE CITY UT 84105

MARTINDALE, CHRISTINE
PO BOX 524306
MIAMI FL 33152

MARTINEZ, MANUEL & CONTRERA MONICA; JT
614 S SENATE CIR
SALT LAKE CITY UT 84104

MAURICO, PEDRO
966 W CALIFORNIA AVE
SALT LAKE CITY UT 84104

MAXWELL, COLEEN H; TR
2089 E HARVARD OAKS CIR
SALT LAKE CITY UT 84108

MAXWELL, CORY H & KAREN; JT
2024 E LAIRD DR
SALT LAKE CITY UT 84108

MAYOMBE, JEAN L & KATUMU; JT
865 S 1100 W
SALT LAKE CITY UT 84104

MCCAGNO, SCOTT W
927 S DIESTEL RD
SALT LAKE CITY UT 84105

MCCALLUM, WILLIAM
1190 S 900 W
SALT LAKE CITY UT 84104

MCCARTHY, WILSON, ET AL, TRS
1700 FARNUM ST 10TH FLR S
OMAHA NE 68102

MCEWEN, JOANNE T
1115 W 1300 S
SALT LAKE CITY UT 84104

MCINNES, MURRAY S
908 E SOUTHTEMPLE ST
SALT LAKE CITY UT 84102

MCKINNEY, TIMOTHY L
436 N REDWOOD RD
SALT LAKE CITY UT 84116

MCMILLAN, WILMA S; TR
960 S SHIRECLIFF RD
SALT LAKE CITY UT 84108

MCMILLEN, KRIS A
1207 W 300 S
SALT LAKE CITY UT 84104

MECHAM PARKVIEW ASSOCIATES LLC; ET AL
PO BOX 521448
SALT LAKE CITY UT 84152

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1834 E HARRISON AVE
SALT LAKE CITY UT 84108

MIDDLETON, JAYNE
1466 E YALE AVE
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MILLER, JERRY L & ELIZABETH A; JT
1006 W 1300 S
SALT LAKE CITY UT 84104

MILLER, KAREN & VINCENT J; JT
1545 W HASLAM CIR
SALT LAKE CITY UT 84116

MILLER, KAREN & VINCENT J; JT
1549 W HASLAM CIR
SALT LAKE CITY UT 84116

MILLER, LINDA
708 S GLENDALE ST
SALT LAKE CITY UT 84104

MILLER, LINDA L
726 S GLENDALE ST
SALT LAKE CITY UT 84104

MILLER, LINDA L
726 S GLENDALE ST
SALT LAKE CITY UT 84104

MILLER, VINCENT J & KAREN L; JT
1549 W HASLAM CIR
SALT LAKE CITY UT 84116

MILLS, MICHAEL D
2928 W GILBERT DR
RIVERTON UT 84065

MIRABELLI, DONNA E; TR
2321 S 1700 E
SALT LAKE CITY UT 84106

MOFFAT, AMY S; TR
1345 S KRISTIE LN
SALT LAKE CITY UT 84108

MONTOYA, GUY
720 S 1100 W
SALT LAKE CITY UT 84104

MONTOYA, WILLIAM J & TINA L; JT
706 S GLENDALE ST
SALT LAKE CITY UT 84104

MOORE, ESTHER M; TR
875 S DONNER WY # 303
SALT LAKE CITY UT 84108

MORALES, RICARDO & CARDENAS MA DEL R; JT
415 S EMERY ST
SALT LAKE CITY UT 84104

MORATH, DANIEL J
1533 E GLEN ARBOR ST
SALT LAKE CITY UT 84105

MORGAN, NATHAN J & KAREN B; J
1529 E YALE AVE
SALT LAKE CITY UT 84105

MORGAN, NATHAN J & KAREN B; J
1529 E YALE AVE
SALT LAKE CITY UT 84105

MORGAN, STEPHEN R & MELODY , JT
875 S DONNER WY # 308
SALT LAKE CITY UT 84108

MORRIS, ARTHUR
1556 S. 1600 E.
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MORRIS, DICK E & AGNES V (JT)
17596 KENTUCKY RD
NEOSHO MO 64850

MORRISON, ARTHUR D JR; ET AL
1203 N CAROUSEL ST
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MOSES, JOHN W & ROCIO; JT
764 S GOSHEN ST
SALT LAKE CITY UT 84104

MOSSBARGER-RANDS, BRENDA L &
RANDS, JEFFREY R; JT
1111 W GARN WY
SALT LAKE CITY UT 84104

MOUNTEER, KEITH J & PAULETTE H;
JT
1504 E GLEN ARBOR ST
SALT LAKE CITY UT 84105

MULKEY, THOMAS L; TR
1930 E SHERIDAN RD
SALT LAKE CITY UT 84108

MUNICIPAL BUILDING AUTHORITY OF
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451 S STATE ST # 245
SALT LAKE CITY UT 84111

MYERS, JULIE S
951 S DIESTEL RD
SALT LAKE CITY UT 84105

NEEDHAM, JOHN E & HOKANSON,
SUZANNE N; JT
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NEIGHBORHOOD HOUSE & DAY
NURSERY ASSN.
1050 W 500 S
SALT LAKE CITY UT 84104

NEIGHBORHOOD HOUSE & DAY
NURSERY ASSN.
1050 W 500 S
SALT LAKE CITY UT 84104

NEIGHBORHOOD HOUSE ASSN
1050 W 500 S
SALT LAKE CITY UT 84104

NEILSON, MARGARET L M; TR
965 S NEWBERRY RD
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NELSON, BRUCE R & DEBRA J &
TRACI L; JT
1029 E 900 N
OREM UT 84097

NELSON, KATHLEEN & AARON A; JT
1407 E HARVARD AVE
SALT LAKE CITY UT 84105

NELSON, RICHARD E & HARRELL-
NELSON, STACEY J; TRS
1010 W 1300 S
SALT LAKE CITY UT 84104

NEWEY, MONA L & CLARK, ELIZABETH
M; TRS
2007 E SHERIDAN RD
SALT LAKE CITY UT 84108

NEWTON, MARIA
1571 E GLEN ARBOR ST
SALT LAKE CITY UT 84105

NGUYEN, DUC DUY
3966 BRIDLEWOOD DR
BOUNTIFUL UT 84010

NGUYEN, XAN D
1678 W EARNSHAW LN
SALT LAKE CITY UT 84116

NGUYEN, YEN THI
1123 W 400 S
SALT LAKE CITY UT 84104

NICKLE, MARY L
875 S DONNER WY # 101
SALT LAKE CITY UT 84108

NIEBUHR, DORIS L & WALTER A; J
1201 S 1000 W
SALT LAKE CITY UT 84104

NIELSEN, RICK & BRENDA G; JT
981 W FREMONT AVE
SALT LAKE CITY UT 84104

NIELSEN, RICK L & BRENDA G; JT
973 W FREMONT AVE
SALT LAKE CITY UT 84104

NIELSEN, RICK L & BRENDA G; JT
973 W FREMONT AVE
SALT LAKE CITY UT 84104

NIELSEN, RICK L & BRENDA G; JT
981 W FREMONT AVE
SALT LAKE CITY UT 84104

NIELSEN, RICK L & BRENDA G; JT
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NEOSHO MO 64850

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MOSES, JOHN W & ROCIO; JT
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MOSSBARGER-RANDS, BRENDA L &
RANDS, JEFFREY R; JT
1111 W GARN WY
SALT LAKE CITY UT 84104

MOUNTEER, KEITH J & PAULETTE H;
JT
1504 E GLEN ARBOR ST
SALT LAKE CITY UT 84105

MULKEY, THOMAS L; TR
1930 E SHERIDAN RD
SALT LAKE CITY UT 84108

MUNICIPAL BUILDING AUTHORITY OF
SALT LAKE CITY
451 S STATE ST # 245
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MYERS, JULIE S
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NEEDHAM, JOHN E & HOKANSON,
SUZANNE N; JT
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NEIGHBORHOOD HOUSE & DAY
NURSERY ASSN.
1050 W 500 S
SALT LAKE CITY UT 84104

NEIGHBORHOOD HOUSE & DAY
NURSERY ASSN.
1050 W 500 S
SALT LAKE CITY UT 84104

NEIGHBORHOOD HOUSE ASSN
1050 W 500 S
SALT LAKE CITY UT 84104

NEILSON, MARGARET L M; TR
965 S NEWBERRY RD
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NELSON, BRUCE R & DEBRA J &
TRACI L; JT
1029 E 900 N
OREM UT 84097

NELSON, KATHLEEN & AARON A; JT
1407 E HARVARD AVE
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NELSON, RICHARD E & HARRELL-
NELSON, STACEY J; TRS
1010 W 1300 S
SALT LAKE CITY UT 84104

NEWEY, MONA L & CLARK, ELIZABETH
M; TRS
2007 E SHERIDAN RD
SALT LAKE CITY UT 84108

NEWTON, MARIA
1571 E GLEN ARBOR ST
SALT LAKE CITY UT 84105

NGUYEN, DUC DUY
3966 BRIDLEWOOD DR
BOUNTIFUL UT 84010

NGUYEN, XAN D
1678 W EARNSHAW LN
SALT LAKE CITY UT 84116

NGUYEN, YEN THI
1123 W 400 S
SALT LAKE CITY UT 84104

NICKLE, MARY L
875 S DONNER WY # 101
SALT LAKE CITY UT 84108

NIEBUHR, DORIS L & WALTER A; J
1201 S 1000 W
SALT LAKE CITY UT 84104

NIELSEN, RICK & BRENDA G; JT
981 W FREMONT AVE
SALT LAKE CITY UT 84104

NIELSEN, RICK L & BRENDA G; JT
973 W FREMONT AVE
SALT LAKE CITY UT 84104

NIELSEN, RICK L & BRENDA G; JT
973 W FREMONT AVE
SALT LAKE CITY UT 84104

NIELSEN, RICK L & BRENDA G; JT
981 W FREMONT AVE
SALT LAKE CITY UT 84104

NIELSEN, RICK L & BRENDA G; JT
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SALT LAKE CITY UT 84104

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SALT LAKE CITY UT 84114

NIELSON, NED J. & NORMA
1433 S UTAHNA DR
SALT LAKE CITY UT 84104

NORTH, JEWEL S; TR
1066 S 1500 E
SALT LAKE CITY UT 84105

NOSANCHUK, MELVIN
1646 E KENSINGTON AVE
SALT LAKE CITY UT 84105

NOSANCHUK, MELVIN
1646 E KENSINGTON AVE
SALT LAKE CITY UT 84105

NUTTALL, JENNIFER
625 S GLENDALE ST
SALT LAKE CITY UT 84104

NYGARD, MICHAEL J & DEENA C; JT
1739 E KENSINGTON AVE
SALT LAKE CITY UT 84108

OAKES INVESTMENT COMPANY
2768 E NILA WY
SALT LAKE CITY UT 84124

OBRIEN, JOAN T, TR
973 S DIESTEL RD
SALT LAKE CITY UT 84105

OHLWILER, DEBORAH D & BRIAN F (JT)
1467 W WALNUT DR
SALT LAKE CITY UT 84116

OLIVAS, JUANA
1157 W 400 S
SALT LAKE CITY UT 84104

OLIVER, ANTHONY J & KIRSTEN G; TRS
1175 E HARVARD AVE
SALT LAKE CITY UT 84105

ORTIZ, EUTIMIA
867 S 1100 W
SALT LAKE CITY UT 84104

OSBORN, STEVEN C & MOYNE O; JT
1866 E HARRISON AVE
SALT LAKE CITY UT 84108

OSIKA, EDWIN L; JR
2050 E 1300 S
SALT LAKE CITY UT 84108

OSORIO, ANGEL
404 E 4500 S # B22
MURRAY UT 84107

OSTEN, SYDNEY S & REGINA K; JT
7141 E PARADISE RANCH RD
PARADISE VALLEY AZ 85253

PACHECO, TONY & ALFREDO; JT
1126 W CALIFORNIA AVE
SALT LAKE CITY UT 84104

PACIFICORP
700 NE MULTNOMAH ST #700
PORTLAND OR 97232

PAGE, SHEILA & COX, MICHAEL A; JT
913 S DIESTEL RD
SALT LAKE CITY UT 84105

PALMER, ETHEL M; TR
1715 E BRYAN AVE
SALT LAKE CITY UT 84108

PALMER, NANCY B, ET AL
875 S DONNER WY # 804
SALT LAKE CITY UT 84108

PANZER, BRYCE D & WINMILL, PATRICIA J; JT
1360 E YALE AVE
SALT LAKE CITY UT 84105

PAPANIKOLAS, PETE G
1509 E GLEN ARBOR ST
SALT LAKE CITY UT 84105

PARKER, BRADLEY H & VALORIE J
922 S MILITARY DR
SALT LAKE CITY UT 84108

PARKER, DENNIS L; ET AL
727 N 700 E
CENTERVILLE UT 84014

PARKIN, ANN H; TR
1553 E YALE AVE
SALT LAKE CITY UT 84105

PARROTT, TRUDY A
325 S EMERY ST
SALT LAKE CITY UT 84104

PARSONS, ALAN
724 S 300 E
SALT LAKE CITY UT 84111

PARSONS, ALAN T & WEBB, WESL D
724 S 300 E
SALT LAKE CITY UT 84111

PATTERSON, JOHN T & CHILD, LE1 M; TC
1483 W WALNUT DR
SALT LAKE CITY UT 84116

PECK, DONALD H, JR
2242 S WILMINGTON CIR
SALT LAKE CITY UT 84109

PECK, THOMAS H & BEVERLY A; JT
1183 S 800 W
SALT LAKE CITY UT 84104

PENMAN, 0PHEIM B & JON L; JT
861 S DIESTEL RD
SALT LAKE CITY UT 84105

PERKES, ALBERT G & TYRA A
1743 E ROSECREST DR
SALT LAKE CITY UT 84108

PERRY, CRAIG M & ERSKINE, MARY S; JT
430 N REDWOOD RD
SALT LAKE CITY UT 84116

PERRY, MICHAEL V
1633 W 500 N
SALT LAKE CITY UT 84116

PERSEVERE LLC
730 S 1100 W
SALT LAKE CITY UT 84104

PETEREIT, FRANK & ELLEN; TRS
545 SPEER CT
POMONA CA 91766

PETERS, HELEN ;PRATT
2803 BEVERLY STREET
SALT LAKE CITY UT 84106

PETERSON, GLENN R & BOSTON, KATHRYN L (JT)
1679 E GARFIELD AVE
SALT LAKE CITY UT 84105

PETERSON, KIM D
1063 W FREMONT AVE
SALT LAKE CITY UT 84104

PETERSON, KIM D
1063 W FREMONT AVE
SALT LAKE CITY UT 84104

PHAM, LEEANN
1688 W EARNSHAW LN
SALT LAKE CITY UT 84116

PICKELNER, SHEA A ET AL
1030 W CALIFORNIA AVE
SALT LAKE CITY UT 84104

PINEGAR, SUSAN C
1420 E YALE AVE
SALT LAKE CITY UT 84105

PINKELMAN, CARRIE C
735 S 850 E
BOUNTIFUL UT 84010

PINKHAM, GARY B & KERRY L; JT
752 E MAIN ST
GRANTSVILLE UT 84029

PINWHEEL LLC
PO BOX 16448
SALT LAKE CITY UT 84116

PLASCENCIA, MELLINA
851 N RIVERSIDE DR
SALT LAKE CITY UT 84116

PLESCIA, RALPH & VONNA R; TC
1048 W CALIFORNIA AVE
SALT LAKE CITY UT 84104

POELMAN, CATHERINE E & BLLOY TRS
2039 E 1300 S
SALT LAKE CITY UT 84108

POPE, MARCI K
1370 S 1900 E
SALT LAKE CITY UT 84108

POS LLC
1050 W 1300 S
SALT LAKE CITY UT 84104

POTTER, SARAH S
1582 W 500 N
SALT LAKE CITY UT 84116

POTTS, STEVE & LABRIE, MARIE-CHANTAL; JT
1702 E 900 S
SALT LAKE CITY UT 84108

PRICE, SUE A (TR)
1384 E YALE AVE
SALT LAKE CITY UT 84105

PRIEST, ROBERT D & CATHERINE;
1191 W 300 S
SALT LAKE CITY UT 84104

PRINCE, JOHN B
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1852 E HARRISON AVE
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1084 N REDWOOD RD
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PROVO-JORDAN RIVER PARKWAY AUTHORITY
PO BOX 146001
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RAMIREZ, RALPH & SHERRY L; JT
304 S EMERY ST
SALT LAKE CITY UT 84104

RASMUSSEN, SCOTT N & MARY ANN; JT
1988 E SHERIDAN RD
SALT LAKE CITY UT 84108

RASMUSSEN, SCOTT N & MARY ANN; JT
1988 E SHERIDAN RD
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RASMUSSEN, THOMAS J & JEAN R; JT
1360 E DOWNINGTON AVE
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RAU, DOREEN & ANTHONY; JT
716 GREENWOOD AVE
WILMETTE IL 60091

READ, LAWRENCE F & MARY L; TRS
3940 W 119TH PL
HAWTHORNE CA 90250

READ, LAWRENCE F & MARY L; TRS
3940 W 119TH PL
HAWTHORNE CA 90250

READING, MARY E; TR
2025 E ROYAL CIR
SALT LAKE CITY UT 84108

REAGAN, DANIEL A & KARI JO; TRS
2022 E LAIRD DR
SALT LAKE CITY UT 84108

REISER, DAVID E & NANCY R (JT)
1385 S 1900 E
SALT LAKE CITY UT 84108

REISINGER, MERCEDES C
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ALBUQUERQUE NM 87111

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1365 E HARVARD AVE
SALT LAKE CITY UT 84105

RENNAU, SUSAN; TR
963 S DIESTEL RD
SALT LAKE CITY UT 84105

REYES, GABRIELLE & MARTI; JT
1238 W 300 S
SALT LAKE CITY UT 84104

RICH, EFFIE D
1345 E NORMANDIE CIR
SALT LAKE CITY UT 84105

RICHARD, BRADLEY J & SHIHO H; JT
1156 S FOOTHILL DR # 116
SALT LAKE CITY UT 84108

RICHARDS, CLAIRE; TR
1759 E ROSECREST DR
SALT LAKE CITY UT 84108

RICHARDS, KANDY W; TR
1749 E KENSINGTON AVE
SALT LAKE CITY UT 84108

RICHARDS, PRESTON N & ELIZABETH C; JT
2046 E LAIRD DR
SALT LAKE CITY UT 84108

RICHARDS, RALPH C. & ELAINE S.
1355 S KRISTIE LN
SALT LAKE CITY UT 84108

RICHINS, WAYNE & COLLEEN M; T
1093 N GARNETTE CIR
SALT LAKE CITY UT 84116

RICHMOND, THOMAS G & SQUIRE, CYNTHIA; JT
928 S MILITARY DR
SALT LAKE CITY UT 84108

RIDER, CREIGHTON R & LISA C; JT
1920 E SHERIDAN RD
SALT LAKE CITY UT 84108

RIEDEL, RALPH W & MARINA; TRS
1225 E HARVARD AVE
SALT LAKE CITY UT 84105

RIGSTAD, ROBERT H & ANITA J; JT
875 S DONNER WY # 204
SALT LAKE CITY UT 84108

RIRIE, KIRK M & MARY J O; JT
1364 S KRISTIE LN
SALT LAKE CITY UT 84108

RIRIE, KIRK M & MARY JANE O; JT
1364 S KRISTIE LN
SALT LAKE CITY UT 84108

RIVERA, KATRINA L & CLARA; JT
1224 S 900 W
SALT LAKE CITY UT 84104

RIVERSIDE COVE CONDOS LIMITE
301 W 5400 S # 102
MURRAY UT 84107

RIVERVIEW LIMITED PARTNERSHIP
132 S 600 E
SALT LAKE CITY UT 84102

RODRIQUEZ, COURTNEY & ROBERTO, JR; JT
1320 S 900 W
SALT LAKE CITY UT 84104

RUITER, DAVE; U.S. EPA, REGION
1595 WYNKOOP ST
DENVER CO 80202

ROBBINS, BICKNELL C
1445 E DOWNINGTON AVE
SALT LAKE CITY UT 84105

ROGERS, BRIGITTE; ET AL
1928 EDENVIEW LN
WEST COVINA CA 91791

RUSSELL, MICHELLE D
1156 S FOOTHILL DR # 123
SALT LAKE CITY UT 84108

ROBERTS, ASHLEE N
1156 S FOOTHILL DR # 115
SALT LAKE CITY UT 84108

ROGERS, C LELAND; TR ET AL
904 S MILITARY DR
SALT LAKE CITY UT 84108

RWC APARTMENTS LTD
223 W 700 S # C
SALT LAKE CITY UT 84101

ROBERTS, MICHAEL S & WENDY E; JT
1084 W CALIFORNIA AVE
SALT LAKE CITY UT 84104

ROMNEY, CAMILLE & THOMAS M; JT
1156 S FOOTHILL DR # 125
SALT LAKE CITY UT 84108

RWC APARTMENTS LTD
223 W 700 S # C
SALT LAKE CITY UT 84101

ROBERTSON, HAZEL M; TR
875 S DONNER WY # 703
SALT LAKE CITY UT 84108

ROSE, KATHLEEN & LOVELL, CAROLYN; TRS
63 S 2700 E
LAYTON UT 84040

SALAZAR, CARL R & ROBIN A; JT
1180 S 900 W
SALT LAKE CITY UT 84104

ROBISON, PARKER JR. & JEAN
1740 E SUNNYSIDE AVE
SALT LAKE CITY UT 84108

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63 S 2700 E
LAYTON UT 84040

SALAZAR, MARY C & LATTA, OLGA TRS
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LAYTON UT 84040

SALAZAR, PHILIP K & SUE D (JT)
1522 E GLEN ARBOR ST
SALT LAKE CITY UT 84105

ROBISON, PARKER P, JR & JEAN N (TC)
1740 E SUNNYSIDE AVE
SALT LAKE CITY UT 84108

ROSE, KATHLEEN; TR ETAL
63 S 2700 E
LAYTON UT 84040

SALT LAKE AERIE #67 FRATERNAL ORDER OF EAGLES
1104 W 2100 S
WEST VALLEY UT 84119

ROBLES, SALVADOR
1116 W BROOKLYN AVE
SALT LAKE CITY UT 84104

ROSEBOROUGH, SHERWOOD
PO BOX 511362
SALT LAKE CITY UT 84151

SALT LAKE CITY
451 S STATE ST # 225
SALT LAKE CITY UT 84111

RODRIGUEZ, RAFAEL & FRANCISCA; JT
948 W 1300 S
SALT LAKE CITY UT 84104

ROTERMUND, KONRAD X & MONICA A; JT
1734 E BROWNING AVE
SALT LAKE CITY UT 84108

SALT LAKE CITY
451 S STATE ST # 225
SALT LAKE CITY UT 84111

SALT LAKE CITY
451 S STATE ST # 225
SALT LAKE CITY UT 84111

SAVAGE, RYAN H & JULIE E; JT
1707 E 900 S
SALT LAKE CITY UT 84108

SCHAEFER, SCOTT & HAYES, RACHEL M; JT
1344 E YALE AVE
SALT LAKE CITY UT 84105

SARTORI, HENRY E
2508 S 600 E
SALT LAKE CITY UT 84106

SAVAGE, RYAN H & JULIE E; JT
1707 E 900 S
SALT LAKE CITY UT 84108

SANCHEZ, ABRAHAM
410 N REDWOOD RD
SALT LAKE CITY UT 84116

SCHLICHER, RON J & ROBERTA P; TRS
1236 E YALE AVE
SALT LAKE CITY UT 84105

SCHMIDT, JERRY W & DIANA M; JT
1457 S UTAHNA DR
SALT LAKE CITY UT 84104

SCHOFIELD, ROBERT & NENA; TRS
1480 E YALE AVE
SALT LAKE CITY UT 84105

SCHOWENGERDT, GREGG A & CONNIE K (JT)
1515 E GLEN ARBOR ST
SALT LAKE CITY UT 84105

SCOTT, STEVEN G & ANTONIA M; JT
1619 W 500 N
SALT LAKE CITY UT 84116

SEARLE, DON D & JUDY A; JT
PO BOX 95157
SOUTH JORDAN UT 84095

SECOND CHURCH OF CHRIST, SCIENTIST
1165 S FOOTHILL DR
SALT LAKE CITY UT 84108

SENINGER, STEPHEN G & KATHRYN J; JT
1561 E YALE AVE
SALT LAKE CITY UT 84105

SHAFFER, NACONNA B; TR
1401 S 1100 W
SALT LAKE CITY UT 84104

SHAFFER, NACONNA B; TR
1401 S 1100 W
SALT LAKE CITY UT 84104

SHANNON, MARTHA & WORKMAN, DEAN; JT
1366 E DOWNINGTON AVE
SALT LAKE CITY UT 84105

SHARP, ANN F.
1741 E 900 S
SALT LAKE CITY UT 84108

SHEPHERD, MARILYN
881 S 1100 W
SALT LAKE CITY UT 84104

SHEPHERD, MICHAEL & MARIE; JT
1710 E 900 S
SALT LAKE CITY UT 84108

SHIELDS, JEFFREY L & PATRICIA H
1744 E BROWNING AVE
SALT LAKE CITY UT 84108

SHIOTANI, TATSUMI B
1530 S 1200 W
SALT LAKE CITY UT 84104

SHORT, CALLI W; TR
2463 E MICHIGAN AVE
SALT LAKE CITY UT 84108

SIEVERTS, KERI L; TR
1733 N CATHERINE ST
SALT LAKE CITY UT 84116

SIEVERTS, KERI L; TR
1815 N CATHERINE ST
SALT LAKE CITY UT 84116

SIGVARDT, BRUCE A & DOROTHY TRS
1440 E DOWNINGTON AVE
SALT LAKE CITY UT 84105

SIMISTER, KATHERINE; ET AL
1390 E DOWNINGTON AVE
SALT LAKE CITY UT 84105

SIMMONS, MAURINE R; TR
1562 E GLEN ARBOR ST
SALT LAKE CITY UT 84105

SIMMONS, ROBERT C & MEREDITH JT
1347 E MICHIGAN AVE
SALT LAKE CITY UT 84105

SIMONS, JOHN P & MARGARET A;
P O BOX 190206
BRIANHEAD UT 84719

SIVERTS, KERI L; TR
1815 N CATHERINE ST
SALT LAKE CITY UT 84116

SKANCHY, RANDALL N & SUE S (JT)
916 S MILITARY DR
SALT LAKE CITY UT 84108

SKEEN, RANDALL L; TR
5788 S 900 E
MURRAY UT 84121

SLC BOARD OF EDUCATION
440 E 100 S
SALT LAKE CITY UT 84111

SLOAN, BRUCE P & TONYA L; TRS
1413 E WESTMINSTER AVE
SALT LAKE CITY UT 84105

SMART, GEOFFREY D & KIMBERLEY C; JT
1454 E YALE AVE
SALT LAKE CITY UT 84105

SMITH, B MAURICE JR & LILLIAN M; JT
893 N RIVERSIDE DR
SALT LAKE CITY UT 84116

SMITH, LAWRENCE P
1 S ROLLINGWOOD LN
SANDY UT 84092

SMITH, MATTHEW B & CYNTHIA A; JT
910 S MILITARY DR
SALT LAKE CITY UT 84108

SMITH, MAX J & JOAN W; JT
1235 E HARVARD AVE
SALT LAKE CITY UT 84105

SMITH, MAX J & JOAN W; JT
1235 E HARVARD AVE
SALT LAKE CITY UT 84105

SMITH, MILTON A & MARY S; TRS
125 W 400 S
SANTAQUIN UT 84655

SNYDER, BETTY H; ET AL
1556 E GLEN ARBOR ST
SALT LAKE CITY UT 84105

SONNTAG, DONALD T. & JUANITA O
2402 E 900 S
SALT LAKE CITY UT 84108

SOOKHAI, NANDA
1562 W 1000 N
SALT LAKE CITY UT 84116

SORENSEN, DARWIN D & LEE A; JT
1290 E BELL VIEW CIR
SANDY UT 84094

SORENSEN, DARWIN D & LEE ANN; JT
1290 E BELL VIEW CIR
SANDY UT 84094

SOTO, SUSANNE & JOSEPH G; JT
1221 N CAROUSEL ST
SALT LAKE CITY UT 84116

SP, LA & SL RAILROAD CO
1400 DOUGLAS ST STOP 1640
OMAHA NE 68179

SPENCER, WILLIAM H & CHRISTIE A; JT
1672 W EARNSHAW LN
SALT LAKE CITY UT 84116

SPERLING, ROBERT A & JULIE A; J
1020 S MILITARY DR
SALT LAKE CITY UT 84105

STACKHOUSE, MARK A
1432 E DOWNINGTON AVE
SALT LAKE CITY UT 84105

STALKER, BARRY G & DOLLY S (JT
1081 N GARNETTE CIR
SALT LAKE CITY UT 84116

STATE OF UTAH
450 N STATE OFFICE # 4110
SALT LAKE CITY UT 84114

STATE OF UTAH DIV OF FACILITIES
CONSTR & MANAGMENT
450 N STATE OFFICE # 4110
SALT LAKE CITY UT 84114

STATE OF UTAH DIV OF FACILITIES
CONSTR & MANAGMENT
450 N STATE OFFICE # 4110
SALT LAKE CITY UT 84114

STATE OF UTAH DIV OF PARKS & RECREATION
PO BOX 146001
SALT LAKE CITY UT 84114

STATE OF UTAH, DEPT ADM SERV
OF FACILITIES, CONST, MGMT
450 N STATE ST # 4110
SALT LAKE CITY UT 84114

STATE OF UTAH, DIV OF FAC CON
MANAG, DEP OF ADM SERV
450 N STATE OFFICE # 4110
SALT LAKE CITY UT 84114

STATE OF UTAH, DIV OF FACILITIE
CONSTR & MANAGEMENT
450 N STATE OFFICE # 4110
SALT LAKE CITY UT 84114

STATE OF UTAH, DIV OF FACILITIES CONSTR & MANAGEMENT
450 N STATE OFFICE BLDG
SALT LAKE CITY UT 84114

STATE OF UTAH, DIV OF STATE LANDS
PO BOX 145703
SALT LAKE CITY UT 84114

STATE ROAD COMMISSION OF UTAH
4501 S 2700 W
TAYLORSVILLE UT 84119

STEENBLIK, KARL R & LARISA; JT
1583 W TALISMAN DR
SALT LAKE CITY UT 84116

STEENBLIK, RALPH H & JOYCE B; TRS
1580 W ROSE PARK CIR
SALT LAKE CITY UT 84116

STEPHENSON, CHARLES D
1121 N GOODWIN CIR
SALT LAKE CITY UT 84116

STEVENS, GONZALO A & STACY L; JT
470 N REDWOOD RD
SALT LAKE CITY UT 84116

STEVENSON, CHERYL A
1327 N CAROUSEL ST
SALT LAKE CITY UT 84116

STEWART, SAMUEL S & DIANE; JT
269 N 'A' ST
SALT LAKE CITY UT 84103

STORRS, CAROL B
1116 W 600 S
SALT LAKE CITY UT 84104

STOTTS, MICHAEL L & DYER, JEAN A; JT
1111 S 1300 E
SALT LAKE CITY UT 84105

STOTTS, MICHAEL L & DYER, JEAN A; JT
1111 S 1300 E
SALT LAKE CITY UT 84105

STRALEY, M JOHN & MARILYN D; JT
2016 E ALDO CIR
SALT LAKE CITY UT 84108

STREADBECK, GARY L & LAVINA A
BARLOW, ALBERT K; JT
2010 E SHERIDAN RD
SALT LAKE CITY UT 84108

STRONG, CINDY R; TR
986 S MILITARY DR
SALT LAKE CITY UT 84108

STRONG, CINDY R; TR
986 S MILITARY DR
SALT LAKE CITY UT 84108

STURM, SHYLOH
1108 W BROOKLYN AVE
SALT LAKE CITY UT 84104

SUGARHOUSE PARK AUTHORITY
3383 S 300 E
SOUTH SALT LAKE UT 84115

SUGARHOUSE PARK AUTHORITY
3383 S 300 E
SOUTH SALT LAKE UT 84115

SUGARHOUSE PARK RESIDENCE LC &
PACIFIC PARK INVESTMENT LC; T
PO BOX 520730
SALT LAKE CITY UT 84152

SULLIVAN, WILLIAM D. & NORMA
1484 E YALE AVE
SALT LAKE CITY UT 84105

SUMMIT TRUSTEES PLLC
2475 E 1300 S
SALT LAKE CITY UT 84108

SWAYDAN, JAMES B & JOSEPHINE
1040 W CALIFORNIA AVE
SALT LAKE CITY UT 84104

SWILLINGER, ALISON L & ADAM; J
1212 E YALE AVE
SALT LAKE CITY UT 84105

T C 2 INVESTMENTS, LC
824 SUNBURST LN
ALPINE UT 84004

TAYLOR REAL ESTATE HOLDINGS
UTAH, LLC
897 W PFEIFFERHORN DR
ALPINE UT 84004

TAYLOR, ANDREW L & CAROL D; J
1645 W 500 N
SALT LAKE CITY UT 84116

TAYLOR, DORAN D & MELISSA G;
1270 E YALE AVE
SALT LAKE CITY UT 84105

TAYLOR, JOHN G & CONNIE G; JT
1751 E BROWNING AVE
SALT LAKE CITY UT 84108

TAYLOR, JOYCE B J; TR
1177 S 2100 E
SALT LAKE CITY UT 84108

TAYLOR, KIM Y. & CAROLYN W.
1650 E 1700 S
SALT LAKE CITY UT 84105

TCI CABLEVISION OF UTAH INC
PO BOX 173838
DENVER CO 80217

TEPETLANCO, BERNARDIN R &
AGUILAR, JULIA P; TC
422 N MONTGOMERY ST
SALT LAKE CITY UT 84116

TESORO WEST COAST COMPANY
13111 NORTHWEST FWY #125
HOUSTON TX 77040

TESORO WEST COAST COMPANY
300 CONCORD PLAZA DR
SAN ANTONIO TX 78216

THE COUNTRY CLUB
2400 E COUNTRY CLUB DR
SALT LAKE CITY UT 84109

THEALL, MATTHEW H
875 S DONNER WY # 707
SALT LAKE CITY UT 84108

THOMAS, ANN S
2059 E LAIRD DR
SALT LAKE CITY UT 84108

THOMAS, JOHN R & LAWTON,
JENNIFER C; TRS
2006 E SHERIDAN RD
SALT LAKE CITY UT 84108

THOMPSON, JOHN S
1107 N GARNETTE ST
SALT LAKE CITY UT 84116

THOMPSON, MICHELE H & R ERIC;
TRS
1365 S KRISTIE LN
SALT LAKE CITY UT 84108

THORNTON, RICHARD H & SUE B; JT
2040 E LAIRD DR
SALT LAKE CITY UT 84108

THORNTON, RICHARD H & SUE B; JT
2040 E LAIRD DR
SALT LAKE CITY UT 84108

THORNTON, STEPHEN M & COLEEN S;
JT
26251 MORADA
MISSION VIEJO CA 92691

TOMSETT, ANDREW & BUCKSTAD,
LISA; JT
1000 W CALIFORNIA AVE
SALT LAKE CITY UT 84104

TRAVELERS AID SOCIETY
210 S RIO GRANDE ST
SALT LAKE CITY UT 84101

TRIPP, H. BARRY; UTAH DEPT
NATURAL RESOURCES
1594 W, N. TEMP, STE 3520
SALT LAKE CITY UT 84114

TROTMAN, BOB & ELIZABETH A
647 S GLENDALE ST
SALT LAKE CITY UT 84104

TUITUPOU, SIONE S; ET AL
1592 W 500 N
SALT LAKE CITY UT 84116

TUKUAFU, SIONE L & SEINI (JT)
744 S GLENDALE ST
SALT LAKE CITY UT 84104

TUKUAFU, SULIASI & SALOTE F; JT
1168 S 900 W
SALT LAKE CITY UT 84104

TURNER, ZACHARIAH
233 S CONCORD ST
SALT LAKE CITY UT 84104

UDELL, J. HELEN
PO BOX 11924
SALT LAKE CITY UT 84147

UNION PACIFIC RR CO
1400 DOUGLAS ST STOP 1640
OMAHA NE 68179

UNITED STATES OF AMERICA
125 S STATE ST # 6107
SALT LAKE CITY UT 84111

UNITED STATES OF AMERICA
125 S STATE ST # 6107
SALT LAKE CITY UT 84111

UNIVERSITY OF UTAH
1435 PRESIDENTS CIR # 209
SALT LAKE CITY UT 84112

UNIVERSITY OF UTAH
505 S WAKARA WY
SALT LAKE CITY UT 84108

UNIVERSITY OF UTAH
505 S WAKARA WY
SALT LAKE CITY UT 84108

UNIVERSITY OF UTAH
505 S WAKARA WY
SALT LAKE CITY UT 84108

UNIVERSITY OF UTAH
505 S WAKARA WY
SALT LAKE CITY UT 84108

UTAH DEPT NATURAL RESOURCES
DIV OF PARKS & RECREATION
PO BOX 146001
SALT LAKE CITY UT 84114

UTAH DEPT NATURAL RESOURCES
DIV PARKS & RECREATION
PO BOX 146301
SALT LAKE CITY UT 84114

UTAH POWER & LIGHT CO
700 NE MULTNOMAH ST # 700
PORTLAND OR 97232

UTAH POWER & LIGHT COMPANY
700 NE MULTNOMAH ST # 700
PORTLAND OR 97232

UTAH POWER & LIGHT COMPANY
700 NE MULTNOMAH ST #700
PORTLAND OR 97232

UTAH STATE BUILDING OWNERSHIP AUTHORITY
450 N STATE OFFICE BLDG
SALT LAKE CITY UT 84114

UTAH STATE ROAD COMMISSION
4501 S 2700 W
TAYLORSVILLE UT 84119

VAKE, TANIELA
1100 W CALIFORNIA AVE
SALT LAKE CITY UT 84104

VALDEZ, ANDREW A & JOYCE P; JT
1176 S 900 W
SALT LAKE CITY UT 84104

VALLADARES, ROBERTO
1640 W 800 N
SALT LAKE CITY UT 84116

VAN DE HAVEN, SHIRLEY A
1570 E GLEN ARBOR ST
SALT LAKE CITY UT 84105

VANSOOLEN, GLORIA L
1600 E 1700 S
SALT LAKE CITY UT 84105

VESTED HOMES LLC
928 W 180 S
SPANISH FORK UT 84660

VICKERS, NEIL J & TANYA M; JT
966 S MILITARY DR
SALT LAKE CITY UT 84108

VOUGHT, MICHAEL & ANTONINA; JT
1350 E YALE AVE
SALT LAKE CITY UT 84105

VUONG, THUAN V & SONGHA N; JT
5820 S MAJESTIC PINE DR
MURRAY UT 84107

VUONG, THUAN V & SONGHA N; TC
5820 S MAJESTIC PINE DR
MURRAY UT 84107

WALKER, JENA & GREGORY M; JT
907 S DIESTEL RD
SALT LAKE CITY UT 84105

WARNER, DONALD A & KATHLEEN P; JT
1745 E KENSINGTON AVE
SALT LAKE CITY UT 84108

WARNER, STEPHEN R & ELIZABET (JT)
2017 E BROWNING AVE
SALT LAKE CITY UT 84108

WARR, SANDRA L, TR; ET AL
1083 W 1700 S
SALT LAKE CITY UT 84104

WASATCH PRESBYTERIAN CHURC
1626 S 1700 E
SALT LAKE CITY UT 84108

WASHBURN, MIKE L & DEBRA P; J
1465 E HARVARD AVE
SALT LAKE CITY UT 84105

WASHINGTON, JUANITA
579 S JAKE GARN BLVD
SALT LAKE CITY UT 84104

WATSON, ROBERT W
911 S DIESTEL RD
SALT LAKE CITY UT 84105

WAYMAN, S GUY & JULIE A; JT
1373 S 1100 W
SALT LAKE CITY UT 84104

WAYMAN, SAMUEL B & HELEN G;
1368 S 1100 W
SALT LAKE CITY UT 84104

WAYNE L NIEDERHAUSER FAMILY LIMITED PARTNERSHIP
P O BOX 901136
SANDY UT 84090

WAYNE L NIEDERHAUSER FAMILY LIMITED PARTNERSHIP
P O BOX 901136
SANDY UT 84090

WEBB, CHRIOSTOPHER F & SHANNON L; JT
1884 E HARRISON AVE
SALT LAKE CITY UT 84108

WEBBER, S JOHN; ET AL
3443 S STATE ST # 7
SALT LAKE CITY UT 84115

WEBSTER, JAMES D & MARYANN S
938 S MILITARY DR
SALT LAKE CITY UT 84108

WEBSTER, ROBERT W; ET AL
1248 E YALE AVE
SALT LAKE CITY UT 84105

WEECH, SHANE K & NICOLE M; JT
1160 S 900 W
SALT LAKE CITY UT 84104

WEEKLEY, D LANCE
288 N CANYON RD
SALT LAKE CITY UT 84103

WEIRICK, DONALD L & CATHERINE M; JT
1471 W WALNUT DR
SALT LAKE CITY UT 84116

WELLS, JOHN G, TR
1769 E ROSECREST DR
SALT LAKE CITY UT 84108

WELLS, ROBERT E & CARROL (JT)
1610 W 800 N
SALT LAKE CITY UT 84116

WERNLI INC
264 S GLENDALE ST
SALT LAKE CITY UT 84104

WERNLI INC
264 S GLENDALE ST
SALT LAKE CITY UT 84104

WESTERFIELD, DEAN W & DANIEL J SR; JT
1121 W 1300 S
SALT LAKE CITY UT 84104

WESTERN PACIFIC R R CO
1700 FARNAM ST 10FL SOUTH
OMAHA NE 68102

WESTERN PACIFIC RAILROAD CO
1700 FARNAM ST 10FL SOUTH
OMAHA NE 68102

WESTMINSTER COLLEGE
1840 S 1300 E
SALT LAKE CITY UT 84105

WESTMINSTER COLLEGE
1840 S 1300 E
SALT LAKE CITY UT 84105

WESTMINSTER COLLEGE
1840 S 1300 E
SALT LAKE CITY UT 84105

WESTMINSTER COLLEGE OF SALT LAKE CITY
1840 S 1300 E
SALT LAKE CITY UT 84105

WESTMINSTER COLLEGE OF SALT LAKE CITY
1840 S 1300 E
SALT LAKE CITY UT 84105

WHARFF, DAVID R
1105 W 700 S
SALT LAKE CITY UT 84104

WHEELER, RAYMAND W & O'CONN AMY J
1115 W MEAD AVE
SALT LAKE CITY UT 84104

WHITE ENTERPRISES LLC
PO BOX 16615
SALT LAKE CITY UT 84116

WHITING, KENNETH B & CORTEZ, CECILIA G; JT
428 N REDWOOD RD
SALT LAKE CITY UT 84116

WHITTEMBURY, ROXSSANI
3144 PARAISO WAY
LA CRESCENTA CA 91214

WHITTLE, SCOTT B & JENNIFER L;
1521 E YALE AVE
SALT LAKE CITY UT 84105

WHITTLE, SCOTT B & JENNIFER L;
1521 E YALE AVE
SALT LAKE CITY UT 84105

WILLDEN, AUSTIN E & FERN A; JT
1369 S UTAHNA DR
SALT LAKE CITY UT 84104

WILLIAMS, SHERILYN
1640 W 500 N
SALT LAKE CITY UT 84116

WILLIAMSON, CHUCK; UTAH DIV. C WATER RIGHTS
1594 W, N. TEMP, STE 220
SALT LAKE CITY UT 84111

WILSON, BRENT D & BONNIE R; JT
866 S DIESTEL RD
SALT LAKE CITY UT 84105

WILSON, TED L
1735 E KENSINGTON AVE
SALT LAKE CITY UT 84108

WINSLOW, CHRISTINE E
1725 E KENSINGTON AVE
SALT LAKE CITY UT 84108

WINTERS, DAVID & ANGELA K; JT
1623 E BLAINE AVE
SALT LAKE CITY UT 84105

WIRTHLIN, ELISA R; TR
932 S MILITARY DR
SALT LAKE CITY UT 84108

WIRTHLIN, W MEEKS & BETTY JO; TRS
2388 E 900 S
SALT LAKE CITY UT 84108

WOLF, WILLIAM F & MERILYN W (JT)
250 S 1200 E
SALT LAKE CITY UT 84102

WOLFF, LOUIS F; TR
PO BOX 11835
SALT LAKE CITY UT 84147

WOOD, BLANCHE P (TR)
950 W CALIFORNIA AVE
SALT LAKE CITY UT 84104

WOODHEAD, RONALD V; TR ET AL
1938 E SHERIDAN RD
SALT LAKE CITY UT 84108

WOODMAN PROPERTIES, LC
2733 E PARLEYS WY # 300
SALT LAKE CITY UT 84109

WOODMEN PROPERTIES, LC
2733 E PARLEYS WY # 300
SALT LAKE CITY UT 84109

WORLOCK, JOHN M & NEMOVICHER, JOAN A; JT
2440 E 900 S
SALT LAKE CITY UT 84108

WRIGHT, DANIEL C & KRISTEEN K; JT
1569 S RIVERSIDE DR
SALT LAKE CITY UT 84104

WRIGHT, GERTRUDE H (TR)
1978 E SHERIDAN RD
SALT LAKE CITY UT 84108

WRIGHT, JAMES E & ELFIE Z; JT
875 S DONNER WY # 302
SALT LAKE CITY UT 84108

WRIGHT, JOEL D
1444 E YALE AVE
SALT LAKE CITY UT 84105

YEANOPLOS, JOLEEN
1156 S FOOTHILL DR # 131
SALT LAKE CITY UT 84108

YEDLIN, MARY & MONTE; JT
1566 W 500 N
SALT LAKE CITY UT 84116

YEE, DORA & ROBERT J &
ZIMMERMAN, CINDY; JT
603 S GLENDALE ST
SALT LAKE CITY UT 84104

YOUNG, STANLEY R & PATRICIA A; JT
567 S JAKE GARN BLVD
SALT LAKE CITY UT 84104

ZAVALA, GERARDO & GLORIA; JT
1602 W 500 N
SALT LAKE CITY UT 84116

ZAVALA, JOSE A & CESAR J; JT
945 W FREMONT AVE
SALT LAKE CITY UT 84104

ZEITLIN, HELEN R; TR
2483 E MICHIGAN AVE
SALT LAKE CITY UT 84108

ZIMMERMAN, HEIDI
15375 FOXBORO DR
TRUCKEE CA 96161

ZULCIC, SEJAD & HAFIZA, JT
1445 S UTAHNA DR
SALT LAKE CITY UT 84104

ZULCIC, SEJAD & HAFIZA; JT
1445 S UTAHNA DR
SALT LAKE CITY UT 84104

5. PLANNING COMMISSION-FINAL

a. Original Agenda/Courtesy Notice with Postmark

November 16, 2007

AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, November 28, 2007 at 5:45 p.m.

The field trip is scheduled to leave at 4:00 p.m. Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m., in Room 126. This portion of the meeting is open to the public for observation.

APPROVAL OF MINUTES FROM WEDNESDAY, November 14, 2007

REPORT OF THE CHAIR AND VICE CHAIR

REPORT OF THE DIRECTOR

1. **Downtown Master Plan update**—(Staff—Doug Dansie at 535-6182 or doug.dansie@slcgov.com).

ISSUES ONLY PUBLIC HEARING

2. **Petition No. 400-07-27, "Formula Based" Business Ordinance Zone Text and Map Amendment**— Salt Lake City Mayor Rocky Anderson has initiated a petition to analyze the appropriateness of amending the provisions of the Salt Lake City Zoning Ordinance, creating a new "Overlay" zone prohibiting "Formula Based" or chain businesses in specific neighborhood business districts (Staff—Kevin LoPiccolo at (801) 535-6003 or kevin.lopiccolo@slcgov.com).

PUBLIC HEARING

3. **Petition 400-07-18, Riparian Corridor Overlay District continuation**— on July 17, 2007 the City Council enacted a moratorium and Temporary Land Use Regulations for Non-Ephemeral above Ground Streambed Corridors. The purpose, as stated in this draft zoning regulation, is to minimize erosion, stabilize stream banks, protect water quality, preserve fish and wildlife habitats, as well as preserve aesthetic values of natural watercourses and wetland areas. Planning Staff has created the new draft Riparian Corridor Overlay District to address protection for the streams east of I-215, which will include the Jordan River. Also proposed are minor revisions to the existing Lowland Conservancy Overlay District to remove the Jordan River and focus on streams west of I-215 and the surplus canal (Staff—Marilynn Lewis at 535-6409 or marilynn.lewis@slcgov.com).

4. **Petition 410-07-26 -Qwest Corporation, Foothill Place Apartment Utility Cabinet**—a request by Michael Johnson, representing Qwest, for a conditional use for utility installation of a power pedestal adjacent to existing telecommunication cabinets within a private easement located in the northwest corner of the Foothill Place Apartments at approximately 2200 East Foothill Drive. The property is located in an RMF-35 Zoning District (Moderate Density Multi Family) in Council District Seven (Staff—Kevin LoPiccolo at 535-6003 or kevin.lopiccolo@slcgov.com).

5. **Petition 410-06-07, Devine Conditional Use for an Office Use in a Landmark Site**—a request by Michael Devine at approximately 1177 East South Temple Street for an extension of time for a conditional use approval to establish an office use in the Armstrong House. This property is a Landmark Site in a SR-1A Zoning District in Council District Three (Staff—Janice Lew at 535-7625 or janice.lew@slcgov.com).

6. **Petition 480-07-28, Deville Cliff Condominiums**—a request by Drew Neidert, requesting preliminary approval for a 14 unit residential condominium conversion located at approximately 633 East 4th Avenue in an SR-1A (Special Development Pattern Residential) Zoning District in Council District Three (Staff—Ana Valdemoros at 535-7236 or ana.valdemoros@slcgov.com).

7. **Petition 490-07-34, Hemingway, Stanley Subdivision Amendment**—a request by Mr. and Mrs. Stanley represented by Gary Evershed of Lowell Construction Company for a subdivision amendment to combine two lots into one at approximately 607 North Capitol Park Avenue. The proposed amendment is in the FR-3 (Foothills Residential) Zoning District in Council District Three (Staff—Ana Valdemoros at 535-7236 or ana.valdemoros@slcgov.com).

8. **Petition 410-07-37, Rocky Mountain Power Utility Boxes- Marmalade**—a request for approval for a Conditional Use, to install above ground electric utility boxes that exceed height and volume limits at the northeast corner of 500 N 300 W, and both the southeast corner and southwest corner of 600 N 300 W. The site is located within the public way. The project purpose is to convert the overhead power distribution lines to underground lines and provide service to the new Marmalade mixed-use project. Public/private utility structures in residential zoning districts require conditional use review and approval by the Planning Commission. The project is in the RMU-45 (Residential-Mixed Use) Zoning District, in Council District Three (Staff—Casey Stewart at 535-6260 or Casey.stewart@slcgov.com).

Visit the Planning and Zoning Enforcement Division's website at www.slcgov.com/CED/planning for copies of the Planning Commission agendas, staff reports, and minutes. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission.

LEWIS, MARILYNN, PLANNING
DIVISION, SALT LAKE CITY CORP.
451 S STATE ST ROOM 406

COURTESY NOTICE

Salt Lake City Planning Division
451 South State Street, Room 406
PO Box 145480
Salt Lake City UT 84111

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1. Fill out registration card and indicate if you wish to speak and which agenda item you will address.
2. After the staff and petitioner presentations, hearings will be opened for public comment. Community Councils will present their comments at the beginning of the hearing
3. In order to be considerate of everyone attending the meeting, public comments are limited to two (2) minutes per person, per item. A spokesperson who has already been asked by a group to summarize their concerns will be allowed five (5) minutes to speak. Written comments are welcome and will be provided to the Planning Commission in advance of the meeting if they are submitted to the Planning Division prior to noon the day before the meeting.
   Written comments should be sent to:

   Salt Lake City Planning Commission
   451 South State Street, Room 406
   Salt Lake City UT 84111

4. Speakers will be called by the Chair.
5. Please state your name and your affiliation to the petition or whom you represent at the beginning of your comments.
6. Speakers should address their comments to the Chair. Planning Commission members may have questions for the speaker. Speakers may not debate with other meeting attendees.
7. Speakers should focus their comments on the agenda item. Extraneous and repetitive comments should be avoided.
8. After those registered have spoken, the Chair will invite other comments. Prior speakers may be allowed to supplement their previous comments at this time.
9. After the hearing is closed, the discussion will be limited among Planning Commissioners and Staff. Under unique circumstances, the Planning Commission may choose to reopen the hearing to obtain additional information.
10. The Salt Lake City Corporation complies will all ADA guidelines. People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this meeting. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the Planning Office at 535-7757; TDD 535-6220.

SALT LAKE CITY UT 84114

SECOND AMENDED AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, November 28, 2007 at 5:45 p.m.

The field trip is scheduled to leave at 4:00 p.m. Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m., in Room 126. This portion of the meeting is open to the public for observation.

APPROVAL OF MINUTES FROM WEDNESDAY, November 14, 2007

REPORT OF THE CHAIR AND VICE CHAIR

REPORT OF THE DIRECTOR

1. **Downtown Master Plan update**—(Staff—Doug Dansie at 535-6182 or doug.dansie@slcgov.com).

UNFINISHED BUSINESS

2. **Petition 400-07-19, Amend Conditional Use Regulations (Previous Planning Commission public hearing held on November 14, 2007))** — a request by the Salt Lake City Council to amend sections of the Salt Lake City Zoning Ordinance relating to Conditional Uses in general and specifically focusing on the Table of Permitted and Conditional Uses, the criteria by which Conditional Uses are reviewed and approved, and the powers and duties of the Planning Commission relating to Conditional Uses. On July 17, 2007, the City Council passed Ordinance Number 49 of 2007 which placed a moratorium on all Conditional Uses in residentially zoned districts and those abutting residentially zoned areas throughout the City and this petition is in response to that moratorium (Staff—Nole Walkingshaw at 535-7128 or nole.walkingshaw@slcgov.com).

3. **Petition 400-05-16, Building and Site Design Review (Previous Planning Commission public hearing held on November 14, 2007)** —a request by the Salt Lake City Planning Commission, requesting amendments to the zoning ordinance relating to Conditional Building and Site Design Review. In 2005, the City Council Adopted the Conditional Building and Site Design Review Process as part of the Walkable Communities Ordinance. The proposed text amendment will allow for a review of design related requests, which have been previously approved through the Conditional Use process to be reviewed through the Building and Site Design Review Process. Items that are proposed to be reviewed through the Building and Site Design Review Process, rather than the Conditional Use process, include: additional building height, building façade materials, minimum building setbacks and first floor glass requirements. (Staff—Nole Walkingshaw at 535-7128 or nole.walkingshaw@slcgov.com).

4. **Petition 400-07-18, Riparian Corridor Overlay District continuation (Previous Planning Commission public hearing held on November 14, 2007)** — on July 17, 2007 the City Council enacted a moratorium and Temporary Land Use Regulations for Non-Ephemeral above Ground Streambed Corridors. The purpose, as stated in this draft zoning regulation, is to minimize erosion, stabilize stream banks, protect water quality, preserve fish and wildlife habitats, as well as preserve aesthetic values of natural watercourses and wetland areas. Planning Staff has created the new draft Riparian Corridor Overlay District to address protection for the streams east of I-215, which will include the Jordan River. Also proposed are minor revisions to the existing Lowland Conservancy Overlay District to remove the Jordan River and focus on streams west of I-215 and the surplus canal (Staff—Marilynn Lewis at 535-6409 or marilynn.lewis@slcgov.com).

ISSUES ONLY PUBLIC HEARING

5. **Petition No. 400-07-27, "Formula Based" Business Ordinance Zone Text and Map Amendment (Previous Planning Commission public hearing held on November 14,** POSTPONED y Anderson has initiated a petition to analy e provisions of the Salt Lake City Zoning Ord prohibiting "Formula Based" or chain businesses in specific neighborhood business districts (Staff—Kevin LoPiccolo at (801) 535-6003 or kevin.lopiccolo@slcgov.com).

PUBLIC HEARING

6. **Petition 410-07-26, for Qwest Corporation, Foothill Place Apartment Utility Cabinet conditional use**—a request by Michael Johnson, representing Qwest, for a conditional use for utility installation of a power pedestal adjacent to existing telecommunication cabinets within a private easement located at the northwest corner of the Foothill Place Apartments at approximately 2200 East Foothill Drive. The property is located in an RMF-35 Zoning District (Moderate Density Multi Family) in Council District Seven (Staff—Kevin LoPiccolo at 535-6003 or kevin.lopiccolo@slcgov.com).

7. **Petition 410-06-07, Devine Conditional Use for an Office Use in a Landmark Site**—a request b WITHDRAWN ately 1177 East South Temple Street for an exter e approval to establish an office use in the Armstr ndmark Site in a SR-1A Zoning District in Council District Three (Staff—Janice Lew at 535-7625 or janice.lew@slcgov.com).

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5. PLANNING COMMISSION-FINAL

b. Staff Memorandum

November 28, 2007

MEMORANDUM

451 South State Street, Room 406
Salt Lake City, Utah 84111
(801) 535-7757

Planning and Zoning Division
Department of Community Development

TO: **Planning Commission**

FROM: **Marilynn Lewis, Principal Planner**

DATE: **November 28, 2007**

SUBJECT: **Petition #400-07-18 RCO Riparian Corridor Overlay District**
Item tabled from the November 14, 2007 Hearing

Background
On November 14, 2007 the Salt Lake City Planning Commission tabled a decision on the aforementioned petition to have staff make revisions in the draft Riparian Corridor Overlay ordinance that would address some of the key issues that were raised during the public hearing. This memorandum is supplemental to the November 14, 2007 staff report.

Staff met with community members that volunteered their services to gather information and provide input from their neighbors for revisions to the proposed Riparian Corridor Overlay ordinance. Their efforts in working with staff under stringent time constraints were greatly appreciated. Staff has made these revisions to balance the protection for the streams (as directed by the City Council) and provide some level of flexibility to property owners. The key revisions from the November 14, 2007 staff report are as follows:

Planting Materials and Methods
Planning and Public Utilities staff determined that information on the desired and undesired plant material for the proposed Riparian Corridor Overlay (RCO) can be included in one of the annual pamphlets that they produced to disseminate information to the public. The same information can be posted on the Public Utilities web site. Since the hearing staff has received numerous emails where community members are working together to teach or get additional instruction on what is appropriate within a stream corridor.

In light of the opportunities for education and the goal to provide additional information, the RCO was revised to remove the request for plan approval solely for planting projects. Landscape plans must still be submitted for new construction projects. These plans must show existing vegetation, any proposed plant materials required by the base zone or Section 21A.48 Landscape and Buffers, as well as materials to be removed.

Stream Study
Public Utilities could develop criteria and hire a consultant for a study that would utilize existing information and gather specific data along each stream. Once Public Utilities has the data and recommendations, meetings can be held with residential communities and businesses to look at guidelines that are appropriate along their stream. The document could have information on plant materials, examples of good and bad construction method, a listing of who to call for a specific issues. The guidelines could then be adopted by the City and referenced in the ordinance.

Replacement or Rebuilding of a Pre-Existing Structure
Property owners must replace with the same type of structure, or a structure of lesser impact as pursuant to the base zoning district. No portion of the footprint of the new structure can be closer to the Annual High Water Level than the nearest point of the previous structure. The total square footage of the portion of the footprint of the new structure to be located within Areas A and/or B shall not exceed the total square footage of the footprint of the old structure as it was located within Areas A and/or B. The new structure must comply with the requirements of the base zoning district. If it does not then the property owner may be heard by the Board of Adjustment.

In the ordinance property owners can retain the footprint of the existing structure. In some cases that may be problematic when an existing structure is too close to the stream bank and vulnerable to the effects of erosion. This revision allows flexibility when existing structures are too close to the stream bank. Property owners may rebuild in a manner that would keep them from losing their structure due to erosion. This also protects the stream bank by moving the structures further away.

New Development
New development on existing legal lots or parcels must meet the requirements of the RCO and the base zoning district. If a lot is rendered not buildable solely by application of the RCO it may be heard by the Board of Adjustment.

Outdoor Uses
The new draft ordinance allows property owners to create safe passage by the use of stairways between vertical levels on a property. This controls random access points, which reduces erosion. Open patios and decks (max. 2 foot height) are allowed in Area B, and at grade open patios and decks up to 150 square feet are allowed in Area A. These installations will require a Riparian Protection Permit from Public Utilities.

Riparian Protection Permit
Public Utilities can design this process in any manner that they perceive that provides customer service and efficiency.

Recommendation
The Planning Commission must transmit a recommendation to the City Council.
Based on the findings of fact identified in the staff report, staff recommends that the Planning Commission make the following recommendations to the City Council:

1. That the proposed Zoning Text Amendments are consistent with the Standards listed in the Zoning Ordinance (A - E). The Planning Commission recommend approval based on the following:

A. The proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.
B. The proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.
C. The proposed amendment will not adversely affect adjacent properties.
D. The proposed amendment is consistent with the provisions of any applicable overlay zoning districts, which may impose additional standards.

Therefore, based on these revisions in this supplemental memorandum the Planning Commission forward a favorable recommendation to the City Council for the proposed ordinance 21A.34.130 RC Riparian Corridor Overlay District and the proposed changes to Section 21A.34.050 LC The Lowland Conservancy Overlay District.

2. The Planning Commission should further recommend that the City Council fund a stream study through the Public Utilities Department to gather specific data for each of the streams within the Riparian Corridor Overlay District to develop a guidelines document.

DRAFT

21A.34.130 RCO RIPARIAN CORRIDOR OVERLAY

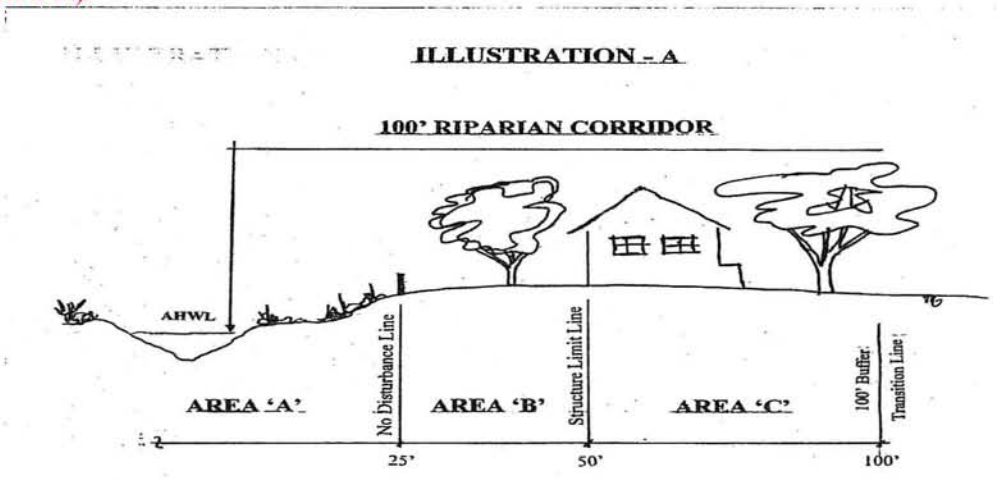
A. Purpose Statement. The purpose of the Riparian Corridor Overlay (RCO) is to minimize erosion and stabilize stream banks, improve water quality, preserve fish and wildlife habitat, moderate stream temperatures, reduce potential for flood damage, as well as preserve the natural aesthetic value of streams and wetland areas of the City. This overlay provides protection for all stream corridors and wetlands east of the Interstate 215 Highway and includes City Creek, Red Butte Creek, Emigration Creek, the Jordan River and Parleys Creek and their tributaries. Canals and irrigation ditches are not included. The Surplus Canal and water courses west of Interstate 215 are protected under Section 21A.34.050 LC Lowland Conservancy Overlay District. The requirements of this District shall supplement other applicable codes and regulations, including State and Federal regulations and the Salt Lake City Floodplain Ordinance. The RCO does not relieve the obligation for compliance with all other land use and zoning regulations applicable to a property.

B. Delineations:

Any Boundaries and Delineations required under the RCO shall be prepared by a licensed professional Hydraulic Engineer, Hydrologist, Wetlands Scientist, Fluvial Geomorphologist or equivalent environmental science professionals. All delineations are subject to the approval of the Public Utilities Director. The Riparian Corridor shall be delineated at the annual high water level on the bank taking into consideration the characteristics of the surrounding area. Where the annual high water level cannot be found, the top of the channel bank may be substituted under the approval of the SLC Public Utilities Director or his designee. The Army Corps of Engineers must have approved any required wetland delineation prior to submittal to the Public Utilities Director. If a wetland occurs within and extends beyond the 100 feet or the Riparian Corridor, the outermost edge of the wetland will determine the outer edge of the Riparian Corridor.

C. Minimum Setbacks for New Construction, Additions and Accessory Structures.

The following minimum setbacks shall be required within the Riparian Corridor (see 21A.34.132 Illustration A):



1. **Riparian Corridor** is a one hundred (100) foot transition buffer measured from the Annual High Water Level of the adjacent water course and/or wetland. This area may be extended for wetlands as described in 21A.34.130 (B). No leach fields, storm water retention ponds, detention basins or commercial parking lots shall be located within the Riparian Corridor. No person or organization shall engage in any ground-disturbing activity that will remove, fill, dredge, clear, destroy, armor, terrace or otherwise alter this area through manipulation of soil, or other material except as allowed by this ordinance and the Public Utilities Director, the U.S. Army Corps of Engineers and/or other government authorities where applicable. The following areas are established within the Riparian Corridor Overlay:

a. **No Disturbance Line** is measured twenty-five feet (25) from the AHWL (Area A). This is the outermost limit that prohibits disturbance. No new construction shall occur closer than twenty-five (25) feet horizontally to the annual high water level. Approved activities within Area A which are allowed without a Riparian Protection Permit include: (1) manual removal of storm debris and trash by property owner; (2) pruning or removal of trees along utility easements by the responsible entity; (3) removal of invasive plants; (4) planting of native non-invasive vegetation or other approved groundcover, shrubbery and trees on the List of Approved Vegetation Within Riparian Areas published by the Public Utilities/Urban Forester; (5) maintenance of existing fences and structures within the original footprint as long as armoring of the stream bank is not required, and there is no instability due to movement of a steep slope and the proposed construction activities in the has been approved by the Army Corps of Engineers under the Clean Water Act or the Rivers and Harbors Act, or by the State Engineer under the Stream Alteration Permit Program.; (6) Outdoor residential use areas in Area A which require a Riparian Protection Permit and do not require the use of heavy equipment: (i) new construction or maintenance of access stairs between vertical levels in Area A, and (ii) open patios and decks on grade and not greater than 150 square feet, and no more than one per level in terraced areas.

b. **Structure Limit Line** is measured fifty feet (50) from the AHWL (Area B). This delineates the limit where any type of construction (landscape walls, additions, accessory structures or new construction) can occur. Approved activities within Area B which are allowed without a Riparian Protection Permit include: (1) activities described in 21A.34.130(C)(1)(a); (2) new construction of fencing; (3) construction of open patios and decks with footings with a maximum of 2 feet above grade; (4) minimal grading; (5) compost from yard debris; (6) mechanized removal of fallen or diseased trees. (7) replacement or rebuilding of a pre-existing structure in Area B requires a Riparian Protection Permit; (i) replaces a pre-existing structure with the same type of structure or a structure of lesser impact as pursuant to the base zoning district, (ii) no portion of the footprint of the new construction is any nearer to the AHWL than the nearest point of the pre-existing structure to the AHWL, (iii) the total square footage of the portion of the footprint of the new structure to be located within Areas A and/or B shall not exceed the total square footage of the footprint of the old structure as it was located within Areas A and B, (iv) the new construction does not require armoring of the stream bank is not required, there is no instability due to movement of a steep slope, unstable soils or geological activity along a fault has not occurred and caused changes to the ground that are so severe it will not support the previous structural foot print, (v) the new structure must comply with the requirements of the base zoning district, if the new structure will not comply with the base zoning district it may be appealed to the Board of Adjustment.

c. **Buffer Transition Line** is measured one-hundred (100) from the AHWL (Area C). All development activities permitted by the base zone are allowed within Area C, as well as those described in 21A.34.130(C)(1)(b) without a Riparian Protection Permit except leach fields, storm water retention ponds, detention basins or commercial parking lots.

2. **Riparian Protection Permit.** This permit is supplemental to the standard construction/building permits and associated process. If a property owner cannot comply with the RCO or a specific activity in this ordinance requires a Riparian Protection Permit, the property owner may submit an application for a Riparian Protection Permit with the Director of Public Utilities (See Section 21A.34.130E) Riparian Protection Permit). The Director of Public Utilities shall issue a Riparian Protection Permit for the proposed use or activity provided the following criteria have been satisfied to the satisfaction of the Director of Public Utilities: (a) the applicant submits documentation that the construction associated with the activity will not result in the discharge of sedimentation or soils into any water body, wetlands and the existing down hill storm drains must be protected; (b) the proposed development will result in equal or better protection for the riparian area because the riparian area will be restored, buffered, or enhanced through other special measures; and (c) the proposed activity or use will not authorize alterations to occupy more than 50 percent of the total area within Area A and B, or an existing legal lot or parcel proposed for development is rendered not buildable solely by application of the RCO. Denial of a Riparian Protection Permit may be appealed to the Board of Adjustment.

D. Steep Slopes and Soil Stability Standards. As part of a Riparian Protection Permit, the Public Utilities Director can require a geotechnical report and impose greater setbacks for structures or buildings from the Structure Limit Line to ensure safety. Proposed projects will be reviewed on an individual basis. When unstable soils are suspected regardless of the slope, the Public Utilities Director may require a geotechnical report, increase the No Disturbance Line as well as impose greater setbacks for structures or buildings from the Structure Limit Line to ensure safety. Replacement or repair of existing retaining structures requires Riparian Protection Permit. Proposed projects will be reviewed on an individual basis.

E. Riparian Protection Permit Application. In addition to the standard drawings for permit review, an application for a Riparian Protection Permit shall submit the following to the Public Utilities Department (and the Urban Forester for plant material):

1. Plans shall be at a scale of 1"= 20'minimum. Sections requiring a horizontal and vertical scale shall be equal (example: Horizontal 1"=10', Vertical 1"=10').

2. All site plans shall have existing and proposed grades with two foot contour intervals.

3. Native vegetation should be identified by location, type and size. The proposed removal of any vegetation must also be identified.

4. Cross section drawings showing the riparian corridor, building setbacks and location of proposed structures.

5. 100 year flood plain, past flood hazard areas, geological faults, high liquefaction areas and slopes 30% or greater must all be identified.

6. The applicant shall also submit any geotechnical or hydrological reports required as determined by the Public Utilities Department.

7. Habitat of any threatened or endangered species of aquatic and terrestrial flora or fauna shall be identified on the plan.

8. If wetlands exist on the parcel, a wetlands delineation approved by the Army Corps of Engineers.

F. Definitions

1. **Annual High Water Level (AHWL)** - Annual high water level means the highest level water reaches annually, on average on the shore and is identified by: fresh silt or sand deposits, the presence of litter and debris, or other characteristics indicative of high water levels.

2. **Armoring** – A protective covering of a stream's bed or banks with erosion-resistant material such as rock, concrete or stone filled gabion baskets. Armoring increases the stream flow velocity, which causes further damage on opposite down stream banks. Armoring can increase water temperatures, which affects riparian habitat and water quality.

3. **Stream** – A flowing body of water confined within a defined bed and banks. Streams may have continuous or periodic flow. Streams are important as conduits in the water cycle, instruments in aquifer recharge, and corridors for fish and wildlife migration. Stream is also an umbrella term used in the scientific community for all flowing natural waters, regardless of size (brook, creek, kill, rill, or run). Streams include intermittent or seasonal water bodies, which exist for long periods, but not all year round. They do not include Ephemeral creeks, streams, rivers, ponds or lakes that only exist for a few days following precipitation or snowmelt.

4. **Wetland** –Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

DRAFT CHANGES

21A.34.050 LC Lowland Conservancy Overlay District:

A. Purpose Statement: It is the purpose of this District to promote the public health, safety and general welfare of the present and future residents of the City and downstream drainage areas by providing for the protection, preservation, proper maintenance, and use of the City's watercourses, lakes, ponds, floodplain and wetland areas. The requirements of this District shall supplement other applicable codes and regulations, including State and Federal regulations and the Salt Lake City Floodplain Ordinance.

B. Lowland Protection Areas: Areas protected by the LC Lowland Conservancy Overlay District encompass areas consisting of waterbodies such as streams, lakes, ponds and wetlands west of Interstate 215, as identified on the Zoning Map, and also ~~the Jordan River and~~ the Surplus Canal. These areas are referred to herein as lowland protection areas.

C. Lowland Protection Area Standards:

1. Setback Required: A nonbuildable setback area around the waterbodies described in subsection B of this Section above shall be required. The nonbuildable setback shall be fifty feet (50') for nonresidential uses and twenty five feet (25') for residential uses from the boundary line of the LC Lowland Conservancy Overlay District as identified on the Zoning Map, or from the banks of the ~~Jordan River or~~ Surplus Canal.

2. Permitted Uses: No development or improvement to land shall be permitted within the limits of a waterbody. Within the setback area identified in subsection C1 of this Section, permitted uses shall be limited to the following, subject to the other requirements of this District.

a. Agricultural uses, provided such uses are permitted in the underlying district and do not involve any grading, earthmoving, modification of site hydrology, removal of wetland vegetation or construction of permanent buildings/structures;

b. Open space and recreational uses that do not involve any grading, earthmoving, modification of site hydrology, removal of wetland vegetation or construction of permanent buildings/structures.

3. Conditional Uses: Within the limits of a waterbody, conditional uses shall be limited to those involving only limited filling, excavating or modification of existing hydrology, as listed below:

a. Boat launching ramps;

b. Swimming beaches;

c. Public and private parks including wildlife and game preserves, fish and wildlife improvement projects, and nature interpretive centers;

d. Boat docks and piers;

e. Roads and bridges;

f. Observation decks and walkways within wetlands;

g. Repair or replacement of existing utility poles, lines and towers; and

h. Watercourse relocation and minor modifications.

Within the setback area, conditional uses shall be limited to the following.

a. All uses listed above;

b. Stormwater drainage and detention facilities;

c. Pedestrian paths and trails; and

d. Public and private open space that requires grading or modification of site hydrology.
4. Natural Vegetation Buffer Strip: A natural vegetation strip shall be maintained along the edge of the stream, lake, pond or wetland to minimize erosion, stabilize the streambank, protect water quality, maintain water temperature at natural levels, preserve fish and wildlife habitat, to screen manmade structures, and also to preserve aesthetic values of the natural watercourse and wetland areas. Within the twenty five foot (25') natural vegetation strip, no buildings or structures (including paving) may be erected, except as allowed by conditional use. However, normal repair and maintenance of existing buildings and structures shall be permitted. The natural vegetation strip shall extend landward a minimum of twenty five feet (25') from the ordinary high water mark of a perennial or intermittent stream, lake or pond and the edge of a wetland. The natural vegetation strip may be interrupted to provide limited access to the waterbody.
Within the natural vegetation strip, trees and shrubs may be selectively pruned or removed for harvest of merchantable timber, to achieve a filtered view of the waterbody from the principal structure and for reasonable private access to the stream, lake, pond or wetland. Said pruning and removal activities shall ensure that a live root system stays intact to provide for streambank stabilization and erosion control.
5. Landscape Plan Required: A landscape plan shall be submitted with each conditional use permit application for development activity within the LC Lowland Conservancy Overlay District and contain the following:
a. A plan describing the existing vegetative cover of the property and showing those areas where the vegetation will be removed as part of the proposed construction;
b. A plan describing the proposed revegetation of disturbed areas specifying the materials to be used. The vegetation must be planned in such a way that access for stream maintenance purposes shall not be prevented and should be reviewed by the Urban Forester; and
c. Such a plan shall be in conformance with the requirements of Part IV, Chapter 21A.48 of this Title.
D. State And Federal Permits Required: A conditional use shall not be granted unless the applicant has first obtained a section 404 permit from the Army Corps of Engineers and a stream alteration permit from the Utah State Department of Natural Resources, Water Rights Division, as applicable.
E. Conditional Use Standards: In addition to demonstrating conformance with the conditional use standards contained in Part V, Chapter 21A.54 of this Title, each applicant for a conditional use within the LC Lowland Conservancy Overlay District must demonstrate conformance with the following standards:
1. The development will not detrimentally affect or destroy natural features such as ponds, streams, wetlands, and forested areas, nor impair their natural functions, but will preserve and incorporate such features into the development's site;
2. The location of natural features and the site's topography have been considered in the designing and siting of all physical improvements;
3. Adequate assurances have been received that the clearing of the site topsoil, trees, and other natural features will not occur before the commencement of building operations; only those areas approved for the placement of physical improvements may be cleared;

4. The development will not reduce the natural retention storage capacity of any watercourse, nor increase the magnitude and volume of flooding at other locations; and that in addition, the development will not increase stream velocities;
5. The soil and subsoil conditions are suitable for excavation and site preparation, and the drainage is designed to prevent erosion and environmentally deleterious surface runoff;
6. The proposed development activity will not endanger health and safety, including danger from the obstruction or diversion of flood flow;
7. The proposed development activity will not destroy valuable habitat for aquatic or other flora and fauna, adversely affect water quality or groundwater resources, increase storm water runoff velocity so that water levels from flooding increased, or adversely impact any other natural stream, floodplain, or wetland functions, and is otherwise consistent with the intent of this Title;
8. The proposed water supply and sanitation systems are adequate to prevent disease, contamination and unsanitary conditions; and
9. The availability of alternative locations not subject to flooding for the proposed use.
(Ord. 26-95 § 2(17-4), 1995)

5. PLANNING COMMISSION-FINAL

c. Minutes

SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, November 28, 2007

Present for the Planning Commission meeting were Chairperson Matthew Wirthlin, Vice Chair Mary Woodhead, and Commissioners Peggy McDonough, Susie McHugh, Prescott Muir, Tim Chambless, Babs De Lay, Kathy Scott, and Robert Forbis. Commissioner Frank Algarin was excused from the meeting.

Present from the Planning Division were George Shaw, Planning Director; Kevin LoPiccolo, Planning Manager; Marilynn Lewis, Principal Planner; Nole Walkingshaw, Zoning Administrator; Ana Valdemoros, Associate Planner; Casey Stewart, Principle Planner; and Tami Hansen, Senior Secretary. Staff from additional City departments included: Laura Kirwan, City attorney, and Brad Stewart from public utilities.

A roll is being kept of all who attended the Planning Commission Meeting. Chairperson Wirthlin called the meeting to order at 5:45 p.m.

A field trip was held prior to the meeting. Planning Commissioners present were: Tim Chambless, Kathy Scott, and Mary Woodhead. Planning Staff present were: George Shaw, Casey Stewart, Ana Valdemoros.

APPROVAL OF THE MINUTES from Wednesday, October 24, 2007.
(This item was heard at 5:46 p.m.)

Commissioner Muir made a motion to approve the minutes with noted changes. Commissioner McDonough seconded the motion. All in favor voted, "Aye," the minutes were approved unanimously.

REPORT OF THE DIRECTOR
(This item was heard at 5:49 p.m.)

Downtown Master Plan update—

UNFINISHED BUSINESS
(This item was heard at 5:56 p.m.)

Petition 400-07-19, Amend Conditional Use Regulations (Previous Planning Commission public hearing held on November 14, 2007)) — a request by the Salt Lake City Council to amend sections of the Salt Lake City Zoning Ordinance relating to Conditional Uses in general and specifically focusing on the Table of Permitted and Conditional Uses, the criteria by which Conditional Uses are reviewed and approved, and the powers and duties of the Planning Commission relating to Conditional Uses. On July 17, 2007, the City Council passed Ordinance Number 49 of 2007 which placed a moratorium on all Conditional Uses in residentially zoned districts and those abutting residentially zoned areas throughout the City and this petition is in response to that moratorium

Petition 400-05-16, Building and Site Design Review (Previous Planning Commission public hearing held on November 14, 2007) —a request by the Salt Lake City Planning Commission, requesting amendments to the zoning ordinance relating to Conditional Building and Site Design Review. In 2005, the City Council Adopted the Conditional Building and Site Design Review Process as part of the Walkable Communities Ordinance. The proposed text amendment will allow for a review of design related requests, which have been previously approved through the Conditional Use process to be reviewed through the Building and Site Design Review

Process. Items that are proposed to be reviewed through the Building and Site Design Review Process, rather than the Conditional Use process, include: additional building height, building façade materials, minimum building setbacks and first floor glass requirements.

Chairperson Wirthlin recognized Nole Walkingshaw as staff representative.

Members of the Commission discussed and made proposed changes to the language of the Conditional Uses Text.

Commissioner McDonough made a motion regarding Petitions 400-05-16 and 400-07-19 that based on the findings listed in the staff report, the Planning Commission forward a favorable recommendation to the City Council with the following changes to the Conditional Uses Text:

1. **The question mark be removed in Section 21A.26.080 regarding value retail/membership wholesale, under Permitted and Conditional Uses, by District Commercial Districts, CS1 on page 3.**

2. **Under 2. Use Compatibility Condition F should read: Detrimental concentration of existing non-conforming or conditional uses substantially similar to the use proposed *within a quarter mile radius.***

3. **Under 3. Design Compatibility, Condition A should read, *The architectural character of the community and the surrounding neighborhoods when required by the City's Compatible Infill Ordinance or standards required by the City's Historical Ordinance;* and the rest of A. should be delete.**

4. **Under 3. Design Compatibility, condition C which states, *the proposed development preserves historical, architectural and environmental features of the property,* should be deleted.**

Commissioner De Lay seconded the motion.

Commissioners De Lay, Forbis, Scott, McHugh, Chambless, McDonough, Muir, and Woodhead voted, "Aye," the motion passed unanimously.

Petition 400-07-18, Riparian Corridor Overlay District continuation (Previous Planning Commission public hearing held on November 14, 2007) — on July 17, 2007 the City Council enacted a moratorium and Temporary Land Use Regulations for Non-Ephemeral above Ground Streambed Corridors. The purpose, as stated in this draft zoning regulation, is to minimize erosion, stabilize stream banks, protect water quality, preserve fish and wildlife habitats, as well as preserve aesthetic values of natural watercourses and wetland areas. Planning Staff has created the new draft Riparian Corridor Overlay District to address protection for the streams east of I-215, which will include the Jordan River. Also proposed are minor revisions to the existing Lowland Conservancy Overlay District to remove the Jordan River and focus on streams west of I-215 and the Surplus Canal.

Chairperson Wirthlin recognized Marilynn Lewis as staff representative.

Members of the Commission deliberated the language of the Riparian Corridor Overlay ordinance.

Chairperson Wirthlin opened the public portion of the hearing.

Cindy Cromer (816 East 100 South) stated she was in support of the Riparian Corridor overlay.

John Straley (2016 Aldo Circle) stated he was in opposition of the overlay.

John M. Worlock (2440 East 900 South) stated he was in support of the overlay with amendments to the current overlay document regarding property ownership rights.

Ruth Price (1343 Allen Park Drive) stated she was in opposition to the overlay and would like to be on any future committees regarding this project.

Grace Sperry (SHCC Chair) stated that Parley Historic Park must be included in the ordinance and that the petition should be tabled.

Vince Rampton (170 South Main Street #1500) stated he was in opposition.

Susan Whitney (1739 Rosecrest Drive) stated she was in opposition of the fencing restrictions the Riparian ordinance would put into place.

Michael Gottfredson (1989 Browning Avenue) stated he was in opposition.

Ron Woodhead (1938 Sheridan Road) stated that he was in opposition because he felt the City's noticing was not thorough enough, and this petition should be tabled until everyone affected has a chance to look at the ordinance.

Chairperson Wirthlin closed the public portion of the hearing.

Commissioner Muir made a motion regarding Petition 400-07-18 based on the findings of fact identified in the staff report, the testimony heard tonight, and based on the following revisions in this supplemental memorandum for the proposed ordinance 21A.34.130 RC Riparian Corridor Overlay District and the proposed changes to Section 21A.34.050 LC The Lowland Conservancy Overlay District, which include:

1. **That the proposed Zoning Text Amendments are consistent with the Standards listed in the Zoning Ordinance (A—E). The Planning Commission recommends approval based on the following:**

    a. **The proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.**
    b. **The proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.**
    c. **The proposed amendment will not adversely affect adjacent properties.**
    d. **The proposed amendment is consistent with the provisions of any applicable overlay zoning districts, which may impose additional standards.**

The Planning Commission forwards a positive recommendation to the City Council. The Planning Commission further recommends that the City Council fund a stream study, through the Public Utilities Department, to gather specific data for each of the streams within the Riparian Corridor Overlay District to develop a guidelines document.

Commissioner McDonough proposed and amended to the motion that the stream study would serve as base line information and be updated annually.

Chairperson Wirthlin proposed and amendment to the motion to include the revisions to the draft Riparian Corridor Overlay District ordinance as identified and changed by the Planning Commission.

Commissioner Muir accepted the amendments to the motion.

Commissioner McHugh seconded the motion.

Commissioners Muir, McHugh, Forbis, Scott, Chambless, McDonough, and Woodhead voted, "Aye," Commissioner De Lay voted, "No," the motion passed.

ISSUES ONLY PUBLIC HEARING

Petition No. 400-07-27, "Formula Based" Business Ordinance Zone Text and Map Amendment (Previous Planning Commission public hearing held on November 14, 2007)—Salt Lake City Mayor Rocky A[illegible]lyze the appropriateness of amending the provisions of th[illegible]eating a new "Overlay" zone prohibiting "Formula Based" [illegible]nborhood business districts (Staff—Kevin LoPiccolo at (801) 535-6003 or kevin.lopiccolo@slcgov.com).

POSTPONED

PUBLIC HEARING

Petition 410-07-26, for Qwest Corporation, Foothill Place Apartment Utility Cabinet conditional use—a request by Michael Johnson, representing Qwest, for a conditional use for utility installation of a power pedestal adjacent to existing telecommunication cabinets within a private easement located at the northwest corner of the Foothill Place Apartments at approximately 2200 East Foothill Drive. The property is located in an RMF-35 Zoning District (Moderate Density Multi Family) in Council District Seven.

Chairperson Wirthlin recognized Kevin LoPiccolo as staff representative.

Mr. LoPicollo noted that this petition was heard at an Administrative Hearing on October 18, 2007 and the petition was forwarded to the Planning Commission due to insufficient notice of the Administrative Hearing.

Commissioner Forbis noted that he did not have any issue with this petition and would be willing to make a motion.

Commissioner Forbis made a motion regarding Petition 410-07-20, that the application was found to satisfy the criteria for conditional use approval (21.A.54.080), and recommends that the Planning Commission approve the request by Qwest Corporation for a power pedestal box, subject to the following conditions:

1. **Cabinets shall be clearly marked with telephone number identifying the graffiti removal division within Qwest Corporation.**
2. **Qwest Corporation provides point of contact to the Sugar House Community Council, Salt Lake City Councils Office, Salt Lake City's Community Development Division and Angie Gererakis (Foothill Place Apartment Manager) to facilitate graffiti removal.**
3. **No asphalt shall be cut or damaged during installation without consent of property management.**
4. **All cabinets at site are to receive new paint on all surfaces to coordinate with new cabinet.**
5. **If cabinets become technically obsolete they shall be removed or replaced immediately.**
6. **No additional cabinets shall be installed at this site.**

Commissioner Woodhead seconded the motion.

6. PLANNING COMMISSION-TABLED

a. Original Agenda/Notice with Postmark

October 30, 2007

AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, November 14, 2007 at 5:45 p.m.

The field trip is scheduled to leave at 4:00 p.m. Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m., in Room 126. This portion of the meeting is open to the public for observation.

APPROVAL OF MINUTES FROM WEDNESDAY, October 24, 2007

REPORT OF THE CHAIR AND VICE CHAIR

REPORT OF THE DIRECTOR

PUBLIC HEARING

1. **Airport Light Rail Transit Line**— a recommendation will be forwarded to the City Council regarding a proposal by the Utah Transit Authority to build an Airport Light Rail Transit line, including potential track alignment and station locations (Staff—Doug Dansie at 535-6182 or doug.dansie@slcgov.com).

2. **Petition 400-07-18 Riparian Corridor Overlay District**— on July 17, 2007 the City Council enacted a moratorium and Temporary Land Use Regulations for Non-Ephemeral above Ground Streambed Corridors. The purpose, as stated in this draft zoning regulation, is to minimize erosion, stabilize stream banks, protect water quality, preserve fish and wildlife habitats, as well as preserve aesthetic values of natural watercourses and wetland areas. Planning Staff has created the new draft Riparian Corridor Overlay District to address protection for the streams east of I-215, which will include the Jordan River. Also proposed are minor revisions to the existing Lowland Conservancy Overlay District to remove the Jordan River and focus on streams west of I-215 and the surplus canal (Staff—Marilynn Lewis at 535-6409 or marilynn.lewis@slcgov.com).

3. **Petition 400-07-19, Amend Conditional Use Regulations**— a request by the Salt Lake City Council to amend sections of the Salt Lake City Zoning Ordinance relating to Conditional Uses in general and specifically focusing on the Table of Permitted and Conditional Uses, the criteria by which Conditional Uses are reviewed and approved, and the powers and duties of the Planning Commission relating to Conditional Uses. This is an Issues Only hearing to consider and discuss the proposal draft text amendment. Public comment will be taken at this hearing; however, no final decision will be rendered at this meeting by the Planning Commission. On July 17, 2007, the City Council passed Ordinance Number 49 of 2007 which placed a moratorium on all Conditional Uses in residentially zoned districts and those abutting residentially zoned areas throughout the City and this petition is in response to that moratorium (Staff—Nole Walkingshaw at 535-7128 or nole.walkingshaw@slcgov.com).

4. **Petition 400-05-16, Building and Site Design Review**—a request by the Salt Lake City Planning Commission, requesting amendments to the zoning ordinance relating to Conditional Building and Site Design Review. In 2005, the City Council Adopted the Conditional Building and Site Design Review Process as part of the Walkable Communities Ordinance. The proposed text amendment will allow for a review of design related requests, which have been previously approved through the Conditional Use process to be reviewed through the Building and Site Design Review Process. Items that are proposed to be reviewed through the Building and Site Design Review Process, rather than the Conditional Use process, include: additional building height, building façade materials, minimum building setbacks and first floor glass requirements. This is an Issues Only hearing to consider and discuss the proposed draft text amendment. Public comment will be taken at this hearing; however, no final decision will be rendered by the Planning Commission at this meeting (Staff—Nole Walkingshaw at 535-7128 or nole.walkingshaw@slcgov.com).

5. **Petition 410-07-37, Rocky Mountain Power Utility Boxes- Marmalade**—a request for approval for a Conditional Use, of **above ground electric utility boxes that exceed height and volume limits** located at approximately the northeast corner of 500 North 300 West & southeast corner of 600 North 300 West. The instillation site is located within the public right-of-way. The project purpose is to convert the overhead power distribution lines to underground lines and provide service to the new Marmalade project. Public/private utility structures in residential zoning districts require a Conditional Use review and approval by the Planning Commission. The project is in the RMU-45 (Residential-Mixed Use) Zoning District (Staff—Marilynn Lewis at 535-6260 or marilyn.lewis@slcgov.com or Casey Stewart at 535-6260 or Casey.stewart@slcgov.com).

OTHER BUSINESS

Visit the Planning and Zoning Enforcement Division's website at www.slcgov.com/CED/planning.com for copies of the Planning Commission agendas, staff reports, and minutes. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission.

LEWIS, MARILYNN, PLANNING
DIVISION, SALT LAKE CITY CORP

PUBLIC HEARING NOTICE

Salt Lake City Planning Division
451 South State Street, Room 406
PO Box 145480
Salt Lake City UT 84111

1. Fill out registration card and indicate if you wish to speak and which agenda item you will address.
2. After the staff and petitioner presentations, hearings will be opened for public comment. Community Councils will present their comments at the beginning of the hearing
3. In order to be considerate of everyone attending the meeting, public comments are limited to two (2) minutes per person, per item. A spokesperson who has already been asked by a group to summarize their concerns will be allowed five (5) minutes to speak. Written comments are welcome and will be provided to the Planning Commission in advance of the meeting if they are submitted to the Planning Division prior to noon the day before the meeting.
   Written comments should be sent to:

   Salt Lake City Planning Commission
   451 South State Street, Room 406
   Salt Lake City UT 84111

4. Speakers will be called by the Chair.
5. Please state your name and your affiliation to the petition or whom you represent at the beginning of your comments.
6. Speakers should address their comments to the Chair. Planning Commission members may have questions for the speaker. Speakers may not debate with other meeting attendees.
7. Speakers should focus their comments on the agenda item. Extraneous and repetitive comments should be avoided.
8. After those registered have spoken, the Chair will invite other comments. Prior speakers may be allowed to supplement their previous comments at this time.
9. After the hearing is closed, the discussion will be limited among Planning Commissioners and Staff. Under unique circumstances, the Planning Commission may choose to reopen the hearing to obtain additional information.
10. The Salt Lake City Corporation complies will all ADA guidelines. People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this meeting. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the Planning Office at 535-7757; TDD 535-6220.

451 S. STATE ST., ROOM 406
SALT LAKE CITY UT 84114

6. PLANNING COMMISSION-TABLED

b. Staff Report

November 14, 2007

PLANNING COMMISSION STAFF REPORT

Riparian Corridor Overlay District Zoning Text Amendment
400-07-18 City-wide
November 14, 2007

Planning and Zoning Division
Department of Community Development

Applicant:
Salt Lake City Corporation

Staff:
Marilynn Lewis 535-6409
marilynn.lewis@slcgov.com

Tax ID: N/A
Current Zone: Varies

Master Plan Designation: All

Council District: All

Acreage: N/A
Current Use: Varies

Applicable Land Use Regulations:
Section 21A.34.050 LC Lowland Conservancy Overlay District
Section 21A.34.060 Groundwater Source Protection Overlay District
Section 21A.18 Variances

Attachments:
- A. City Comments, et al
- B. Open House Notice and Comments from the Public
- C. Memo Packet and Minutes from September 26, 2007 Planning Commission Briefing
- D. Draft Riparian Corridor Overlay ordinance
- E. Draft Lowland Conservancy Overlay ordinance revisions
- F. Council's ordinance
- G. Maps

REQUEST
On July 17, 2007, the Salt Lake City Council issued a moratorium and an ordinance enacting temporary land use regulations for non-ephemeral above ground stream corridors.

PUBLIC NOTICE
An Open House was held on September 25, 2007. The notices were mailed out on Sept 17, 2007. 72 people signed in, but closer to 80 actually attended. Their comments are summarized under Public Comments on page 2 of this staff report. Notices for the Planning Commission hearing were mailed out on October 30, 2007.

STAFF RECOMMENDATION:
The Planning Commission must transmit a recommendation to the City Council. Based on the findings of fact identified in this report, staff recommends that the Planning Commission make the following recommendations to the City Council: That the proposed Zoning Text Amendment is consistent with the Standards listed in the Zoning Ordinance (A - E). The Planning Commission recommend approval based on the following:

A. The proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.
B. The proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.
C. The proposed amendment will not adversely affect adjacent properties.
D. The proposed amendment is consistent with the provisions of any applicable overlay zoning districts, which may impose additional standards.

COMMENTS

A. Public Comments

An open house was held on September 25, 2007 because the text amendment affects multiple properties and throughout the City. In order to make sure there was sufficient notification to property owners, staff mapped a 150 radius from the centerline of each stream. The Utah Department of Environmental Quality, US Fish and Wildlife, Army Corps of Engineers and the Utah Rivers Council were also invited to attend the Open House. Seventy-two (72) signed in, however closer to eighty (80) showed up to participate at the open house. Staff was able to have discussions and get immediate feedback on concerns from property owners and participants. Staff provided copies of the temporary ordinance enacted by the City Council, the draft Riparian Corridor Overlay ordinance and draft changes proposed to the existing Lowlands Conservancy Overlay ordinance. Staff requested that participants submit written comments within the two weeks following the Open House. The main comments and responses are below. Additional written comments were received subsequent to the public open house. The majority of the written comments are in favor of some form of protection for the streams. All of the comments received are included in Attachment B of this staff report.

Q. Want a process within the City to obtain relief from the ordinance to expand structures or outdoor living because of terrain.

A. There may be some cases, in which strict adherence to the proposed Riparian Corridor Overlay District could create an undue hardship, due to peculiar circumstances of the site. If that is the case, a property owner should be allowed to go before the Board of Adjustment for a Variance. Issues that involve hardships are heard by the Board of Adjustment.

Under Section 21A.18 Variances in the Salt Lake City Zoning Ordinance - These procedures are intended to provide a narrowly circumscribed means by which relief may be granted from unforeseen particular applications of this title (Title 21A. Zoning Ordinance) that create unreasonable hardships. Hardships are due to circumstances peculiar to the property. The Board of Adjustment will not consider issues that are self-imposed or economic. This issue has been addressed in the proposed draft ordinance.

Proposed requests must be routed by staff to the Director of Public Utilities for a recommendation as to whether the request is feasible and whether or not it will create negative impacts to the riparian corridor, the streams, or to other properties adjacent to the stream. In the case of the Jordan River additional review from the Utah Department of Natural Resources is also required, as they owned the streambed and are the regulatory agency that issues permits.

Q. Want to be able to maintain existing landscape features, vegetable gardens and ornamental trees.

A. Within Area "A" of the Riparian Corridor, natural/native vegetation is the best and least harmful way to stabilize the stream banks. Some types of gardening require grading (tilling of the soil) and the use of fertilizers and pest control chemicals are inappropriate so close to the stream.

Q. Want to be able to remove downed woody debris from storms without as needed permits.

A. During storm events, dead and woody debris can fall and block the stream flow or cause other damage. This material can be removed manually without detriment to the adjacent stream. This can also apply to the removal of man made debris. Selective pruning during non-storm events should be coordinated with the Urban Forester. This issue has been addressed in the proposed draft ordinance.

Q. Want the City and County Departments to follow the new ordinance as well.
A. It is important that public and private entities conform to the Riparian Corridor Overlay. In the future the City will have to investigate methods for detaining and routing storm water. However, development would not have been allowed adjacent to the stream. It would have been set back further allowing room for storm water detention. The City's urban areas have also developed without being required to handle the storm run-off on site. So the luxury of backing up to a stream has a city-wide cost environmentally. These concerns have been relayed to staff members of Salt Lake County Flood Control and Salt Lake City's Department of Public Utilities.

Q. Don't want open space behind our homes.
Q. Want open space connections within the neighborhood.
A. This ordinance is not advocating the acquisition of open space, nor does it relate to trail connections. This ordinance is related to the general health and viability of the streams in Salt Lake City and how all adjacent property owners need to share in that responsibility.

Q. Do I have to move my home, what if there it burns down?
A. The Riparian Corridor Overlay ordinance grandfathers all existing, legally permitted structures on site. The existing footprint of any structure can be retained for new construction. Provided that armoring of the stream bank is not required and there is no instability due to movement of the steep slopes, unstable soils or geological activity. In other words, a structure can be replaced in the exact same location as long as there are no changes to the ground so severe that it will no longer support the previous footprint.

Staff recommends that public/private entities with utility easements coordinate with Public Utilities and the Urban Forster before removing or pruning existing viable plant material along stream banks.

B. Planning Commission Briefing
On September 26, 2007 staff briefed the Planning Commission on the status of the project, as well as comments from the public open house. Prior to the briefing staff forwarded a memorandum to the Planning Commissioners requesting that they review the draft ordinances and come prepared to discuss them and provide any additional direction. Planning staff asked if the Planning Commission agreed with placing the Jordan River under the new Riparian Corridor Overlay District with the other streams in the City, and removing it from the jurisdiction of the existing Lowlands Conservancy Overlay District. As there are many conditional uses in the Lowlands Conservancy Overlay ordinance that are inappropriate for a more urban neighborhood area that is part of a community. Even though the Jordan River handles storm water, it should not be treated the same as the surplus canals.

Certain types of activities in the Riparian Corridor may be undesirable. Staff sought direction as to whether some activities in the Riparian Corridor Overlay, such as armoring stream banks, should be conditional uses. If conditional uses are listed within the Riparian Corridor Overlay ordinance, the Planning Commission would be required to consider methods of mitigation due to State law. Staff was also concerned since sections along each of these stream runs through urban residential areas that the City could reduce future negative impacts from incompatible additions and accessory structures in those neighborhoods that would also be placed too close to the banks of streams.

Planning Commissioners requested that staff create maps so that they could get an idea of the areas involved along the streams. They are included in Attachment G. The Planning Commissioners agreed with what was proposed in the memorandum from staff. However, they were not prepared to discuss the issues in detail at that time. The Planning Commission did not entertain any motions or vote on the issues presented. The minutes from the meeting are included in Attachment C.

Staff Analysis and Findings

PROJECT HISTORY

On July 17, 2007 the Salt Lake City Council issued a six month moratorium and an ordinance enacting "Temporary Land Use Regulations for Non-Ephemeral Above Ground Streambeds". The purpose of this legislation, as stated, is to minimize erosion, stabilize stream banks, protect water quality, preserve fish and wildlife habitat, as well as preserve aesthetic values of natural watercourses and wetland areas. (See Attachment F)

What is a riparian area/corridor and what does it do? A riparian corridor is the transitional area between flowing water and terrestrial ecosystems. Streams and their riparian areas make up the riparian corridor. Water quality and the overall health of the riparian areas are interrelated. Riparian corridors are important natural biofilters protecting aquatic environments from excessive sedimentation, polluted surface runoff and erosion. They support the highest level of biodiversity in this region. They supply shelter and food for many aquatic and terrestrial animals and provide shade which is important to regulating the temperature of streams. Riparian corridors are instrumental in water quality improvement for both surface runoff and water flowing into streams through subsurface or groundwater flow. Healthy riparian areas help to prevent the negative effects of urban development on streams. Some of the important functions of a riparian corridor include:

- Dissipation of stream energy, which reduces soil erosion and potential for flood damage;
- Traps sedimentation, which reduces suspended materials in the water and helps to replenish stream banks;
- Filters pollutants from developed areas and enhances water quality by means of natural biological filtration;
- Provides and improves wildlife habitat;
- Provides shading, which reduces changes in water temperature;
- Reduces erosion due to increased runoff in urban and suburban areas;
- Reduces flood potential.

Why is a riparian protection needed? The Riparian Corridor Overlay District is needed to improve the health, safety and welfare of inhabitants and uses along the City's streams. Some of the benefits of protecting the riparian area are: the retention of native vegetation, reduction or elimination of the need for grading or armoring on stream banks and steep slopes. The City Creek, Emigration and Red Butte stream corridors are all located with the Primary and/or Secondary Recharge Area of the City's Groundwater Source Protection Overlay Districts. As such, Riparian Corridor Overlay will provide additional protection for the City's groundwater by restricting the encroachment of structures and hard surfaces into the riparian areas and by increasing the area along the stream banks for native vegetation.

What is being proposed? The Riparian Corridor Overlay District is proposed as a 100 foot wide buffer measured from the Annual High Water Level on either side of a stream. A standard and desired width by most experts would be 300 feet or more on both sides. However, the majority of the streams in Salt Lake City with the greatest potential for impact and greatest need for protection are located in extremely built up urban environments. Because of the close proximity of buildings to streams, there is a great deal at stake when it comes to flooding potential and slope stability as it affects these structures.

Staff has worked closely with Public Utilities and determined that a 100 foot wide corridor provides an area for sufficient oversight, as well as the continuation of a variety of urban uses. Because streams and other water

courses are dynamic, both vertically and horizontally, the Riparian Corridor Overlay District must be determined based on the profile of the stream as opposed to a plan view map.

The profile for a typical cross-section along a riparian area will mark the "No Disturbance Line", which is measured 25 feet from the Annual High Water Level or AHWL. Between the AHWL and the No Disturbance Line, no disturbance to the existing soils or vegetation is allowed except for fencing and removal of debris. Slope stabilization through the planting of native vegetation, as well as the removal of invasive species would require approval by the Urban Forester and Public Utilities. This is to ensure that the methodologies and plant materials to be used are sound and will not cause new or additional impacts to the stream corridor.

The "Structure Limit Line" proposed is measured 50 feet from the AHWL. Between the No Disturbance Line and the Structure Limit Line, no structures except for those maintaining the existing footprint (as stated in 21A.34.130.C.1.b of the proposed RCO draft ordinance) may be built. This established the outer most limit where new buildings or expansions to existing structures could be constructed. No permit will be issued without the approval of the Director of Public Utilities or his designee. This is to ensure that the location and methodologies for construction are sound, and conducive to the type of soil and angles of the slope.

The Riparian Corridor is measured at 100 feet from the AHWL. Between the Structure Limit Line and the 100 foot Riparian Corridor boundary is where parking lots, leach fields and storm retention and detention basins and other such uses may be constructed. No permit will be issued without the approval of the Director of Public Utilities or his designee. This is to ensure that the location and methodologies are sound, and the type of soils or groundwater levels are conducive for the use. The Riparian Corridor Overlay District does not stop new development or prevent the expansion of existing uses. What it does is set up clear demarcation for what activities are appropriate the closer you are to the stream.

MASTER PLAN DISCUSSION

The City's adopted master plans discuss to varying degrees the need for environmental protection with regards to: slopes and soil stabilization, habitat, flooding and liquefaction. Some of these plans also address issues regarding clean up and preservation of natural areas. Below is a partial list of issues identified in each of the adopted community master plans:

Avenues, 1987 – Foothill protection, slope stabilization and re-vegetation.
Central City, 2005 – Flood risk due to stream overflow, seismic fault zones and liquefaction potential
Capitol Hill, 2001 – Encourage environmental protection and clean up. Identify the community's unique natural amenities, resources and settings designate natural areas to be preserved and improved as appropriate. Slope preservation.
East Bench, 1987 – Slope stabilization is a major concern. It is important to preserve the unique scenic beauty, environmental habitat, recreational use and accessibility of the Wasatch foothills.
Northwest/Jordan, 1992 – wetlands, Jordan River delta, Great Salt Lake, flood potential, high liquefaction potential
Sugar House, 2005 – maintain storm water and flood control within the Parleys Creek area,
West Salt Lake, 1995 –this area has a high water table with minimal sloping for positive drainage, the Mid-City Master Drainage Plan and the Westside Master Drainage Plan need to be reviewed and further implemented, high liquefaction potential

21A.50.050 Standards For General Amendments

A. Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City

Analysis: The various community master plans of Salt Lake City identify need for protection and stabilization of stream banks and areas containing steep slopes. They also identify the need for protection and preservation of the natural environment.

Findings: The Riparian Corridor Overlay will provide protection and stabilization along the urban streams, as well as an opportunity to protect, preserve and encourage enhancement of the natural areas along the streams. Therefore, the protection and preservation of environmentally sensitive areas within the City are to the benefit of all of the citizens of Salt Lake City regardless of their proximity to a specific stream corridor.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.

Analysis: The existing character of the neighborhoods and areas varies along each of the streams. There are residential and non-residential uses. This zoning text amendment does not create a change in uses, but proposes to lessen the impacts of those uses on the streams.

Finding: The text amendment does not propose to change the underlying zoning of any of the sites adjacent to the any of the streams within the City. Therefore, the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.

C. The extent to which the proposed amendment will adversely affect adjacent properties.

Analysis: The zoning is varied along each of the streams/creeks within the City. The goal of the proposed new Riparian Corridor Overlay ordinance is to reduce impacts to streams/creeks from the adjacent properties.

Findings: By creating this new Riparian Corridor Overlay, the City is taking action to protect the streams and wetlands for the health safety and welfare of the general public from the potential activities that can and have occurred on adjacent properties. The Riparian Corridor Overlay will help to reduce property damage to downstream owners caused by actions that can change the flow and velocity of water within streams. Therefore, the proposed amendment will not adversely affect adjacent properties.

D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts, which may impose additional standards.

Analysis: Of the five City streams, City Creek, Emigration and Red Butte are all located with the Primary and/or Secondary Recharge Area of the 21A.34.060 Groundwater Source Protection Overlay Districts. The Riparian Corridor Overlay will provide additional protection for the City's groundwater by restricting the encroachment of parking lots which will reduce the potential for petroleum products running off of hard surfaces and into the stream. Increasing the area along the stream banks for native vegetation will provide a filtering system for storm run-off, as well as reduce opportunities for fertilizers and other chemicals to enter the streams within the primary and secondary groundwater recharge areas.

In order to eliminate conflict between the proposed Riparian Corridor Overlay and the Lowland Conservancy Overlay, staff recommends that the Jordan River be removed from the jurisdiction of the 21A.34.050 Lowland Conservancy Overlay District and include it in the proposed Riparian Corridor Overlay District. The Lowland Conservancy Overlay District has different setbacks from those proposed

in the Riparian Corridor Overlay and contains permitted and conditional uses which are inappropriate for the streams located in a more urban environment. The Lowland Conservancy Overlay District would provide oversight, as it does now, for the surplus canals, wetlands and creeks located west of Interstate 215. The Riparian Corridor Overlay would provide oversight for the rivers, streams, creeks and wetlands located in the more urban core of the City, east of I -215.

Findings: The Riparian Corridor Overlay District will reinforce the intent of the Groundwater Source Protection Overlay Districts. Including the Jordan River with the other urban streams east of I-215 there will not be consistency within neighborhoods on the types of allowed activities and required setbacks. Therefore, the proposed amendments are not in conflict with the provisions of other overlay zoning districts, which may impose additional standards.

E. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

Analysis: Staff requested input from pertinent City Departments and Divisions, as well as County agencies. Comments were received from the departments of Airports, Transportation, Public Utilities, Engineering, Zoning Enforcement, Public Services, Urban Forester, Parks and Permits.

The Salt Lake City International Airports Department wanted the distinction made between the streams and wetland west of Interstate 215 and those to the east. Encouraging wildlife habitat west of I -215 can directly affect the function and safety of the existing Salt Lake City International Airport. Also, the Airport requires flexibility with the placement of fencing and structures for issues of aviation safety and Homeland Security. The Comments from the airport were noted and addressed in the draft Riparian Corridor Overlay ordinance.

The Salt Lake City Urban Forester stated that to date they have only provided review services as requested. On a regular basis they work with property owners, City Departments and non-profit organizations with planning, tree inspection, pruning, removal, planting and emergency response related to breakage caused by storms. They are interested in natural regeneration of trees by means of cuttings, seeds and coppice sprouts.

Utah Department of Natural Resources (DNR) supports the City's efforts to improve the Jordan River corridor. They further stated that they claim ownership of the Jordan River stream bed and that all projects impacting the bed of the river requires a permit and approval by DNR.

Salt Lake County Public Works, Water Resource Planning & Restoration Manager stated that the proposed ordinance is needed for a variety of environmental reasons and is consistent with the Salt Lake County Watershed Water Quality Stewardship Plan currently being developed. They are interested in working with the City to target areas needing stabilization.

All other City Departments determined that they did not have specific issues at this time or the new ordinance did not affect how they conduct the business of the City. All of the comments received are included in Attachment A of this staff report.

Findings: Comments have been provided by pertinent City Departments and Divisions, as well as other County and State agencies. The Urban Forester is already performing the oversight duties outlined in the draft ordinances. However, the Riparian Corridor Overlay ordinance will provide them with oversight to review plans, plant materials, and methodologies that are inappropriate within the riparian areas.

The Airport's concerns on the encouragement of wildlife habitat and inclusion of all streams, wetlands and surplus canals have been addressed by in the Riparian Corridor Overlay draft. The Riparian Corridor

Overlay will serve those water bodies east of I-215 and the Lowland Conservancy Overlay will continue to serve the surplus canals and other water bodies wet of I-215. This way the City can provide greater protection along the Jordan River without impacting the functions of the Airport. None of the other departments or agencies provided any objection to the petition.

Salt Lake County is currently working on their Water Quality Stewardship Plan. Once that document is finalized it will provide new information and recommendations that could be incorporated into this ordinance. Therefore, the proposed ordinances do not impact the adequacy of public facilities and services.

ATTACHMENT A

Lewis, Marilynn

From: Rutherford, Bill
Sent: Thursday, September 13, 2007 8:35 AM
To: Lewis, Marilynn
Subject: Petition 400-07-18 Riparian Corridor
Categories: Program/Policy

Marilyn,
Historically the forestry division has provided service as function of request. In some cases the request originates from another department or division of the city. Other customer based requests include users of the corridor, adjoining property owners, non-profit organizations and specific interest groups.

Forestry provides assistance with planning, tree inspections, pruning, removal, planting and emergency response which is generally related to a storm event resulting in tree breakage.

A future interest is to help facilitate natural regeneration of trees, such as poplar, boxelder, and peachleaf willow by means of cuttings, seeds and coppice sprouts.
Bill

SALT LAKE CITY DEPARTMENT OF

AIRPORTS

September 21, 2007

Marilynn Lewis
Salt Lake City Planning Division
451 South State Street, Room 406
Salt Lake City, Utah 84118

Dear Marilynn,

I am providing Airport comments regarding the proposed Riparian Corridor Overlay district. We are concerned that this proposed ordinance may apply on and near Airport property including the Surplus Canal, North Point Canal, wetlands, and other areas. If the Riparian Corridor Overlay district is implemented on or near the Airport, this overlay would require additional enhancement of wildlife habitat that could be incompatible with airport operations. The following outlines our concerns with the proposed overlay district text.

A. Purpose Statement. Our understanding is that the proposed overlay district will only apply to City Creek, Red Butte Creed, Emigration Creek, the Jordan River, and Parley's Creek. However, our concern is that the proposed overlay would apply to the entire City by stating, *"This overlay provides protection for all stream corridors and wetlands within the corporate limits of Salt Lake City, . . ."* As written, the proposed ordinance applies to all streams and wetlands in the City. The Surplus Canal, North Point Canal, and wetlands are located within the limits of the City and also on airport property. We could not support this proposed ordinance applied to airport property.

B. Definitions. Under definition #5, "Stream" would include the Surplus Canal and the North Point Canal. Using this definition for a stream, all open drainage ditches on airport would be subject to this definition.

C. Minimum Setbacks for New Construction, Alterations, Additions, and Accessory Structure. Under the proposed ordinance, fences must be set back from high water levels. Due to the Airport's security requirements, it may be necessary to place fencing closer than stated in the proposed overlay ordinance.

In summary, the purpose of the proposed Riparian Overlay District is to create and enhance wildlife habitat. However, to maintain safe operations, the Airport must carefully manage, and in some cases eliminate wildlife habitat based on the existing Wildlife Hazard Mitigation Plan. Additionally, the FAA Advisory Circular 150/5200 entitled, Hazardous Wildlife Attractants On Or Near Airports recommend a separation distance of 10,000 feet for any of the hazardous wildlife attractants for airports similar to Salt Lake City International Airport. We recommend an exemption of all airport owned property from the proposed Riparian Corridor Overlay district.

Thank you for your consideration.

Sincerely,

Allen McCandless, Director
Planning and Capital Programming

CC: Maureen Riley
Randy Berg

Lewis, Marilynn

From: Butcher, Larry
Sent: Saturday, September 29, 2007 6:13 AM
To: Lewis, Marilynn
Cc: Goff, Orion
Subject: Riparian Corridor Overlay
Categories: Program/Policy

Marilynn:

I have no additional comments.

Larry

Lewis, Marilynn

From: Smith, Craig
Sent: Thursday, September 13, 2007 11:37 AM
To: Lewis, Marilynn
Subject: petition 400-07-18

Good morning Marilynn-

I have reviewed petition 400-07-18, a request from the Salt Lake City Council to create a riparian corridor overlay district. This request does not really affect the Engineering Department; therefore we have no issues one way or the other.
Sincerely,
Craig

Lewis, Marilynn

From: Spangenberg, Craig
Sent: Thursday, September 13, 2007 7:53 AM
To: Lewis, Marilynn
Cc: Isbell, Randy
Subject: Petition 400-07-18 Riparian Corridor Overlay District
Categories: Program/Policy

Marilynn:

The proposed changes to the Riparian Corridor Overlay District will not have an impact on services from Housing and Zoning Enforcement.

Thanks,

Craig

Lewis, Marilynn

From: Graham, Rick
Sent: Monday, September 17, 2007 2:17 PM
To: Lewis, Marilynn
Subject: FW: 400-07-18 Riparian Corridor
Categories: Program/Policy

Please see Val Pope's response below.

Rick G.

From: Pope, Val
Sent: Monday, September 17, 2007 11:11 AM
To: Graham, Rick; Cook, Dell
Cc: Bergstrom, Kevin
Subject: RE: 400-07-18 Riparian Corridor

I am not seeing anything that creates a huge amount of concern. I sure, as we move forward with projects in these areas, I will have a question or two. I actually think that this is a good thing.

Val,

From: Graham, Rick
Sent: Friday, September 14, 2007 4:26 PM
To: Pope, Val; Cook, Dell
Cc: Bergstrom, Kevin
Subject: FW: 400-07-18 Riparian Corridor

Val and Dell, you need to review this information and provide input if you feel you have some concerns. This affects ALL stream, creek and river corridors that pass through the City.

It is a significant piece of new legislation that we affect us for years. It is long over due.

Please spend some time on it.

From: Lewis, Marilynn
Sent: Friday, September 14, 2007 2:21 PM
To: Boskoff, Nancy; Clark, Luann; Dinse, Rick; Fluhart, Rocky; Graham, Rick; Harpst, Tim; Hooton, Leroy; McFarlane, Alison; Rutan, Ed; Pace, Lynn; Riley, Maureen; Baxter, DJ; Querry, Chuck; Shaw, George
Subject: 400-07-18 Riparian Corridor

Petition 400-07-18 Riparian Corridor Overlay Zoning District

Dear Directors:

On July 17, 2007, the Salt Lake City Council issued a moratorium and an ordinance enacting the Temporary Land Use Regulations for Non-Ephemeral Above Ground Stream Corridors. Staff is working on changes to the ordinance to provide permanent regulations. The draft ordinances are related to the Riparian Corridor Overlay are attached. The following City staff members will also receive the above

Lewis, Marilynn

From: Walsh, Barry
Sent: Wednesday, September 12, 2007 11:41 AM
To: Lewis, Marilynn
Cc: Young, Kevin; Smith, Craig; Butcher, Larry; Stewart, Brad
Subject: Pet 400-07-18 Riparian Corridor
Categories: Program/Policy

September 12, 2007

Marilynn Lewis, Planning

Re: Petition 400-07-18, Riparian Corridor Overlay District

The division of transportation review comments and recommendations are for approval as follows:

We see no impact proposed to the vehicular transportation corridors and pedestrian trails or paths per standard applicable guidelines for development and maintenance as noted in this proposal.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.
Craig Smith. Engineering
Larry Butcher, Permits
Brad Stewart, Public Utilities
File

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Forestry, Fire and State Lands

RICHARD J. BUEHLER
State Forester/Division Director

September 26, 2007

Salt Lake City Council
c/o Marilynn Lewis
Salt Lake City and County Building
451 South State Street
Salt Lake City, UT 84111

Re: # Petition 400-07-18 Riparian Corridor Overlay District Creation

Dear Ms. Lewis:

Thank you for providing us with notice regarding the above referenced issue. The state of Utah claims ownership of the bed of the Jordan River and supports the City of Salt Lake's efforts to improve the corridor of the river. Please keep in mind that proposed projects that will impact the bed of the river resulting from decisions made by the Riparian Corridor Overlay District will need to be permitted by this division. Once again, thank you for the notification. We look forward to our continued working relationship.

Sincerely,

H. Barry Tripp
Wasatch Front Area
Lands Administrator

1594 West North Temple, Suite 3520, PO Box 145703, Salt Lake City, UT 84114-5703
telephone (801) 538-5555 • facsimile (801) 533-4111 • TTY (801) 538-7458 • *www.ffsl.utah.gov*

UTAH DNR FORESTRY

Lewis, Marilynn

From: Steve F. Jensen [SFJensen@slco.org]
Sent: Wednesday, September 26, 2007 11:39 AM
To: Lewis, Marilynn
Subject: Riparian Corridor Overlay Zone

Marilynn,

I apologize for not making it to the open house. I have two Jordan River restoration projects going on and have problems these days with meetings.

I can say that the proposed zone riparian corridor overlay zone is definitely needed for several environmental as well as economic reasons, and I can say that it is consistent with the Salt Lake County Watershed Water Quality Stewardship Plan (WASP) currently being developed.

We are interested in more fully providing comments and assistance within the context of Salt Lake County responsibility and jurisdiction for water quality planning and flood control management. Does the overlay zone have a floating width or defined width? Have erosional sites been targeted for stabilization? Has the City looked at our channel stability evaluations recently completed?

Steven F. Jensen, M.P.A., Program Manager
Water Resources Planning & Restoration
Salt Lake County Public Works Engineering

ATTACHMENT B

OPEN HOUSE
ATTENDANCE ROLL
Riparian Corridor Overlay
400-07-18
September 25, 2007

Please Print Clearly, Thank you

PRINT NAME N. Steven Smith ADDRESS ZIP CODE	PRINT NAME Mary Wuthlow ADDRESS 2388 E 9th So. ZIP CODE 84108
PRINT NAME Shaffer / Bishop ADDRESS 1401 S 1100 W ZIP CODE 84104	PRINT NAME Ellen King ADDRESS 2055 E 1300 S ZIP CODE 84108.
PRINT NAME Parker & Jean Robison ADDRESS 1740 Sunnyside SLC 84108 ZIP CODE 84108	PRINT NAME Tom Mulkey ADDRESS 1930 Sheridan Rd. ZIP CODE 84108
PRINT NAME Rick Hinckley ADDRESS 1209 So. 10th W ZIP CODE 84104	PRINT NAME Ellen Bell ADDRESS 1134 W 700 So ZIP CODE SLC Ut 84104
PRINT NAME Janice Gottfredson ADDRESS 1989 Browning Ave ZIP CODE 84108	PRINT NAME Naamah Bell ADDRESS 1134 W. 700 So. ZIP CODE SLC, UT 84104
PRINT NAME Darlene Batatian ADDRESS 3316 S. Monte Verde Dr ZIP CODE 84109 dbatatian@comcast.net	PRINT NAME Morris Linton ADDRESS 2001 Browning Ave. ZIP CODE 84108

OPEN HOUSE
ATTENDANCE ROLL
Riparian Corridor Overlay
400-07-18
September 25, 2007

Please Print Clearly, Thank you

PRINT NAME Michael Gottfredson ADDRESS 1769 Browning SLC ZIP CODE 84108	PRINT NAME Ernest Hunter ADDRESS ZIP CODE 84102
PRINT NAME DAVE RICHARDS ADDRESS 1126 Browning ZIP CODE 84105	PRINT NAME W.H. LLOYD ADDRESS 2045 E. 1300 S, SLC ZIP CODE 84108
PRINT NAME Sarah Kurrus ADDRESS 1206 Yale Ave ZIP CODE 84105	PRINT NAME Dan Doggleby ADDRESS 1650 E. Kensington Ave. ZIP CODE SLC, UT 84105
PRINT NAME Jennifer Lawton ADDRESS 2006 Sheridan ZIP CODE 84108	PRINT NAME KIRK RIRIE ADDRESS 1364 KRISTIE LANE ZIP CODE 84108 PH. 883-0343
PRINT NAME Ronald V. Woodhead ADDRESS 1938 Sheridan Rd ZIP CODE 84108	PRINT NAME RICK JOHNSON ADDRESS 994 MILITARY DR ZIP CODE 84108
PRINT NAME Kris Barta ADDRESS 1948 Claremont Dr ZIP CODE 84105	PRINT NAME Rick Barta ADDRESS 1948 Claremont Dr ZIP CODE 84105

OPEN HOUSE
ATTENDANCE ROLL
Riparian Corridor Overlay
400-07-18
September 25, 2007
Please Print Clearly, Thank you

PRINT NAME Lynne Olson ADDRESS 1878 Lincoln St ZIP CODE 84105	PRINT NAME Barb Eastman ADDRESS 1566 E. Bryan Ave ZIP CODE SLC, ut 84105
PRINT NAME Roberta Schlicher ADDRESS 1236 E Yale ZIP CODE 84105	PRINT NAME Tom Kunzweiler ADDRESS 1566 E Bryan ZIP CODE 84105
PRINT NAME N. MARTINDALE ADDRESS 1430 YALE AVE ZIP CODE 84105	PRINT NAME Amy Defreese ADDRESS Utah Rivers Council ZIP CODE 84103
PRINT NAME Gabe Henry & Autumn Henry ADDRESS 2329 E. 1300 S. ZIP CODE 84108	PRINT NAME Cindy Cromer ADDRESS 816 E 100 S SLC ZIP CODE 84102-4109
PRINT NAME Scott Hansen ADDRESS 2681 Comanche Drive ZIP CODE 84108	PRINT NAME Diane Fosnacht ADDRESS 1430 Bryan Ave ZIP CODE 84105
PRINT NAME Lori Komlos ADDRESS 1664 Emerson Ave. ZIP CODE 84105	PRINT NAME Anne Cannon ADDRESS 1647 Kensington Ave ZIP CODE 84105

OPEN HOUSE
ATTENDANCE ROLL
Riparian Corridor Overlay
400-07-18
September 25, 2007
Please Print Clearly, Thank you

PRINT NAME Ronald Davey ADDRESS 939 Diestel Rd. ZIP CODE 801-583-9855	PRINT NAME Jay K. Keeler ADDRESS 1314 Yale Ave ZIP CODE SLC, UT 84105
PRINT NAME J. Durrook ADDRESS 2940 E. 700 S ZIP CODE 84108	PRINT NAME John Needham ADDRESS 1330 Yale Ave ZIP CODE SLC UT 84105
PRINT NAME OMAR BARRANI ADDRESS 1756 SUNNYSIDE AVE ZIP CODE 84108	PRINT NAME Suzanne N Hokanson ADDRESS 1330 Yale Ave ZIP CODE SLC UT 84105
PRINT NAME CAROLYN BARRANI ADDRESS 1756 SUNNYSIDE AVE ZIP CODE 84108	PRINT NAME Autumn Henry ADDRESS 2529 E. 1300 S. ZIP CODE 84108
PRINT NAME Paul Drennan ADDRESS 2348 Lynwood Dr ZIP CODE 84109	PRINT NAME Jenny Pulsipher ADDRESS 1408 E. Yale Ave. ZIP CODE 84105
PRINT NAME ADDRESS ZIP CODE	PRINT NAME ADDRESS ZIP CODE

OPEN HOUSE
ATTENDANCE ROLL
Riparian Corridor Overlay
400-07-18
September 25, 2007

Please Print Clearly, Thank you

PRINT NAME ALAN CONDIE ADDRESS 1375 KRISTIE LN ZIP CODE 84108	PRINT NAME Scott Rasmussen ADDRESS 1988 Sheridan Rd ZIP CODE 84108
PRINT NAME Janet Anderson ADDRESS 1915 Browning Ave ZIP CODE 84108	PRINT NAME Daniel Lee ADDRESS 1373 S 1900 East ZIP CODE 84108
PRINT NAME RAWLINS YOUNG ADDRESS 2135 SOUTH 1900 EAST SLC UT ZIP CODE 84106	PRINT NAME FRED C COX ADDRESS 4466 EARLY DUKE SQ ZIP CODE VVVC UT 84120 RE 1310 S 900 W
PRINT NAME John Taylor ADDRESS 1751 E. Browning ZIP CODE 84108	PRINT NAME Beth Bowman ADDRESS 1445 Harrison Ave ZIP CODE 84105
PRINT NAME AUDREY OLIVER ADDRESS 1175 E. HARVARD AVE. ZIP CODE SLC, 84105	PRINT NAME Barbara Bean ADDRESS 1651 Emerson Ave ZIP CODE 84105
PRINT NAME EK Ellsworth ADDRESS 1035 S 1500 E ZIP CODE 84105	PRINT NAME James Beck ADDRESS 241 Concord St. ZIP CODE SLC, UT 84104

OPEN HOUSE
ATTENDANCE ROLL
Riparian Corridor Overlay
400-07-18
September 25, 2007

Please Print Clearly, Thank you

PRINT NAME Shea Wickelson (+ Paul) ADDRESS 1030 W. California Ave. ZIP CODE 84104	PRINT NAME ADDRESS ZIP CODE
PRINT NAME ADDRESS ZIP CODE	PRINT NAME ADDRESS ZIP CODE
PRINT NAME ADDRESS ZIP CODE	PRINT NAME ADDRESS ZIP CODE
PRINT NAME ADDRESS ZIP CODE	PRINT NAME ADDRESS ZIP CODE
PRINT NAME ADDRESS ZIP CODE	PRINT NAME ADDRESS ZIP CODE
PRINT NAME ADDRESS ZIP CODE	PRINT NAME ADDRESS ZIP CODE

OPEN HOUSE
September 25, 2007
400-07-18 Riparian Corridor Overlay

Please provide us with the following information, so that we may contact you for further comment (please print clearly, thank you):

Name Janet Davey (Janet Davey)

Address) 939 Diestel Road

S.L.C. Ut 84105

(include zip code)

Phone 801-583-9855

OPEN HOUSE
September 25, 2007
400-07-18 Riparian Corridor Overlay

Please provide us with the following information, so that we may contact you for further comment (please print clearly, thank you):

Name Melissa Ladakis

Address) 1396 Michigan Ave

Salt Lake City Ut 84105

(include zip code)

Phone 583-0899

OPEN HOUSE
September 25, 2007
400-07-18 Riparian Corridor Overlay

Please provide us with the following information, so that we may contact you for further comment (please print clearly, thank you):

Name Tim + Lori Komlos

Address) 1664 Emerson Ave.
Salt Lake City 84105

(include zip code)

Phone (801) 485-0178

OPEN HOUSE
September 25, 2007
400-07-18 Riparian Corridor Overlay

Please provide us with the following information, so that we may contact you for further comment (please print clearly, thank you):

Name MONTY GULLY

Address) 875 DONNER WAY APT 503

SLC UT

84108

(include zip code)

Phone (801) 583-0287

OPEN HOUSE
September 25, 2007
400-07-18 Riparian Corridor Overlay

Please provide us with the following information, so that we may contact you for further comment (please print clearly, thank you):

Name ROBERTA SCHLICHER

Address) 1236 E Yale Ave

SLC UT 84105

(include zip code)

Phone 801-582-7835

OPEN HOUSE
September 25, 2007
400-07-18 Riparian Corridor Overlay

Please provide us with the following information, so that we may contact you for further comment (please print clearly, thank you):

Name Naconna Shaffer

Address) 1401 S. 1100 W.
Salt Lake City, UT
84104
(include zip code)

Phone 972-3929

OPEN HOUSE
September 25, 2007
400-07-18 Riparian Corridor Overlay

Please provide us with the following information, so that we may contact you for further comment (please print clearly, thank you):

Name Jay K. Keeler

Address) 1314 Yale Ave.

SLC, UT 84105

(include zip code)

Phone 581-1837

OPEN HOUSE
September 25, 2007
400-07-18 Riparian Corridor Overlay

Please provide us with the following information, so that we may contact you for further comment (please print clearly, thank you):

Name Rick + Kris Barta

Address) 1948 Claremont Way
SLC
84108
(include zip code)

Phone 801 582.1958

OPEN HOUSE
September 25, 2007
400-07-18 Riparian Corridor Overlay

Please provide us with the following information, so that we may contact you for further comment (please print clearly, thank you):

Name EMIL KMET

Address) 2509 S. HIGHLAND DR

SLC, UT 84106

(include zip code)

Phone 801-467-2904

I SUPPORT THE PETITION FOR THE RIPARIAN CORRIDOR OVERLAY.

OUR CREEKS & STREAMS HAVE LONG NEEDED GUIDANCE & PROTECTION & NO LONGER BE MISMANAGED.

PARLEY'S HISTORIC NATURE PARK CERTAINLY NEEDS THIS PROTECTION ALONG PARLEY'S CREEK.

OPEN HOUSE
September 25, 2007
400-07-18 Riparian Corridor Overlay

Please provide us with the following information, so that we may contact you for further comment (please print clearly, thank you):

Name Marc fulker

Address) 1968 Sheridan Rd.

84108
(include zip code)

Phone 801-583-2233

OPEN HOUSE
September 25, 2007
400-07-18 Riparian Corridor Overlay

Please provide us with the following information, so that we may contact you for further comment (please print clearly, thank you):

Name Glenda Cotter

Address) 1339 Emerson Ave.

SLC, UT 84105

(include zip code)

Phone 801-485-0769

I thank the city for this forward-thinking moratorium on streambank development, and support making this a permanent part of city planning and zoning.

OPEN HOUSE
September 25, 2007
400-07-18 Riparian Corridor Overlay

Please provide us with the following information, so that we may contact you for further comment (please print clearly, thank you):

Name OMAR & CAROLYN BARRANI

Address) 1756 SOUTHSIDE AVE

SALT LAKE CITY, UT 84108

(include zip code)

Phone 583-6862

OPEN HOUSE
September 25, 2007
400-07-18 Riparian Corridor Overlay

Please provide us with the following information, so that we may contact you for further comment (please print clearly, thank you):

Name Morris D. Linton

Address) 2001 Browning Ave.

SLC, UT 84108

(include zip code)

Phone (801) 583-1132

OPEN HOUSE
September 25, 2007
400-07-18 Riparian Corridor Overlay

Please provide us with the following information, so that we may contact you for further comment (please print clearly, thank you):

Name Diane Fasnacht

Address) 1430 Bryan Ave

SLC, UT 84105

(include zip code)

Phone 801-466-3116

OPEN HOUSE
September 25, 2007
400-07-18 Riparian Corridor Overlay

Please provide us with the following information, so that we may contact you for further comment (please print clearly, thank you):

Name John Needham

Address) 1330 Yale Ave. 94105

(include zip code)

Phone 583-1150

OPEN HOUSE
September 25, 2007
400-07-18 Riparian Corridor Overlay

Please provide us with the following information, so that we may contact you for further comment (please print clearly, thank you):

Name Suzanne N. Hokanson

Address) 1330 Yale Avenue

SLC

Utah 84105

(include zip code)

Phone 801 583-1150, work 801 3245761

OPEN HOUSE
September 25, 2007
400-07-18 Riparian Corridor Overlay

Please provide us with the following information, so that we may contact you for further comment (please print clearly, thank you):

Name CHRISTINE MARTINDALE

Address) 1430 LAKE AVE

84105

(include zip code)

Phone 582-5529 chris@espritmiami.com

OPEN HOUSE
September 25, 2007
400-07-18 Riparian Corridor Overlay

Please provide us with the following information, so that we may contact you for further comment (please print clearly, thank you):

Name Michael Gottfredson

Address) 1989 Browning Ave

SLC

84108

(include zip code)

Phone 801-581-1807

OPEN HOUSE
September 25, 2007
400-07-18 Riparian Corridor Overlay

Please provide us with the following information, so that we may contact you for further comment (please print clearly, thank you):

Name Autumn Henry

Address) 2529 E. 1300 S. SLC, UT, 84108

(include zip code)

Phone 582-0425

OPEN HOUSE
September 25, 2007
400-07-18 Riparian Corridor Overlay

Please provide us with the following information, so that we may contact you for further comment (please print clearly, thank you):

Name ANTHONY OLIVER

Address) 1175 HARVARD AVE,
SLC, UT. 84105

(include zip code)

Phone (801) 554-1090

OPEN HOUSE
September 25, 2007
400-07-18 Riparian Corridor Overlay

Please provide us with the following information, so that we may contact you for further comment (please print clearly, thank you):

Name Tom & Sarah Kurrus

Address) 1206 Yale Ave.

Salt Lake City, Ut 84105

(include zip code)

Phone 801-583-1603

OPEN HOUSE
September 25, 2007
400-07-18 Riparian Corridor Overlay

Please provide us with the following information, so that we may contact you for further comment (please print clearly, thank you):

Name Scott Rasmussen

Address) 1988 Sheridan Road

SLC, UT 84108

(include zip code)

Phone 582-7512

srasmussen@scalleyreading.net

Urban habitat is a wonderful goal. However, it seems we are starting at the wrong end of the process.

We can assume that people who bought property along a creek appreciate nature, so we need to give them tools and incentives to protect it. We need a baseline scientific study, so we can see what plants and wildlife we have. Then we will be able to track our improvement. The Urban Forester needs a planting plan he can pass out to people who want to know what to plant. He needs forest rangers to help prevent trespassing and destruction. (We believe you've already heard from our attorney who explained to you that the main threat to habitat on our portion land on Emigration Creek comes through trespassing.)

The city needs to model what we are seeking along at least some of the portions of creekside property owned by the city. These areas need to be unlit, unpoisoned and protected from humans and dogs and thus filled with underbrush. As it is now, the county and the state have some employees who deal with streams and water and, in the case of the state, preservation of the species, but the city has no budget and thus no employees to help us.

How well would the city's recycling program have worked if you had kicked it off with some punitive legislation to take away a few property rights and told us to figure out our own plan for recycling and submit it for your approval before we started?

At any rate, we are thrilled that protection of the species has now become a goal of Salt Lake City government. How can we help?

Susan and Gary Whitney
1739 Rosecrest Drive
Salt Lake City, Utah 84111

484-4020

Janice and Michael Gottfredson
1989 Browning Ave.
Salt Lake City, Utah 84108
Telephone: (801) 581-1807
Email: michaelgottfredson@hotmail.com

7 November, 2007

Salt Lake City Planning Commission
451 South State Street, Room 406
Salt Lake City, Utah 84111

Comments Re: Petition 400-07-18 Riparian Corridor Overlay District.
Hearing scheduled for November 14, 2007 at 5:45 pm.

Dear Planning Commission:

We own a home and lot on Emigration Creek at 1989 Browning Avenue and are vitally affected by the proposed zoning changes. The north boundary of our lot crosses over and includes much of Emigration Creek.

Point 1: The Riparian Corridor Overlay District Draft with its Draft Changes ("Draft") needs much more input from property owners adjacent to the streams before it should be considered by the Planning Commission.

At the September 25, 2007 meeting conducted by Marilynn Lewis we received copies of the Draft, the Draft Changes and the Ordinance passed by the City Council. We were treated courteously but had little time to digest, let alone understand, the complex law.

We made several suggestions at the meeting and raised issues not covered by the Draft. We were invited to send in our suggestions.

We don't know whether or not any changes have been made to the Draft. We don't know what is being considered by the Planning Commission.

We request time for all affected land owners to give input before the Draft is considered by the Planning Commission.

Point 2: The Draft is a serious overreaching of the City Ordinance.

The City Ordinance focuses on
Increasing development pressures,
Development, modification, alteration or enlargement of any building or structure on property adjacent to any ...streambed corridor ...,
A minimum 100 foot setback.

The Draft moves light years ahead of the City Ordinance. Even the notice recently sent out by the Planning Commission is light years ahead of the City Ordinance. The notice states:

> "The purpose, as stated in this draft zoning regulation, is to minimize erosion, stabilize stream banks, protect water quality, preserve fish and wildlife habitats, as well as preserve aesthetic values of natural watercourses and wetland areas."

Obviously, that is the purpose of the Draft but it was not the purpose of the City Ordinance. The City Ordinance focus was much more narrow. The City Ordinance focused on **future development adjacent to the stream beds**. The Draft focuses on restrictions on current owners of lots and homes adjacent to the stream beds. That is a mammoth difference in the City Ordinance from which the Planning Commission received its marching orders and the resulting Draft.

Point 3: The six months of life of the City Ordinance should not tempt the Planning Commission into accepting the Draft without appropriate and necessary, even constitutional, input from affected land owners.

The changes proposed by the Draft are far reaching and must be put under the magnifying glass of land owners who will be vitally affected by it. The 100 foot setback protects the streams while time is given for affected land owners to give their input. The City Council can solve the six months issue without adopting the Draft.

Point 4: If it isn't broken don't fix it.

We aren't convinced that such a comprehensive, all-inclusive, zoning restriction is needed. The Draft is an overkill.

Sure, there are things that need improvement on Emigration Stream. Most importantly is improvement of water quality. Likely, there are other benefits that will come from zoning ordinances. The Draft is a major over reaching and needs to be reined in to something feasible and helpful to maintain the streams as they should be and yet recognize private ownership. Land owners can help your Planners do that.

Point 5: We haven't even seen a final Draft so how can we give input.

We don't know what you actually have before you, whether you will vote on it at the hearing or what. Communication with the public is a vital necessity for good government. Give us a chance for input.

After all, it is our private property you are attempting to control.

Point 6: There are specifics of the Draft that need more study and input.

There is a no disturbance line of 25 feet increased to 50 feet if the bank slope is 30% or greater.

Most bank slopes along Emigration creek are greater than 30% so the no disturbance line is a long ways from the stream bed. It goes out into the middle of our yard.

No one can do anything within the no disturbance line. There can be no planting or removing of vegetation unless approved by the Urban Forester and Public Utilities. So, what happens if a tree falls across the stream during a flood? We were told at the hearing that nothing can be done without prior City Forester approval. That zoning provision was not well thought out.

There is nothing in the Draft exempting and grand fathering in the present land owners. The answer was, "oh, that is assumed.." Let's be specific and draft in the exemptions and leave the guessing and gambling to Las Vegas.

We can't plant or remove plants on land we land owners and our predecessors have owned for scores of years without specific approval. Are there no exceptions? There should be.

Conclusion:

The hearing you are having on the Draft is premature.

We suggest you decide whether the Draft even meets the spirit of the City Ordinance. I suggest it does not meet the way the City Ordinance was written. The Draft is an overreaching of instructions given to you by the City Council.

If the Draft meets the spirit of the City Ordinance, have your Planners proceed. If not, rein them in to what the City Ordinance is addressing and give them instructions of what they are to address in the proposed zoning.

If you decide to proceed with the Draft, send it back to your Planners with instructions to prepare a Draft of what is being proposed (not a Draft with Draft Changes). Instruct them to give affected land owners a copy of the Draft with dates and times when the Planners will receive written responses. Have them set public hearings where the differences, additional suggestions, additions and deletions may be discussed. Sure, it will take time, necessary time.

That is the American way: no zoning regulations without representation (input) from affected land owners. The War of Independence was fought because of taxation (zoning) without representation (input).

Respectfully submitted,

Janice T. Gottfredson

Janice T. Gottfredson

J. Michael Gottfredson

J. Michael Gottfredson

Lewis, Marilynn

From: John_Straley@utb.uscourts.gov
Sent: Friday, November 02, 2007 10:32 AM
To: Buhler, Dave; reddicker@quest.net; ascondie@msm.com; ellen@inpactfactoryutah.com; roger@reogermcconkie.com; contact@jtmartin4citycouncil.com; knuth1@home.com; marilynd@smith-dillon.com; estraley@swsv.com; Lewis, Marilynn
Subject: Fw: Petition 400-07-18 Riparian Corridor

I am sending you this e-mail out of concern for the impact that proposed Petition 400-07-18 Riparian Corridor Overlay District Creation will have upon homeowners who live adjacent to the proposed corridor. Our home which is located at 2016 Aldo Circle and is situated adjacent to Emigration Creek with the north-west corner of our home standing no more than 15 feet from the stream bed. Where Emigration Creek passes through our property, the stream bank is at least a 30% slope.

From the outset, I want to point out that my wife and I both consider ourselves to be strong environmentalists. We are both members of the Sierra Club, and we both support the concept of establishing a reasonable riparian corridor. The present form of Petition 400-07-18 is not reasonable. The scope of the restrictions far exceed what is necessary to accomplish stated purpose of the corridor. From the stand point of a land owner, the proposed ordinance rises to the level of a regulatory taking which is prohibited under Utah Code Annotated Const. Art. 1, § 22. See.
View Condominium Owners Association v. MSICO, L.L.C., 127 P.3d 697, 704-5 (Utah 2005). "A taking is any substantial interference with private property which destroys or materially lessens its value, or by which the owner's right to its use and enjoyment is in any substantial degree abridged or destroyed".

The proposed ordinance will prohibit landowners for engaging in almost any activity within the "No Disturbance Zone". In fact, the proposed ordinance is so overreaching that walking on one's own land could be interpreted to be prohibited activity.

My wife and I are particularly concerned with paragraph "G" which, if enacted, will establish a No Disturbance Zone of 50 feet from the stream bank. Paragraph "G" prohibits "all construction on parcels abutting stream banks with steep slopes of 30% or greater". I have been advised by Marilyn Lewis that notwithstanding the prior existence of our home, if our home were to be destroyed, we (or any subsequent owner) would be prohibited from rebuilding on the parcel without "additional review" presumably by the Public Utilities Department (see e-mail chain below - response of Marilyn Lewis dated Oct 30, 2007). This is a prohibited regulatory taking. Our home is approximately 60 years old and is unremarkable in style and construction. The highest and best use of the property, when we choose to sell the home is to sell the home to a buyer who will purchase the home with the intent of demolishing the home in order to construct a new home in its place. We are of the opinion that any ordinance that prohibits the construction of a new home on our property will diminish the market value of our home by $100,000.00 or more.

To argue that the Public Utilities Department would not unreasonably deny a new construction permit does not remedy the problem. Any buyer intending to build a new home will purchase only if the buyer is guaranteed of his or her ability to build. Of course, we would be required under Utah law to disclose to any prospective buyer the restrictions imposed by paragraph "G". See. Yazd v. Woodside Homes Corporation, 143 P.3d 283 (Utah 2006). Paragraph "G" will virtually eliminate the possibility of selling the home to anyone who wishes to improve, remodel or build a new home on our lot.

You should understand that enacting this proposed ordinance will virtually guarantee lawsuits from owners who own property adjacent to the corridors.
Because the restrictions are so draconian in nature, the compensation sought for this regulatory taking will be substantial.

Having stated my case, I now wish to propose that the city consider enacting a REASONABLE riparian corridor. One that engages the landowners in a spirit of cooperation focused upon a common goal. Voluntary guidelines could be established that would likely be

Alan S. Condie, MD
1375 Kristie Lane
Salt Lake City, Utah, 84108
Oct 28, 2007
583-8501

Attn: Marilynn Lewis
Principal Planner
Salt Lake City Corporation
Zoning and Planning

Dear Ms. Lewis:

I am writing in response to the moratorium of construction near the city streams that was discussed at the September 25th meeting. First of all, there is no "open space" along Emigration Creek which is generally a very narrow ravine between private property, except a tiny two acre parcel of land North of the Presbyterian Church at 1700 South. City council members have admitted that this ordinance is intended to prevent development of that land for a housing development. During the past eighty years Salt Lake County has never made any attempts to help neighbors prevent erosion of their private property.

When I was a cub scout over fifty-two years ago my friends and I would go tubing down the Emigration Creek during the Spring runoff. I remember the brown foam in the eddies and would go home smelling like we had been swimming in a cesspool. My late father, who also was a physician, mentioned to me that people that lived up in the canyon were living in shacks built in the 1920's through 1940's that either had inadequate septic systems or were directly flushing their effluent directly into the creek. This creek had set records for the number of fecal coliform bacteria which has been mentioned in newspaper articles periodically and has always been highly polluted. During the 1950's and 1960's the Salt Lake County Medical Society had petitioned the Salt Lake County Health Department to put phenolphthalein dye in the toilets of these poorly constructed structures and when mixed with urine forms a brilliant magenta color, which during the lower late Autumn stream flow, would delineate who was discharging their effluent into the creek. This was never done. People erroneously thought the culprit was the Hogle Zoo which simply was not the case. To solve the problem a sewer main should have been placed up Emigration Canyon decades ago with people mandated to connect to this system just like the residents up Big and Little Cottonwood Canyons (whose cabins are generally a great distance from the streams).

There is also a problem of storm drains that empty the hydrocarbons and whatever trash and debris are in the gutters of the streets East of us directly into the Emigration Creek. It is amazing what you can see floating down our "riparian habitat" including tents, garbage bags, tree clippings, construction mud and gravel, etc. Until a sewer line is constructed up Emigration Canyon and the storm drains are diverted from discharging into our stream there will never be a real riparian habitat. The Emigration Creek in our backyards have really been used as an open, accessory sewer system for Salt Lake County.

During the floods of 1983-1984 I had a gentleman named Newton from the Salt Lake County Flood Control Division talk with Lee Irving and myself about preventing severe erosion to protect our property. I have always been on a straight channel portion of the streambed with meanderings upstream and downstream from our property. Mr. Newton suggested gabion(sp?) baskets be placed on both sides of the stream but that there was no funding and that we were "on our own". I then obtained a hydrology engineer consult from Lawrence Allen from the engineering firm of Montgomery and Sons to help us with this problem. (Mr. Allen was highly regarded as a expert in his field and was even sent to Florida for seven years to make recommendations of how to put the fresh water back into the Everglades). Mr. Allen stated emphatically that Mr. Newton's advice was totally incorrect and that fast moving water on a straight channel would only cut behind and underneath the gabion baskets and that they would end up in the middle of the stream in short order. He stated that the only effective measure for erosion control would be to plant deep rooted trees, such as red maples (acer rubrum), shrubs, and ground cover to have the plant roots hold the soil in. This has worked quite adequately although I have still lost some part of my property over the years. The mountain ash (fraxinus sp) and box elder (acer negundo) trees that are still lining my side of the stream are doing a good job but my across the creek neighbor is not doing so well.....having a lot more erosion that I have had. My neighbors downstream have an undercut near their sport court and they want to protect their property like everyone else and need assistance in doing so. There are no provisions in the current revised draft as presented at the planning and zoning commission meeting for private property owners to protect their property or even cut down a dead tree that if collapsed could potentially dam up the creek with debris.

In the draft there is mention of what can be done by private property owners 25 feet, 50 feet, and 100 feet of stream banks. It is interesting that some homes are within 18 feet of the stream bank and 100 feet would easily mark a distance to the streets in front of their homes! The proposed draft and building moratorium might be effective at the Jordan River where there really is open space but not in the narrow ravines of the Emigration Creek drainage. I believe that this proposal is about seventy years too little and too late to be legally implemented.

Regards,

Alan S. Condie, MD

CC: David Buhler, City Councilman Six; Ellen Reddick: Chair of Bonneville Community Council; and Roger McConkie and J.T. Martin (both running for office).

R. Eric Thompson
1365 Kristie Lane
Salt Lake City, UT 84108
801-583-4046
eric@thompsonmichie.com

October 31, 2007

Marilynn Lewis
Principal Planner
Salt Lake City Corporation
Zoning and Planning
Marilynn.lewis@slcgov.com

Ellen Reddick
Bonneville Hills Community Council Chair
ellen@impactfactoryutah.com

Dave Buhler
Salt Lake City Council District 6
Dave.buhler@slvgov.com

Re: Proposed Riparian corridor overlay district

Dear Ms. Lewis, Ms. Reddick and Mr. Buhler

I am writing to express my concern regarding the proposed riparian corridor overlay district that will affect all creeks in Salt Lake City. My property is adjacent to Emigration Creek. I have loved living with gully and creek along my back yard. I was very fortunate to be able to purchase this property a few years ago. The access to the creek from my yard is very steep. Along areas of my property it is about an eight foot vertical drop to the creek. I have met with a local landscape architect and have planned to improve my yard. I have small children and am going to build a fence along the creek to prevent any accidental drowning, especially when the water volume is high. There is also a large tree that is dying. The tree is tall enough to fall into my home. I will plant a different tree to replace the old one. Much of the work I need to do is well within 25' horizonally from the creek's flood plain. In fact, much of my entire backyard is within 25' of the creek. I believe the law's 100' horizonal measurement will encompase my entire yard and some of the city street. With the current moratorium in place, I may be breaking the law in mowing the lawn and raking the leaves. I have a multi-purpose sport court that is adjacent to the creek. The bank of the creek adjacent to this court is about vertical and needs to be properly improved to prevent

further erosion or I will lose a valuable part of my yard. I have every intention of gathering all the necessary approvals and permits prior to doing the work. I am not interested in adding another layer of bureaucracy to work with in improving my property.

I am further concerned that this riparian district overlay is an attempt to manage the approval and/or density of a proposed development near the 1700 South and 1700 East gully. It is too far – reaching for all the other land owners along the creeks of SLC. I too am not interested in large concrete retaining walls to accomidate higher density development. Surely there is a way to have reasonably natural stream banks adjacent to this and the other developed areas. If the city wants to guarantee open space in this area, it must purchase the property or pay the owner for loss of certain rights.

In my opinion, there is currently sufficient protection for open space, streambank and water quality protectoin in the current laws that affect our creeks. This current proposal is too far-reaching. Many of the areas along the Salt Lake City creeks have been developed for 50 years. The city has lost its opportunity to develop parks and walking spaces in the backyards of city residents living along these creeks. Lastly, the proposed law severly limits each landowner's ability and responsibility to keep his land safe and available for quiet enjoyment.

Sincerely,

R. Eric Thompson

Morris D. Linton
2001 Browning Avenue
Salt Lake City, UT 84108

October 30, 2007

Re:

Petition 400-07-18 Riparian Corridor Overlay District Creation
Draft # 21.A34.130 RCO Riparian Corridor Overlay
Draft Change # 21a.34.050 Lowland Conservancy Overlay District

Comments and Request

1. **Resident.**

I live at 2001 Browning Avenue. My backyard includes a portion of Emigration Creek.

2. **Comments.**

A Salt Lake City representative explained that the purpose of the proposed Riparian Corridor Overlay ordinance is to prevent development in the Wasatch Hollow area. The draft ordinance fails to address in an appropriate way the stated purpose.

a. The Draft Ordinance is Inefficient. City workers conceived of the Riparian Corridor Overlay Distract in order to prevent inappropriate development in the Wasatch Hollow area. But in trying to thwart that development, the ordinance ends up alienating residents on both sides of each Salt Lake City stream. The draft ordinance alienates residents because it deprives them of existing rights to their real property. It prohibits residents throughout the city from using their property in an attempt to stop a single development. Certainly, residents and City representatives can come up with a more efficient way of achieving the City's goal.

b. The Ordinance is Overbroad. Designed to prevent an unwanted development, the draft ordinance proscribes uses and improvements of existing property owners. Even a casual reading of the draft ordinance reveals the City's intention to prevent existing owners from using or improving – or even repairing or cleaning up – the area bordering streams. This has not been a problem. Existing owners living on Salt Lake's streams have improved the stream areas and preserved the streams by removing dead wood and other debris. The draft ordinance requires landowners to stop tending the stream areas – something that is neither in their interest nor in the interests of the City. The draft ordinance overreaches, which is unjustifiable.

c. The Draft Ordinance Misses the Mark. The draft ordinance talks about boundaries and setbacks and native vegetation and boat docks and piers. But the real issue with the streams – the issue that would benefit more City residents – is poor water quality. And improving water quality won't happen under the draft ordinance: even strictly complying with the proposed ordinance won't purify the streams. The draft ordinance misses the mark but strikes – inappropriately – at current residents.

d. The Draft Ordinance Suggest An Unstated Purpose. Some Salt Lake residents suspect an unstated purpose behind the draft ordinance. The restrictions and prohibitions in the draft ordinance, while couched in environmental terms, evince an intent to indirectly appropriate private property for public use. Residents suspect that the intent of the draft ordinance is to resurrect the walking trails plan. The City tried that a few years ago. At that time, many residents, including those on both sides of Emigration Creek between 1900 and 2100 East, convinced the Zoning Commission that the idea of a public trail wouldn't work because the banks of the stream in that area are too steep. To make a trail in that area, the City would have to condemn property to get enough flat land for a trail near the stream, which would literally require backyards to be converted into pathways. Walking trails are incompatible with many of these streams, particularly Emigration Creek between 1900 and 2100 East. The City should not allow a draft Riparian Corridor Overlay ordinance to be used as a front for a walking trails plan.

3. **Request**

I respectfully request that the City discard the draft ordinance in favor of creating an acceptable ordinance with City residents – particularly those living next to streams. This request includes a suggestion that the City designate representatives who can articulate the City's interests. Those City representatives could meet with a group of residents who live near the streams in Salt Lake City. In a cooperative effort, such a working group could draft an ordinance that would more effectively address the City's concerns and accommodate resident's interests.

Respectfully,

Morris D. Linton
2001 Browning Avenue
Salt Lake City, UT 84108
(801) 583-1132
mdlinton@xmission.com

David L. Darley
2019 Aldo Circle
Salt Lake City, Utah 84108
801 582-2450

October 30, 2007

Marilynn Lewis
Principal Planner
Salt Lake City Corporation
451 South St. Street, Rm 406
Salt Lake City, UT 84111

RE: Petition 400-07-18 Riparian Overlay District Creation

Dear Ms. Lewis,

This is in response to the proposed petition and revised drafts related to it.

My initial impression of this entire proposal is the analogy of using a hammer to try to kill a mosquito. After 70+ years of development along the banks of Emigration creek, this proposal is too little too late. As a property owner along the 19th East to 21st East section of the creek, this proposal puts and incredible burden on my property as well as most of my stream neighbors. Specifically, the stream actually runs "through" my property, unlike those who have theirs to the center of the stream. Unlike some other parts further down stream where there are massive back yards, I have an extremely steep and narrow slope to the stream.

I estimate the corner of my house, built in 1953, to be approximately 15-20 feet from the stream. When I add the 25' or 100' overlay, you might as well take my whole property (how much are you planning on compensating me for this taking?). Please understand, there is NO person in Salt Lake City with a greater interest in protecting, maintaining, and enhancing the beauty of the steam. My yard is a mini paradise, one reason I paid a substantial amount of money for the same. Who cleans up the junk that comes downstream, I do. Who encourages natural habitat the lives along the stream, I do. Who has to worry that floods might erode my bank that supports my home, I do. What this proposal does is place a huge and costly burden upon me and my neighbors if we want to do anything. In fact from my reading I'm not sure I can do ANYTHING at all in my garden or yard or home without oversight since 100% of it is within this overlay. So while those who have the biggest stake in and care the most about the quality and viability of the stream have their hands tied, all this proposal will do is degrade the stream as I certainly doubt that the city will spend one dime to improve such, but will make damn sure that it make it too costly for property owners to comply.

I believe one of the biggest holes in this overlay is the one size fits all approach. In trying to deal with keeping a builder down on 17th south part of the stream, you treat

everything as if it were the Jordan River. Boat ramps, public space, fisheries, who are you kidding. This is Emigration Creek, most of which is on private property. This valley has 7 major canyons, each with its steam. Each is different and should be treated as such. In the case of Emigration Creek, it has a short run and life in the valley, disappearing into a culvert at Westminster similar to City Creek which also disappears. We should not kid ourselves that this is a major public access asset the likes of Jordan or City Creek. But unlike City Creek which has no homes in the Canyon, Emigrations course is set. Spend your time and money where it can do the most good in pollution cleanup upstream and perhaps some city street runoff remediation. Perhaps you could buy the builder out and actually have some open space on the stream. This bureaucratic overlay is unfair and burdensome on those who can the most about our stream…those who share its banks.

Please, I urge a rethink of this misguided, unfair and needless proposal.

Thank you

David L. Darley
2019 Aldo Circle
Salt Lake City, UT
801 898-1040

Cc: Dave Buehler-Councilman for 6
JT Martin-Candidate for council 6
Roger McConkie-Candidate for council 6
Ralph Becker-Candidate for mayor

ISSURE#1
ORIGIONAL DRAFT

File: Words, Property, Emigration, ECO-DC, and Original Draft 26 October 2007

RE: Emigration Creek Canyon from 1900 East to 2100 East and Foothill Blvd.

STATEMENT. The political movement towards Open Space, which is really a community parks, has over shadowed (or overplayed) the right of private ownership. This country was once based on individual rights and right to own and use property, but it is now being stripped of these right by Community and Social movements of special interest groups without the Sociological balance of representative and democratic government.
There needs to be a special statement about the nature of this draft. In my area of Emigration Creek and Canyon, the proposed ordnance is fundamentally science fiction that has little, if any, data on the habitation in Emigration Canyon. It has a master plan to justify the creation of Open Space zoning variances.
The City is the major cause of the street drainage, pollution, erosion, environmental damages and bad engineering of culverts. The hierocracy of this proposed ordinance is that the city who is the problem is contriving to control the problem by strict, unrealistic, variances over private property. The private property owners in my area are now and have been the only Stewarts of environment and habitation, with their actual real estate riparian rights of the land and water, and the only one putting time and money into the protection of Emigration Canyon.
This is a smoke screen which has the connotation of handling the Wasatch Hollow problems (an understandable problem with a developer); but in doing so, used the problem as a **reason to create absolute and unjustified variance control over all other private land adjacent to a stream** and to create public Open Space on private property.

OBJECTIVES ANALYSIS. This Ordinance Draft is a Smoke Screen (like a Government finance bill with a lot a unrelated attachments). The only thing that is clear is that they wants to create Open Space on Private Property. This Draft is so bad that it hard to identify the real objectives; however, we have been able to identify at least 12 objectives as follows:

(1). WASATCH HOLLOW. The first objective is a hidden objective and not showing up in the Ordinance. This objective is to prevent high density building in the Wasatch Hallow area (1700 S. to 1900 East) and prevent channeling of the Emigration Creek Canyon stream by the developer.
Further, Salt Lake City would like to extend the existing park and flood control, but does not have the funding at present to do so. We feel the draft not only is to stop the land developer, but uses the Open Space as a vehicle to create this park. We feel the Salt Lake City is in conflict of interest and the draft is written specifically to create such.

(2). VARIENCE ZONE CREATION. The second, hidden, objective is to extend or create another zone variance by controlling every aspect of the land adjacent to every stream in Salt Lake. The Ordinance uses the Open Space movement as a tool to create excessive and unrealistic laws concerning the use of private property in our area. There is little or no input which protects or defenses private rights or private property, but there is an excess of the Open Space movement for communal and social development.

(3) ECOLOGICAL BIOSCIENCE DISTORTION. Third. Most of the Ordinance is written as undocumented and unrealistic ecological bioscience for our area of Emigration (above 1900 E to 2100 East). Our best defense is to let you (and everyone else who respect ownership and Real Estate rights) read the first and second draft (attached). The Ordinance Draft creates indirect control of land for ideological environmental goals, and uses the city forestry variances as their weapon to interfere and control your property adjacent to the stream. The only real data available to back up the misinformation is that of the City Zoo (which is on the Emigration Canyon Creek). It eliminates private property control with a 25 ft variance from a High Water Line (note, we own to the center of the stream and all property in or around the side is private). The zoning trespass or overlay may need to be cleared up in court; and is an indirect violation of past hearings (findings) and past court rulings.

The author(s) of the draft(s) talks about what the "Scientific Community" does. Being retired from a Sales Engineer Corp. , which was in the pollution control business, I made some of my living by correcting the errors and misinformation created by the theoretical misapplication of some scientific experts. To be fair, the general information (text book data in the Draft) could be basically correct. However, when you get to the specifics of a function and its application in small areas within the canyons, the specific data for an area usually does not exist (in this draft for the Emigration area - 1900 East to 2100 East and probable to the Zoo). The reality is that there is a precedence of over 50 years of use; further, the area has been established as residential rural areas.

The habit and justifications given to create the Open Space Ordinance would create a dangerous and unhealthy habit for the aquifer and animals in the area. Highways and streets, domestic animals, children, City water Drainages, etc. are some of the physical and health threats to animals. The high velocity in culverts and its related temperature change, the pollution, all prevent the survival of aquatic life,but is the basic justification in the draft. Fish in the stream don't usually survive, but Rats and Raccoons do. Squirrels survive until they are killed by domestic animals or die from the cities water pollution; also, there is always a health worry about children and animals being infected by rabies, ticks, and flees.

The Open Air Act (not to be confused with the Open Space Political Movement) specifically prevented the city from piping and covering any more canyons creeks. It allowed the Open Space we have today, but with a price; and that is, the streams are polluted city drainages with extreme flood and drought conditions.

The draft is correct in that the ACOE (Army Corp. of Engineering), only, has the authority to delineate. As a retired USAR – IMA Operations Officer, spending some 6 years in the emergency management area at state level, I had some idea as to wetland control by the corp. The last time I look it covered Flood Plans and did not say much about bioscience.

Making an Ordinance with generalities (or text book science) will creates adverse damage to private Real Estate rights. Private landowner have been the Stewarts of the land and protecting the specifics of the land under his control. The excessive details of the Ordinance would overloads the Planning Division with application, specification, and enforcement, that are best left to the Property Owner. This draft is written to sell and please city officials and citizen who have little or know knowledge about the parameters of streams.

This smoke screen Ordinance is not needed, but it can be recognized that it is a political issue for those who live in apartments and want to take over private land for public use, or those who want more bureaucratic control.

Note, the second draft give the public authority to allowing docks, boating, etc.. It looks like they realized that the excessive details in the draft, eliminated their own favorite parks project. They added docks, boating, swimming, etc. for their public projects, but states nothing about authorizing Decks and Stairs, Paths and Terraces, etc. for private use.

(4). LAND OWNER INPUT AND REAL ESTATE RIGHTS. The forth objective, which did does not exist, would be to allow the adversely impacted real estate owners of the land, the same input to the Draft, at the Planning Division, and under the equality of the Division's own rules. We prefer to keep our 50 year precedence(s). Riparian Real Estate Rights state that the land belongs to the landowner, and the water rights are shared or owned by others (in this case, we believe, the State of Utah has the water rights and not Salt Lake City; however, they may have shared water right). If such an Ordinance is needed, most Citizens along the streams would prefer to be part of the process rather than being left out or taken over by extremist. Further, instead of attaching a lot of unrelated and hidden reasons to the draft (such as Wasatch Hollow) we need to address building codes and zoning specifically on those issues.

(5). STUDIES AND RECOGNITION. Fifth. There should a review of the scientific data (which is clamed in the draft) for specific areas data, recognize Emigration Creek Canyon's existing Open Space, existing biofilter, existing canyon maintenance, etc. which has been their for 50 year and been maintained at the expense of the landowner. To study and recognize that the land used (in back yards running to the stream) already have a biofilter system with little or no adverse drainage of water, fertilizer, or other substances. To understand that ownership is not shared and is private property to the center of the stream. That the high water mark for boundaries does not exist for most Emigration Creek areas.

It is absurd to connotation that by placing strict variances on land owners, that it will solve a nonexistent drainage problem (owned land adjacent to the stream); except, that drainage created by the City Street Department (which we fully understand).

(6). FILTERING AND PURIFYING WATER BY SALT LAKE CITY. The sixth objective, also does not exist, which is the handling of Salt Lake City Street and Gutter water. To filter the polluted water solutions, suspensions in the water, and collect gutter trash before it enters the Emigration Creek To purify the water to such a point that it would support the present and future Biofiltering which we the landowners have created along the stream.

(7). REALISTIC DRAINAGE and VICTIUM. Seventh. We should recognition that this is a realistic city drainage system and would cost thousands to upgrade and repair. It have been an acceptable drainage system and under the Open Space Act. We could have accepted its continued use as a Drainage System. However, we can not continue to do so if we are victims of this proposed ordinance;

(8). SMALLER REALISTIC DIVISIONS OF THE CANYONS. The eighth object also does not exit, and that is to separate and/or divide the proposed Corridor into realist functional areas that fit the existing terrain and parameters of the realistic environment in a rural area. The parameters of the draft are lacking and we would really need "variance waver" for every piece of Real Estate in the Canyon.

(9). IDENTIFY RURAL AS WELL AS OPEN SPACE. Nine. To identify mountain or water shed, realist wet lands, the "Open Space Act" Drainage System, the Sewage system, and/or water recover transportation systems that have realistic function. The Emigration Creek Canyon from 1900 East to Foothill Drive (2100 East) is not Open Space, but is part of the Open Air Act (one should not be confused with the other).

(10). SOCIOLOGICAL BALANCE . Ten. To identify the vast areas in a POPULATED RURAL AREAS with Real Estate and REAL ESTATE RIGHTS. To identify the Open Space, but keeping in mind the impact on the people owning property around the Open Space. To recognize the SOCIOLOGICAL impacts of the ordinance (man and his environment to include ecology, biology as well as economic, tax base and budgets, and property of citizen).

(11). ENGINEERING AND CULVERTS, ARMORING. The eleventh object could be that Street Department Engineering with its limited resource, could improve the "armoring" **of the culverts** and reducing water velocity for the stated temperature (in the draft for control and the nonexistent habits - except for the zoo of course). If the ordinance passes, we need to fund the Armoring of bends on private land where **realistic erosion does take place** from city street water as flood drainage. The fact that the Wasatch Hollow property owners as Stewarts did not maintain some of their stream effectively, does not mean that the areas above and below them were not maintained.

(12). PERMITS, COSTS, DIVISION OVERLOAD, UNDERSTANDING. Twelfth. If it is found that we need to overload the Public Utilities Director office with the many details in this ordinance, then we need to have instant telephone or computer input to the required division for the many request to maintaining fire potentially high grass, cleaning trash and nonbiofiter debris, for trimming dead tree branches, for cutting undercut falling trees or fallen trees, for planting natural armoring, creating realistic armor on bends and curves, creating maintenances path and terraces, etc, etc. The permit system is presently slow, but understandable slow based the requirements give these department.

The city does not need to interfere with the **furctus natural real estate rights (trees, cultivated perennial plants, and uncultivated vegetation of any sort are considered part of the land).** The landowners who might agree upon the necessary for this Ordinance, would also prefer that it be drafted to be functional. We need to allows emergency operations (such as flooding and erosion control) by the land owner, allows justification for property lines which vary as nature moves banks back and forth, allows the mitigation and armoring by both natural and manmade methods for the protection of bends, curves, bank cliffing, etc.

It cost $1000 (+ or -) to have land surveyed in this area and another $1000 (+or-) to get contour lines and another $1000 to get specific intervals on the contour lines. We are talking about $1000 to $3000 to do basic gardening and

upkeep of ones back yard. W e are already req[illegible] ior building, under already existing codes, but this draft goes way overboard.

Some of my neighbors have spent thousands tects, Hydrologist, Fluvial Geomorphologies. Some of my neighbors ve an intellectual understanding that landowners are not stupid. For the record -P. One can go to a Hydraulic Engineer to find out what this formula me see that water (Q) in a 6ft (A=area) stream bed has a velocity, with a velocit lercutting his tree, creating a new stream line, etc. He can further see that e (the –P= Static Pressure=Apposing Resistance) that he He can observe without much thought that by natural or manmade feet) in the stream bed, he is better off in land loss and cost. We [illegible], that the Scientific Advisors have looked down on the tax paying citizens who are the real Stewarts of the streams, and who have been using common since for many years. Keep in mind that some have won awards for their use of the land in the area; further, some are scientist, doctors, lawyers, corporation presidents, even biologists and environmentalist, and are capable of making decision concerning the environmental and riparian conditions of their back yard (especially trimming and gardening).

October 29, 2007

Subject: Proposed Riparian Corridor District Overlay

Dear Ms. Lewis,

I am quite frustrated with the citie's continual attempts to create unjustified restrictive requirements on the way I can use my privately owned land! Ten years ago, there were attempts to place public access along the creek between 1900 E and 2100 E along Emigration Creek. It became obvious to all that this corridor is not open space as the area has been developed for many years and there is little land between the homes on both sides of the creek. Some homes are within 25 feet of the creek let alone back yards that require mowing, swing sets that need repairs, and tennis courts that may need to be refurbished.

When my wife and I bought our home, we paid higher prices to have property go to the middle of the creek. We love the natural areas behind our home. We love working in our backyard and maintaining its natural beauty. But according to the moratorium, I might be breaking the law when I mow my lawn, replace or place a fence to protect my children, plant my gardens, pick apples off my tree, or take down a dead tree that is a serious risk to the homes close by if it toppled over.

I feel the special interest groups and Salt Lake City are at least 50 years too late to try and reclaim this area of Emigration Creek. It is private property and has been for many years. Where are our rights as property owners? Why were we not asked to participate in the discussion before the July moratorium was put into affect? Why did none of us living along the creek bed know of the moratorium until months later? Why did we find out about the September meeting 1 or 2 days before the meeting which many of us were unable to attend?

I would hope that the city could address the real issue, the development at Wasatch Hollow, without involving areas that do not need to be involved. Developing restrictions for areas of new development that is not on private property may be a reasonable thing to do. But between 1900 and 2100 East along Emigration Creek corridor, where there is little room between homes, these unrealistic requirements severely limit what we can do on our property. It also depreciates the value of our property significantly.

Some say that it only will affect new development. Well, what about many of us that have had plans for years to beautify our land with walk ways or sitting areas that we have not done, but are still planning as we plan for grandchildren to enjoy the area?

I certainly hope that this can be resolved without expensive legal action both for those of us living along the Emigration Creek corridor between 1900 E and 2100 E and the city.

Sincerely,

Raymond R. Price MD
Anne Z. Price RN
1923 E Browning Ave.
Salt Lake City, Utah 84108
801.581.9834
rayrprice@comcast.net

Lewis, Marilynn

From: Jenny Pulsipher [jenny_pulsipher@byu.edu]
Sent: Sunday, October 28, 2007 4:43 PM
To: Lewis, Marilynn
Subject: Riparian Corridor Overlay

Oct. 28, 2007

Dear Ms. Lewis,

We are writing to express our objection to the proposed regulations for riparian corridors in Salt Lake City. We own a home on Yale Avenue which backs up to Red Butte Creek, so we are very familiar with the land this proposal would affect. We object to the proposal because, in our opinion, it would not accomplish the good it seems to be aimed at achieving. In fact, we believe it would actually increase erosion and environmental damage to the areas it aims to protect.

As we mentioned above, we live on Red Butte Creek. Because this creek runs through an urban area and must pass beneath streets in many places, the creek has grates at several points along its length. If dead wood and debris are not regularly cleared, these grates are blocked and water backs up, causing significant erosion of the streambanks. Current regular maintenance of the gully by private owners actually prevents such catastrophic erosion. That activity would be prohibited under the new proposal.

Flooding in years of heavy rainfall in the past has left many areas along the creek denuded of vegetation. This proposal would prohibit planting to stabilize those streambanks without review by the Urban Gardener and potentially requiring hydrological and geological studies, which could be prohibitively expensive. The city has made no offer to step in to take care of existing erosion. This proposal would be a barrier to private owners correcting this problem themselves.

We also object to this proposal because it violates private property rights. The proposal states that public good supercedes private right, but it neither demonstrates that there is a current problem nor does it demonstrate any public good would be achieved by banning current management of the area by private owners. It seems to us that a standard appropriate to a marshland is being inappropriately applied to an urban streambed lined with grates.

We have no objection to reasonable setbacks (though some of the setbacks listed in this proposal seem excessive), but to prohibit planting, fencing, and retaining walls seems to be inviting disaster. These are privately owned lands, currently being managed lovingly by citizens with a vested interest in maintaining the beauty and value of their neighborhoods. These restrictive regulations offer nothing either in compensation to private owners for restricting their use of these lands, nor do they give any evidence that the restrictions would achieve the ends desired. We strongly object to this proposal, on the grounds that there is no demonstrated need for it and that it could potentially do great harm.

Sincerely,

Michael and Jenny Pulsipher
1408 East Yale Avenue
801-582-1735
email: jenny_pulsipher@byu.edu
michael.pulsipher@hsc.utah.edu

Lewis, Marilynn

From: ronald woodhead [rvwoodhead@yahoo.com]
Sent: Thursday, October 18, 2007 5:05 PM
To: Lewis, Marilynn
Subject: Re:#Petition 400-07-18 Riparian Corridor Overlay District Creation
Attachments: 590641594-RCO-DC, Statement & E-Mail, 18 Oct 07.doc

Marlynn Lewis
SLC Planning Division, RM#406

See ATTACHMENT.
This Draft/proposed Ordinance has no data to support it. The biosystem is full of errors.
It is written for one specific Hidden Hollow group without consideration for any other canyon and land owner.
This is a political fast track to contain a contractor an stream channeling. We agree, but how about letting up aboard instead of making a 150ft Moritorium which goes to the street in someplaces. If I have problem such as erosion, flooding, fire, etc. my attorney state that the city is should pay damages. This proposed Ordinance should be kill or a least rewritten!
It should not have been necessary for us to hire attorneys to do battle before, durring, or after on this ordance.
District Representative Buehler (spelling?) need to remember that he also should represent the other Landowners on Emigration Creek!

RONALD V. WOODHEAD
1938 SHERIDAN RD.
SALT LAKE CITY, UTAH 84108
(H) 801-582-0807; (C) 440-1361

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RCO-DC
STATEMENT

File: Words, RCO-DC, Statement & E-Mail , 18 Oct 07

18 OCTOBER 2007

SUBJECT: RIPARIAN CORRIDOR OVERLAY DISTRICT CREATION

TO: SALT LAKE PLANNING
451 SOUTH STATE STREET, ROOM# 406
SALT LAKE CITY, UTAH 84118-5480
PHONE: 535-64909
E-mail: Marilynn.lewis@slcgov.com

FROM: RONALD V. WOOD HEAD
1938 SHERIDAN RD
SALT LAKE CITY, UTAH 94108
(H) 582-0807; (C) 440-1361
E-mail: rvwoodhead@yahoo.com

I. A. 4. STATEMENT (& E-Mail abstract). It was with great shock, that I receiver a Notice from the Salt Lake City Planning that my freedom on Emigration Creek/ Canyon no longer exited. I was shocked further to learn that a Moratorium was put in place on the 17 July 07 and I am being notified in July of a hearing. If feel that the hearings were rubber stamps to meet the legal process and unless we are heard and our right acted upon by the ordinance will goose step its way into being an Ordinance. This could be a misuse of government power and the take over of private property and real estate rights may need the judicial system to straighten out. The draft will lead to an inadequate and over extended use of Salt Lake Planning and the resulting permits. Salt Lake City Planning will find they will have inadequate response time to the total control requests of private property maintenance. This will be viewed as harassment.

Its objectives of protecting specific landowner against contractors with high density building and channeling of streams is shared by almost every landowner for almost every stream. To attack and strip hundreds of other landowners from the precedence of their land use, by protecting a small group from their out of control contractors, is not a very poor game plan. It turns your allies, who are also victims of these contractors, against the objectives. We believe the Hidden Hollow Canyon to be the trigger of this outrageous attack against hundreds of other Canyon Property Owners. If Hidden Hollow is the source of this misconceived draft, then Salt Lake City is also in conflict of interest because Salt Lake City has a flood control basin with flood tunnels in conjunction to a Park extension. We believe they would like to expand this park and use the same land as the contractor for a park. We sympathize with the canyon landowners because the contractor and City tend to leave out the Hidden Hollow Canyon landowners. Having a park with people and lights in their bed room is not good for them, their pets, their family, etc. Thus, we were shock to learn these Landowners and our Representative made the draft which is ok by them because they have well over 150 ft in most cases. However, with other landowners in the canyons within the city, 150 ft. goes past the whole house and into the city streets. So even the streets can not be repaired. The vast parameters of ever stream or river do not fit the problems of Hidden Hollow and it is irresponsibly force this kind of general ruling for all streams and canyons. District Representation must remember that they represent all the other landowners.

My wife has a degree in Biology and I am a Past President of a Sales Engineering Corp. and my products and consultation was in the field of pollution control design and equipment. Further, I was an Operations Officer for Comprehensive Emergency Management at the State Level as an IMA-USAR Officer for many years; thus, I am still somewhat familiar with Water Sheds, Flood Plans, etc. and the misused scope of the US Corp. of Engineers directives in this plan. The variety of Canyon Geographic and the variety of Rural Demands and Geographic's too vast for the specifics of this plan. The bio-extremism in the context of the Draft does not conform to the sociological impact on the animals (including bird, fish, etc.) or a realistic rural environment. In fact it does not include the health and safety towards these animals, domestic pets, or people. The TVL (threshold limit value) for health has not been discusses; so, we may or may not have a health problem or any bio-aquatic decency in a desert region.? The proposed corridor is way out of step with the existing canyon(s) environment and with the existing sociological rural environment.

It appears that this is mostly a political ordinance/draft because, otherwise, the data presented would be a joke; that is, we see no studies or backup data to substantiate any of the clams. However, if the ordnance does pass we can show that Salt Lake City Culverts and Street Department are the greatest cause of erosion on the streams. In defense of Salt Lake City, the misguided advise, given them, seems to have forgotten that fact that most of the stream, in the valley, are **the main drainage system** for all the streets and gutters in Salt Lake City. They are also the main drainage in flood conditions. However, the engineering of culverts has been inadequate to sustain the natural erosion as such. To pretend that the homes or the land near the stream are the source of improper drainage, either surface or underground, is absurd. We fill the city is putting out false text book date which has little or no implication, for drainage, about the many streams in the valley. We feel that we can prove that the most bio-aquatic damage is by Salt Lake City, but the sociological reality is that Salt Lake City established this a drainage year ago. Land was purchases for it uses near a stream, for the ability to use and improver real estate on the land, its fructus natural's rights (right to ownership of plants, trees and crops), its canyon beauty, etc. We believe these right haves already been tried in court (during another kind of land take over) and the city was directed to stop these procedures, and the cities week corridor draft/ordnance has the same wording and objective, as before, but with a new title.

The Open Air Act prevents anyone from covering up the canyons, but is lacking in preventing channeling of streams by contractors. However, for years the City and Landowners have share the use of these streams and maintained them in not the best but a realistic balance between City funds and Private funds. We share the fact that Channeling of streams creates a high velocity and temperature change; but again Salt Lake Culverts are by far the greatest cause of this problem. The damming effect of grate on the Inlet of Culverts cause surge currents, eddy current, undercurrent during flooding; the Armoring on the sides is usually inadequate; and the delta effect goes way up stream causing much of the erosion. The outlets of the Culverts with its high velocity during flooding create direct erosion, waterfall effects, and undercurrent erosion, which is far greater in the erosion effect than any small erosion caused by flood dams, children playing in the streams (moving stick and rocks, etc.). The up stream effect of cities culverts have cause and/or indirectly affected down stream erosion.

The City can spend million of dollars to fix this problem; it can change the elevation of roads and install piped drainage for street/gutter runoff. However, with the open Air Act and the owner Riparian Right (yes, owners have Riparian Right also) the water flow and conditions to which they purchased the land must be maintained. It could put in a purification plant at Hidden Hollow, but again I hope the city has the funding for the project. The flooding every spring and fall and summer trickling of the stream usually prevents adequate growth of the enough Biofiltering needed to accomplish the filtering. The Biofilters do not make adequate Armoring on the many bends and curves; thus, the owners create the only control of bank erosion available. Engineers only seem to understand Gabling (Armor) of the wire basket type which is filled with rocks. Landowners must have the right to defend their property from flooding (especially on bends) by Armoring with natural elements and/or man made elements. This defense must start at the low water base, extent to the high water lever, and include a 2 ft surge current. In a 6 foot stream base where the low water is about 2 ft, the Armoring would need to be 6ft for normal flooding and 8ft if the 10 to 15 year combination flash flooding occurred. The fluid mechanics of a stream bed are directed towards a Contractors misuse of channeling in the draft, but have failed to consider the total fluid mechanics of the stream. The fluid mechanics of the stream are as much apart of the aquatic system as the biosystem. Biofilters and/or biosystems do not survive if the fluid mechanics do not work.

Natures desire or the natural gravity water flow tries to reroute a steam at every bend or curve. Property Lines and land values in rurally developed areas, require that the rerouting be limited or stopped. Landowners must have the right to Armor bends on their property and the Armoring must start at the low water mark stream bed and extend up to the High Flood Mark to be effective. Concrete Block with rebar and Rock Gabling are effective, but the environmentalist do not like the lime leach from concrete and rock gabling is not as substantial. One can say the engineers are caught between a rock and a hard place (Concrete). However, under EPA guides the best available technology is still concrete blocks and rock. Remember, we are not talking about channeling, but a decorative concrete block, rocks, gabion, Rip Rap, etc. which reduce the velocity (and velocity pressure), stop erosion, and direct the flow into the existing stream bed. Engineers and Landowners already have Ordinances which restrict construction and building. We don't need a flood (so to speak) of rules to confuse everyone including the SLC Planning. The ordinance is not needed and older ordinance could be repaired.

Also, remember the water is a universal substance, and it is cohesive and abrasive. Waters main job is to surround dust to make rain, surround soil for transport down hill, and it abrasive nature makes mountains and canyons (like the Grand Canyon). However, man has property boundaries in the rural areas. Stream, property lines vary either with the **"Center of Stream" boundary** (and change with the change of the stream route); or, the **"High Water Mark" boundaries** (on both sides of the stream mark the change of boundaries). The **physical Survey Boundaries** are needed to prevent misuse of the variable stream boundaries. The High Water Mark is used in areas where it has been established that, between the Sides of the High Water Marks, it is public use. In the case of Center Stream Variable Boundary, it is private property to the center and is not a public access. This Draft uses High Water Mark for its 150 foot function. **This could gives public access to the private property**. The courts have already ruled on this center line bounty, it is private property, and the center line remains.

If the Corridor succeeds, the use of the word District, could mean New Representatives for the New District(s) and the Landowners could elect there representative. The diversity of this Corridor District's landscape (Steep canyon to open space) would cause many subdistircts within a District or even more Corridor Districts. This is because the parameters of the streams and canyons have hundreds of variable conditions. I am not sure our District Representive or the Salt Lake Planning wanted new Representatives or a New District(s).

City Planners need to go back, start over, get data, get the effected owners input, etc. etc. It is not necessary to force the owners into anger and hat against the City Government. Hidden Hollow owners could then have their support. It does not make sense to hold every landowner with a stream in his yard hostage to the Contractor Density and Channeling problem. District Representatives can then have the support of both parties. This petition/ordnance with its present unethical and unsubstantiated political fast track should seek a more favorable condition for landowners through the District Representatives.

We can start by looking at the Open Air Act and other Channeling Construction. Architects and Contractors need to and like to know their boundaries and they will try to design and build around them. Remember that they are in business and their objective is a profit. They must sell their houses and area to please the buyer. Where cabins and houses built, the stream is an essential part of the value of such. Homes on the side of streams in the Salt Lake Valley have an increase of $100 thousand above the land and house value. This Moratorium and Ordnance is forcing Creek Landowners into a corner where they are forced to fight their way out. I personally would rather spend my money in yard development and maintenance, Shrine Hospital, Boy Scout, Little League Sports, etc.; thus, it is waist of money going to Court, but we will defend our property rights! This corridor could cost the City for each property taken over by this ordnance; however, if the City Planning would work with the Landowners and work in a Sociological Environmental instead of the present contractual Stop Gap and unsubstantiated Ecological Politics we could come up with a win win solution.

These 4 pages just highlight the parameters of fluid mechanics and biological conditions on a stream bed, and to fit in an E-Mail Attachment (modern day communications). Real Estate Right , Insurance Protection, and Land Values are swept aside and when the Attorneys and Real Estate people advise on the Draft their might be trouble in River City (oh! I mean Salt Lake City). As discussed, we need to go a different direction; that is, the District Representative is between the fire and the frying pan and we must change this. Help for the problem should come from us to both the Hidden Hollow and the rest of Salt Lake City Steam Property Owners. It is sad that it has reached the level where we must obtain attorney support, but the communication which we seek has not been forth coming. Let hope for a change!

October 12, 2007

Ms. Marilyn Lewis
Salt Lake City Planning Department
451 S. State Street, Rm 406
PO Box 145480
Salt Lake City, Utah 84114-5480

Re: Proposed Riparian Corridor Overlay

Dear Ms. Lewis,

We are writing in reference to the proposed Riparian Corridor Overlay District ordinance which will establish riparian corridor stream setbacks along waterways in Salt Lake City. Riparian corridors profoundly affect stream hydrology, morphology, and biology. Protecting riparian areas should be a high priority for Salt Lake City for many reasons:

1. Ecological services provided by naturally-functioning riparian corridors include:
   - maintaining vegetation in dry environments
   - moderating flood events
   - intercepting and buffering storm-water and other runoff both on the surface and belowground
   - maintaining biodiversity (including the maintenance of reservoirs for genetic diversity)
   - preventing excessive erosion
   - providing shade
   - participating in energy and matter transfers between the stream and the terrestrial environment

2. Riparian corridors provide areas desired by people for reasons including:
   - peace
   - recreation
   - beauty
   - education

3. Public benefits from protecting riparian corridors will be substantial, in part because the function of riparian areas is not confined to limited parcels along a stream. For example, functions of a properly functioning riparian corridor positively affect the following entities that are not restricted to private property:
   - stream water
   - runoff water
   - ground water
   - native plants

- fish
- birds
- bats
- reptiles
- amphibians
- aquatic invertebrates
- terrestrial/aquatic invertebrates such as mayflies
- pollinating insects

4. Financial costs incurred from flood damage control and stream water quality improvements can be reduced by protection of the riparian corridor.

In our varying roles as public and private ecologists and natural resource managers, we support Salt Lake City's efforts to protect riparian corridors through a Riparian Corridor Overlay ordinance. The establishment of stream setback requirements is a critical first step in protecting our valuable riparian corridors and the functions they support.

Sincerely,

Amy Defreese
River Defense Coordinator
Utah Rivers Council

Other signatories:

Dr. Arthur Morris, PhD.
Ecologist / Conservation Stewardship Director Utah Open Lands

Bill Bradwisch
Former Habitat Management Coordinator
Utah Div. of Wildlife Resources

Nathan Darnall, President
Great Salt Lake Audubon

Lynne Olson
Salt Lake city resident

Melissa Stamp
Watershed Scientist + Salt Lake City resident

October 12, 2007

Ms. Marilyn Lewis
Salt Lake City Planning Department
451 S. State Street, Rm 406
PO Box 145480
Salt Lake City, Utah 84114-5480

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1. Ecological services provided by naturally-functioning riparian corridors include:
   1 maintaining vegetation in dry environments
   2 moderating flood events
   3 intercepting and buffering storm-water and other runoff both on the surface and belowground
   4 maintaining biodiversity (including the maintenance of reservoirs for genetic diversity)
   5 preventing excessive erosion
   6 providing shade
   7 participating in energy and matter transfers between the stream and the terrestrial environment

2. Riparian corridors provide areas desired by people for reasons including:
   1 peace
   2 recreation
   3 beauty
   4 education

3. Public benefits from protecting riparian corridors will be substantial, in part because the function of riparian areas is not confined to limited parcels along a stream. For example, functions of a properly functioning riparian corridor positively affect the following entities that are not restricted to private property:
   1 stream water
   2 runoff water
   3 ground water
   4 native plants
   5 fish
   6 birds
   7 bats
   8 reptiles
   9 amphibians
   10 aquatic invertebrates
   11 terrestrial/aquatic invertebrates such as mayflies

12 pollinating insects

4. Financial costs incurred from flood damage control and stream water quality improvements can be reduced by protection of the riparian corridor.

In our varying roles as public and private ecologists and natural resource managers, we support Salt Lake City's efforts to protect riparian corridors through a Riparian Corridor Overlay ordinance. The establishment of stream setback requirements is a critical first step in protecting our valuable riparian corridors and the functions they support.

Sincerely,

William A. Bradwisch (retired)
Former Habitat Management Coord.
Utah Division of Wildlife Resources

October 12, 2007

Ms. Marilyn Lewis
Salt Lake City Planning Department
451 S. State Street, Rm 406
PO Box 145480
Salt Lake City, Utah 84114-5480

Re: Proposed Riparian Corridor Overlay

Dear Ms. Lewis,

We are writing in reference to the proposed Riparian Corridor Overlay District ordinance which will establish riparian corridor stream setbacks along waterways in Salt Lake City. Riparian corridors profoundly affect stream hydrology, morphology, and biology and impact both the natural and human environment. We firmly believe that protecting riparian areas should be a high priority for Salt Lake City because of the many benefits riparian corridors provide:

1. Naturally-functioning riparian corridors provide many ecological services that benefit humans and wildlife:
   - they maintain vegetation in dry environments
   - reduce severity of flood events
   - improve water quality
   - intercept and buffer storm-water both on the surface and belowground
   - maintain biodiversity (including the maintenance of reservoirs for genetic diversity)
   - prevent excessive erosion and reduce nutrient loads
   - provide shade to humans and provide valuable habitat for wildlife
   - participate in energy and matter transfers between the stream and the terrestrial environment

2. Riparian corridors are desired by people because they provide opportunities for:
   - peace
   - recreation
   - beauty / aesthetics
   - education
   - connection with the natural world

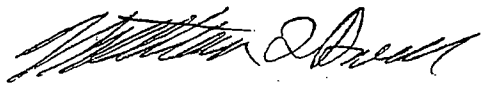
3. Public benefits from protecting riparian corridors will be substantial, in part, because the benefits provided by the proper functioning of riparian areas are not confined to the parcels adjacent to the stream. Rather, functions of a properly functioning riparian corridor positively affect the following entities that are universal and not restricted to only the adjacent property:

- stream water
- runoff water
- ground water
- native plants
- fish
- birds
- bats
- reptiles
- amphibians
- aquatic invertebrates
- terrestrial/aquatic invertebrates such as mayflies
- pollinating insects

4. Financial costs and economic losses incurred from flood damage, flood control activities, and activities associated with meeting water quality standards under the Clean Water Act can all be reduced by protecting the riparian corridor.

In our varying roles as public and private ecologists and natural resource managers, we support Salt Lake City's efforts to protect riparian corridors through a Riparian Corridor Overlay ordinance. The establishment of stream setback requirements is a critical first step in protecting our valuable riparian corridors and the functions they support.

Sincerely,



Nathan L. Darnall, President
Great Salt Lake Audubon

October 12, 2007

Ms. Marilyn Lewis
Salt Lake City Planning Department
451 S. State Street, Rm 406
PO Box 145480
Salt Lake City, Utah 84114-5480

Re: Proposed Riparian Corridor Overlay

Dear Ms. Lewis,

We are writing in reference to the proposed Riparian Corridor Overlay District ordinance which will establish riparian corridor stream setbacks along waterways in Salt Lake City. Riparian corridors profoundly affect stream hydrology, morphology, and biology. Protecting riparian areas should be a high priority for Salt Lake City for many reasons:

1. Ecological services provided by naturally-functioning riparian corridors include:
   - maintaining vegetation in dry environments
   - moderating flood events
   - intercepting and buffering storm-water and other runoff both on the surface and belowground
   - maintaining biodiversity (including the maintenance of reservoirs for genetic diversity)
   - preventing excessive erosion
   - providing shade
   - participating in energy and matter transfers between the stream and the terrestrial environment

2. Riparian corridors provide areas desired by people for reasons including:
   - peace
   - recreation
   - beauty
   - education

3. Public benefits from protecting riparian corridors will be substantial, in part because the function of riparian areas is not confined to limited parcels along a stream. For example, functions of a properly functioning riparian corridor positively affect the following entities that are not restricted to private property:
   - stream water
   - runoff water
   - ground water
   - native plants

- fish
- birds
- bats
- reptiles
- amphibians
- aquatic invertebrates
- terrestrial/aquatic invertebrates such as mayflies
- pollinating insects

4. Financial costs incurred from flood damage control and stream water quality improvements can be reduced by protection of the riparian corridor.

In our varying roles as public and private ecologists and natural resource managers, we support Salt Lake City's efforts to protect riparian corridors through a Riparian Corridor Overlay ordinance. The establishment of stream setback requirements is a critical first step in protecting our valuable riparian corridors and the functions they support.

Sincerely,

Lynne Olson

1055 East 2100 South, #207 • Salt Lake City, UT 84106 • Phone (801) 486-4776 • Fax (801) 466-0334

October 12, 2007

Ms. Marilyn Lewis
Salt Lake City Planning Department
451 S. State Street, Rm 406
PO Box 145480
Salt Lake City, Utah 84114-5480

Re: Proposed Riparian Corridor Overlay

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The Utah Rivers Council is a community-based, grassroots, non-profit organization dedicated to the conservation and stewardship of Utah's rivers and sustainable, clean water sources for Utah's citizens and wildlife for generations to come.
http://www.utahrivers.org

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Sincerely,

Melissa Stamp
Watershed Scientist
1052 E. Roosevelt Ave.
Salt Lake City, UT 84105

Utah Rivers Council

protect • restore • explore

October 12, 2007

Marilyn Lewis
Salt Lake City Department of Planning
451 S. State Street, Rm 406
PO Box 145480
Salt Lake City, Utah 84114-5480

Dear Ms. Lewis,

I am writing on behalf of the Utah Rivers Council, a non-profit community-based organization of approximately 1,000 members. The Utah Rivers Council advocates for the protection and restoration of Utah's clean water sources and is therefore very encouraged by Salt Lake City Council's recent moratorium to limit construction within a 100 foot riparian corridor along City waterways. We applaud the efforts of Salt Lake City Planning Department to propose a Riparian Corridor Overlay District that establishes stream setbacks for new and existing development.

Fully functioning riparian corridors are critical because they function to improve water quality, provide critical wildlife habitat, and mitigate floodwaters. Riparian habitat is becoming increasingly rare in Utah and occupies less than 1 percent of Utah's land cover. Yet, 75 percent of Utah's bird species use riparian habitat to nest, forage, water, migrate and/or winter. Flooding in southern Utah, California and the mid-west over the last decade has raised awareness around the country about the dangers of building structures in floodplains. Between flood events, these impermeable surfaces contribute to the degradation of downstream water quality by increasing surface runoff containing pollutants that would otherwise be absorbed by riparian vegetation. For these reasons and more, it has become increasingly important to implement stream protection mechanisms at the local level, instead of relying on state and federal agencies to do it.

There is little agreement about the most effective size for stream buffers. For wildlife habitat, the literature suggests a minimum width of 300 feet, no matter the stream size. While there is no specific buffer width that will guarantee clean water, we know that it is important to consider vegetation within the buffer (wetland or upland), and the likely source of pollutants. For flood control purposes, some stream experts say the width of the buffer should be five times the width of the stream. It is clear that there is no "one size fits all" solution, but even a 100 foot buffer might not be big enough in some cases.

While we believe that larger setbacks than those proposed in the draft ordinance would better protect the functions of our streams, we agree that the proposed limits represent a good first step. Ultimately, the City should take the time to study individual corridors and establish a riparian corridor that considers vegetation, wildlife habitat needs, stream width, slope, and geology. Given the few streams that exist within our City, an effort to map on-the-ground characteristics would be easy and in the long run, extremely valuable. In the meantime, we strongly support the existing draft setback requirements and provide these additional recommendations:

1. While we appreciate the thoughtful consideration of bank slope (less than or greater than 30%) in the establishment of setbacks, we recommend that the setbacks remain consistent across varying bank slopes. Typically, more gradual bank slopes indicate a larger riparian corridor with a floodplain and high water table, whereas streams with steep bank slopes may not support a floodplain at all and simply transition into non-riparian habitat. It is however impossible to predict how slope affects the riparian corridor without on-the-ground field work. Therefore, we suggest that prior to the establishment of a field verified riparian corridor, this distinction be eliminated.

2. Because the Jordan River is a much larger water body than its tributaries, and because it maintains a much wider floodplain, we recommend that a larger riparian corridor be considered for it. Instead of a 100 foot corridor, the City should establish a 200 foot corridor where the No Disturbance Line exists at 50 feet and where the Structural Limit Line exists at 100 feet.

3. It is unclear in the existing draft ordinance whether setbacks apply to wetlands outside of the riparian corridor. We recommend that the City establish a separate wetlands ordinance as the functions of wetlands are much different than riparian corridors and should therefore be considered separately.

4. Upon completion of an on-the-ground riparian corridor study, the City should ideally limit all new development within that area. The City could also consider implementing percentage based limitations instead of linear feet limitations. For example, instead of a 25 foot No Disturbance Line, one could establish a No Disturbance Line based on 25% of the Riparian Corridor width. An on-the-ground riparian corridor study will result in varying corridor widths even along the same stream, therefore this approach would eliminate the inherent difficulty in assessing a 25 foot limit in a 25 foot wide riparian corridor.

5. Create a maintenance and enforcement mechanism in order to ensure that the ordinance is meaningful.

6. As described in Section G of the attached ordinance, the City should provide a variance for riparian corridors in undeveloped areas that may be larger than 100 feet. Spatial extensions of the Riparian Corridor shall require approval by the Salt Lake City Public Utilities Department after public hearings.

7. The Lowland Conservancy District Overlay and the Riparian Corridor District Overlay are unclear in the areas to which they apply, and the reasons why. We recommend one overlay district, the Riparian Corridor District in order to simplify the code.

We very much appreciate the opportunity to comment on this ordinance and applaud your efforts to protect stream corridors and the valuable functions they provide in Salt Lake City. Please contact me at (801) 486-4776 or amy@utahrivers.org with any questions you may have regarding the attached ordinance or the recommendations we have made in this letter.

Sincerely,

Amy SDefreese

Amy Defreese
River Defense Coordinator
Utah Rivers Council

Glenda Cotter
1339 Emerson Avenue
Salt Lake City, UT 84105

Marilynn Lewis
Planning Division
451 S. State Street, Room 406
PO Box 145480
Salt Lake City, UT 84114-5480

RE: Riparian Corridor Overlay Ordinance

Dear Ms. Lewis:

Though I attended the open house held last month regarding this issue and submitted brief written comments at that time, I feel this issue is of such significance that I am writing more formally to express my support for this measure. It's indicative of Salt Lake City's growing commitment to the environment that this measure is being considered and I'm grateful for your efforts.

Riparian habitats—where they still exist at all—are among the most threatened habitat-types in this country. This is particularly tragic, as they are also among the most biologically diverse of all ecosystems. While intact riparian areas within the city are already small and fragmented, it is essential to protect those few that remain. I would like to see more substantial protection than that proposed in the Riparian Corridor Overlay, but this ordinance is an excellent place to start.

I am a member of the Open Space Committee of the Wasatch Hollow Community Council, and I am aware that other members of my community having written regarding this ordinance, giving more specific information about the historical and natural values and assets that are at risk. Our community, in particular, is strongly in support of this measure as we have experienced firsthand the difficulties involved in protecting stream corridors. Development threatens to damage or destroy the corridor along Emigration Creek in our neighborhood, a natural environment that we value very highly for ourselves, our children, and most importantly for the wild birds, animals, and fish that depend upon this area for their survival.

Species inventories already conducted in areas along Emigration Creek indicate that a large number of bird species use this corridor both for migration purposes and as breeding habitat. It is also used by a number of smaller native mammal species. The continued preservation of this existing habitat will enhance the continuation of Utah's native riparian species within the urban environment, providing current and future generations with the opportunity to encounter nature close to home. Preserving riparian corridors from future development will also enhance water quality in the various creeks and the Jordan River and hence, ultimately the Great Salt Lake.

It cannot be overstated how important this is, because of the status of the Great Salt Lake as a Western Hemisphere Shorebird Reserve Network site. Millions of migratory birds depend on the

health of the lake's ecosystems. Our choices along our city's smaller stream corridors have implications for the health of ecosystems throughout this hemisphere. By making appropriate and wise choices now we form a sound basis for long-lasting positive consequences. Our remaining riparian corridors deserve our concern and protection.

I'm grateful for your efforts and hope that the current moratorium will soon be replaced by this Riparian Corridor Overlay Ordinance.

Sincerely,

Glenda Cotter

Lewis, Marilynn

From: Suzanne Tronier [zutron@msn.com]
Sent: Monday, October 15, 2007 10:33 AM
To: Lewis, Marilynn
Subject: Input on the Bradley/Edwards property

Dear Ms. Lewis,

I don't live immediately adjacent to this property, so heard about the desire for input a little late. I do live in the general neighborhood and walk in the gully adjacent to the property in question every few days. This last bit of open space is a treasure in our neighborhood and I dearly want to see it preserved. I was thrilled when a moratorium was placed on building there and would strongly like to see that moratorium made permanent.

I understand the builder now wants to place only 2 palaces on the property. Each of those palaces would be triple the size of my 1800 sq foot house. They would clearly NOT be on a scale with other homes in the neighborhood and I consider them a blight to the neighborhood. When a monster home was built about a block away from my house (near 16th east on Harrison) it was on the market for close to 3 years before they could even sell this speculative monster. It stuck out like a GIANT sore thumb. In any case, the monster home issue is a side issue. The most important issue to me is in the preservation of open space. The gully in this area is a unique property that could become a small jewel in the city, or we could lose it forever to another developer just trying to make a buck off my wonderful neighborhood.

We have so little open space left, so few areas of streambed in the city that is accessible to the public, please see the importance of preserving it for all of us, for our children and for the environmental health of the city.

I understand that the city has tried to purchase the property and the developer just wants more money every time an offer is made. I would just urge you to make the moratorium on building in this unique area permanent as the public's only card in protecting this land. The public good does outweigh a speculator's "right to make a buck."

Thank you for listening,

Suzanne Tronier, 1372 S 1700 East, SLC, UT 84108

801-588-0428

Jeff Vandel P.G.
1538 East Emerson Avenue
Salt lake City, UT 84105

October 12, 2007

Ms. Marilynn Lewis
Salt Lake City Planning Division
451 S. State Street, Rm 406
PO Box 145480
Salt Lake City, Utah 84114-5480

Re: Proposed Riparian Corridor Overlay

Dear Ms. Lewis,

I am writing to express my support for the Riparian Corridor Overlay ordinance. I strongly believe that streams and riparian areas in Salt Lake City should be preserved and protected. If these areas, that are so unique in our city, can be preserved for future generations, they will greatly benefit our community.

As stated in the draft ordinance, the benefits of protecting riparian corridors include slope stability, flood protection, and preservation of water quality and riparian habitat. In addition, if these corridors are protected, they could provide areas of open space that greatly enhance the quality of life for the community, and will attract both visitors and potential new residents.

In regard to the potential development of the land adjacent to Emigration Creek at 1665 Kensington Avenue, it would likely require armoring to prevent erosion. All bank stabilization measures impact sedimentation processes. They reduce or eliminate sediment yield and tend to generate local erosion (Effects of Riprap on Riverine and Riparian Ecosystems, Craig Fischenich, Environmental Laboratory, U.S. Army Engineer Research and Development Center, April 2003). As you may be aware, a steep stream bank exists along the east side of the creek which supports the houses on Rosecrest Drive and Kensington Avenue. Scouring along this bank could severely compromise the stability of the slope that these houses rest on.

Prior to 2005, a large portion of the property that is proposed for development was designated a floodplain by the FEMA National Flood Insurance Program (NFIP). Apparently, an owner of the property requested a revision to the NFIP flood hazard map. In February, 2005, FEMA issued a Letter of Map Revision (LOMR) that modified the floodplain to exclude the area that is planned for development. The LOMR document states that "future development of projects upstream could cause increased flood discharges, which could cause increased flood hazards" and "your community must

regulate all proposed floodplain development." I wonder if the Salt Lake City Planning Division has conducted a detailed review of the LOMR and the potential for an increase in flood hazard associated with the proposed development. Flooding of the proposed development at some point in the future is a very real possibility.

The proposed development would replace or degrade lowland riparian and flowing water habitat, which are both listed among the top ten key habitats for conservation in Utah (http://www.wildlife.utah.gov/cwcs/). Riparian habitat is the most biologically productive habitat in Utah, and is described by the Utah Division of Wildlife Resources as "very rare" and "declining". Lowland riparian habitat is listed as covering 0.2% of Utah's land area, and is declining throughout the state. Lowland riparian habitat (the type of riparian habitat which would be permanently replaced by the proposed subdivision) is the single most important bird habitat type in Utah (Parrish, Howe, & Norvell. 2002. Utah Partners In Flight Avian Conservation Strategy, v. 2.0. UDWR Publication 02-27, p. 5), and is considered a priority habitat for preservation in Utah (ibid, p. 209).

The implementation of the Riparian Corridor Overlay ordinance would greatly help alleviate the three issues discussed above. Dr. Arthur Morris, the ecologist that has done important work on the Emigration Creek corridor, has suggested no new building construction or urban infrastructure development be allowed within at least 100 feet of the streams. I support this recommendation, and believe that the public would also largely support the protection of these riparian corridors. As this issue greatly impacts the community, the public should be informed on its status.

I appreciate the effort your Division is making toward protecting stream corridors in Salt Lake City. These lands really do deserve special status. Thank you for the opportunity to have input on the proposed ordinance.

Sincerely,

Jeff Vandel, P.G.

Lewis, Marilynn

From: thulbert3@xmission.com
Sent: Monday, October 15, 2007 1:25 AM
To: Lewis, Marilynn
Subject: Petition #400-07-18 Riparian Overlay

Salt Lake City Planning Division
c/o Marilynn Lewis

Dear Marilynn:

In response to the notice requesting public comment about the above petition, I am compelled to comment since this overlay zone would directly impact my home located on the Red Butte Creek riparian area.

The proposed zone would prohibit many cultural events that already occur frequently on Private Property within the riparian areas. The definition of prohibited activities is so broad that many of the events such as concerts, weddings and the annual Live Christmas Nativity Scene may not be allowed on the LDS Church property within the Red Butte riparian area. This would end a long history of neighborhood activity occurring on Private Property within the riparian area.

This ordinance will discourage investment by adjacent private property owners in their homes and yards decreasing property values and the livability of our neighborhoods. Private property owners adjacent to the riparian area will elect not to repair or replace a fence, patio or rebuild a garage since a battery of expensive studies would be required to prove to the City's satisfaction that the work area is not within a Riparian Set back area. **Of course, if it is, then the repair or replacement could not occur at all.**

The biggest deterrent to a homeowner who wants to make repairs or replacements will be the time that will be spent managing the process, especially with the introduction of oversight by the Army Corp of Engineers, a federal agency. Even for a simple thing like replacing an old fence, the homeowner not only will be required to order expensive studies and surveys, submit applications and pay fees to the City, but also will have to wait for the delination plan to be reviewed and approved by the Corp of Engineers. Having direct recent experience with the Corp of Engineers, it could take 6 to 12 months to get a response on a delination plan. Then, the Corp may order more studies and mapping if it is not satisfied adding more delay and cost.

This ordinance will add new oversight responsibilities to an already overburden planning Staff. Will there be additional funds budgeted for new planning/review/engineering and administrative staff that will be needed to manage the newly created zone?? Further, the encroachment on private property will create more administrative nightmares for City staff as residents become frustrated with the complicated and costly process required just to install a new fence or wall..

This ordinance is unfair because it penalizes the adjacent private property owners by requiring us to do studies that SLC should be doing now as part of the base mapping of the Riparian areas! SLC should pay the cost of the studies required in the proposed ordinance including:

1. Wetlands Delination Study
2. Stream Cross Sections
3. Surveys to determine Setbacks and property property lines.
4. Geotechnical Studies to determine Fault Lines and Soil Stability

Once the base mapping is complete, then a specific plan can be put into place to address the specific needs of a particular riparian area. This will also help the City in budgeting for the cost of implementing the plans and it will eliminate the cost of duplicative studies that would have been prepared for private property owners adjacent to the riparian area.

How can an ordinance be created for specific riparian habitat when no baseline studies or mapping have been completed first?? Isn't this putting the cart before the horse?? By studying the corridor areas, more will be learned about each of the specific riparian areas allowing the City to craft conservation plans and implementing zone language that is meaningful and specific. More time is needed to complete these vital studies and mapping.

What is broken that needs to be fixed? The Red Butte drainage between 900 So. and 1500 East is currently designated as the "Miller bird refuge and nature park" which is already owned and controlled by Salt Lake City. A section of the drainage further west to 1500 East is owned by the Church of Jesus Christ of Latter day Saints (LDS Church). The Miller Park and the adjacent park created by the LDS Church have functioned well for the last 40 years protecting this riparian area from development while allowing neighboring residents to use the area in a responsible low impact manner. The new ordinance would do nothing to improve the situation. Essentially, all riparian areas would be left as they are in their present form. No preservation or conservation plan would be prepared or is required to be prepared by SLC and no funding is offered to implement the plan which one would think would include at a minimum re-planting the eroded stream bank and hillsides.

If there is proposed development in a riparian area (Wasatch Hollow), then lets deal with that specific problem on its own, rather than implementing a hastely created blanket zoning overlay that may cause more harm than good to the rest of the City.

Who has more to lose - the City or Private Property Owners adjacent to the riparian areas?? It is interesting to note that the Miller Bird Refuge Park portion of the drainage which is currently owned by SLC has received little improvement since its inception while the adjacent land owned by the LDS Church (Private) has seen annual improvement including lighting, trail installation and maintenance etc. In my experience, private property owners adjacent to the riparian area show the greatest care and concern since they view this as a desirable open space amenity. I would venture to say that this is true of other private property owners adjacent to other riparian areas throughout the City.

In many instances I am aware of, enact ion of this ordinance may constitute a "taking" of private property. Several homeowners below 1500 East on Harvard and Yale Avenues have property boundaries that run to the middle of the Red Butte Creek. Several have garages or other structures in the rear of their yards that abut the Red Butte riparian area. Any land or structure within the No Disturbance Line, which increases from 25' to 50' for slopes over 30%, cannot have any new improvements constructed on it or existing structures rebuilt. I believe that recent court rulings in Oregon and other states, suggest that enact ion of this ordinance may require setting aside funds to pay for private property that is in effect "taken" for a public purpose.

The creation of this overlay zone appears to me to have more negative than positive impacts. As a result, I request the City terminate this petition. Please transmit my comments to the planning

commission and city council.

Sincerely;

Tom and Heather Hulbert

1547 Yale Avenue

Salt Lake City, UT 84105

10/15/2007

Lewis, Marilynn

From: Michelle Jensen [michellerjensen@comcast.net]
Sent: Saturday, October 13, 2007 3:47 PM
To: Lewis, Marilynn
Subject: Stream corridor protection

Marilynn,

Thank you for your efforts in regard to the stream corridor protection ordinance. I would like to voice my support for the ordinance. It is important to preserve these natural stream corridors that are few in number yet so important to our overall health and happiness and also the health of the stream and wildlife that depend upon it. The benefits to preservation of these areas are many and my children and I wish to send the message that we value our experience in these natural environments and want them preserved not only for our enjoyment and benefit but for that of future generations.

Thank you,
Michelle Jensen
1670 E. Emerson Ave.

Lewis, Marilynn

From: Mel Thatcher [mel_thatcher@yahoo.com]
Sent: Friday, October 12, 2007 7:13 PM
To: Lewis, Marilynn
Subject: Comment on riparian corridor overlay

Dear Marilynn,

I write to support making the moratorium on development in riparian corridors permanent. I am concerned, however, about the width of the corridor and ensuring the preservation of historical sites associated with our streams in the urban area.

I live in the Wasatch Hollow Community where we are fortunate to share the longest and largest undeveloped stretch of Emigration Creek. As I am sure you are aware, most members of our community favor maintaining Wasatch Hollow as open space and are strongly opposed to the development of a proposed subdivision at the end of Kensington Avenue down in the Hollow along the west bank of Emigration Creek.

I could not help but notice at our latest community council meeting that the current owner/would-be developer of this property and his colleagues view the 100' riparian corridor as as statement of " how close we can build to the creek" rather than as a measure to protect it. I hope that the Planning Division and City Council do not share this orientation. Our concern should be how to protect Emigration Creek (and other streams) from natural and manmade causes of deterioration.

I recall that when Dave Buhler informed our community council about the moratorium, he said that the 100' corridor was a "placeholder" rather than a hard and fast number. I do not think 100' is wide enough where Emigration Creek where runs through Wasatch Hollow. I know that from an adminstrative/enforcement point of view, a one-size-fits-all rule would be most convenient. However, flexibility is needed in order to accommodate the particular characteristics of specific stretches of water. A wider corridor is in order where a stream runs through an as yet undeveloped area with a unique ecosystem like Wasatch Hollow has. A 100' corridor would lay such areas open to development, ruination of the natural habitat, and irreparable damage to the affected stream. Therefore, I urge the Planning Division to avoid the mistake of turning a placeholder number into the sole and final figure for riparian corridors of Salt Lake City.

Anne Cannon has written to you concerning the historical significance of the stretch of Emigration Creek that runs through Wasatch Hollow. What an eye-opener! Where else in the city can we and our children stand free of buildings on the route that the first pioneer company took when it entered the valley. The intersection in Wasatch Hollow of Emigration Creek and the canal that Brigham Young had dug in 1856 to transport granite for construction of the Salt Lake Temple deserves a historical marker. Hodgson's Spring, which was buried by a previous owner of the property that is slated for development, supplied culinary and irrigation water to the old Utah State Penitentiary in Sugarhouse. The spring should be uncovered, restored to health, marked as a historical site, and protected from development.

Let's think the riparian corridor overlay through carefully for the best outcome for the protection of natural habitats, the preservation of our city's heritage, and the well-being of our community's present and future residents.

Sincerley,

Mel Thatcher

1573 Bryan Avenue

Building a website is a piece of cake.
Yahoo! Small Business gives you all the tools to get online.

10/15/2007

Lewis, Marilynn

From: DAN DUGGLEBY, AMY GEROSO [deanda@comcast.net]
Sent: Friday, October 12, 2007 2:26 PM
To: Lewis, Marilynn
Cc: Buhler, Dave; Love, Jill
Subject: Riparian Corridors Overlay Ordinance

Dear Ms. Lewis;

I am writing to express my firm and committed support to the proposed Overlay that would help in protecting our city stream corridors from further development and damage. THIS IS LONG PAST DUE.

If we are to consider ourselves as a progressive and enlightened community as development in our city moves forward, protection and preservation of our natural areas is fundamental. If one looks at other major cities in the west, particularly places such as Portland, Seattle, Denver and others, the kudos and acknowledgements they receive are in large part due to the recognition of these areas as valuable resources for their citizens and communities. The same could be true for us but we are far behind. We desperately need this kind of vision and forward-looking plan.

In a personal sense, this means much to me and my family and children as we live alongside the Emigration Creek corridor and Wasatch Hollow Park. We see the potential here every day and lament that there is no mechanism in place to *act* in preserving these areas. We all give lip sevice to the *idea* but we need clear language and rules in place to actually do something. Otherwise, by simply finding no restriction in our city rules and codes, these places will be lost for good. As has been well noted, once you build something in these areas you have determined its use. Forever.

You will hear much opposition to the specifics of the proposal, even from those who agree with the idea in principal (just not in my yard....). Landowners must be reassured that existing structures are protected and that this only has to do with *new* development. The ones I have talked to all agree that it's a good idea.....as long as it doesn't affect them personally. It is important to be respectful of private property owners along these streams, but to firm and clear in going forward. We will all benefit from this vision.

Ms. Lewis, this proposal is not nearly enough and it is probably not flexible enough to meet all of the varied needs involved. But it is a great place to start. Many of us are very happy just to see some formal acknowledgement of the value here and desperately hope that this effort will not come to nothing or get so watered down that it doesn't really mean anything in the end. The 100' proposal is reasonable as a place to start. Slope restrictions in the city? Design review boards for development? Funding for our communal areas? There are so many other worthwhile considerations that need an ongoing dialogue, but this is a great initial effort.

And did I mention that this is *long* past due?

Ms. Lewis, thank you for your time and efforts in this regard.

Sincerely,

Dan Duggleby
Amy Geroso

1650 East Kensington Ave.
SLC, UT 84105

From: Steve F. Jensen [SFJensen@slco.org]
Sent: Wednesday, September 26, 2007 11:39 AM
To: Lewis, Marilynn
Subject: Riparian Corridor Overlay Zone

Marilynn,

I apologize for not making it to the open house. I have two Jordan River restoration projects going on and have problems these days with meetings.

I can say that the proposed zone riparian corridor overlay zone is definitely needed for several environmental as well as economic reasons, and I can say that it is consistent with the Salt Lake County Watershed Water Quality Stewardship Plan (WASP) currently being developed.

We are interested in more fully providing comments and assistance within the context of Salt Lake County responsibility and jurisdiction for water quality planning and flood control management. Does the overlay zone have a floating width or defined width? Have erosional sites been targeted for stabilization? Has the City looked at our channel stability evaluations recently completed?

Steven F. Jensen, M.P.A., Program Manager
Water Resources Planning & Restoration
Salt Lake County Public Works Engineering

Lewis, Marilynn

From: barbeastman@comcast.net
Sent: Friday, October 12, 2007 7:26 AM
To: Lewis, Marilynn
Cc: Love, Jill; davebuhler@msn.gov
Subject: Support of the Riparian Corridor Overlay

Marilynn Lewis
Planning Division
451 S. State Street, Room 406
PO Box 145480
Salt Lake City, UT 84114

Dear Ms. Lewis,

I am writing to voice my support for the Riparian Corridor Overlay Ordinance. I applaud our city council for taking action to protect our waterways.

I have a couple of concerns:
1) An article in the Utah Rivers Council newsletter states that "for wildlife habitat, the literature suggests a minimum of 300 feet, no matter the stream size." "For flood control purposes, some stream experts say the width of the buffer should be five times the width of the stream." My understanding from Dave Buhler is that the 100 foot buffer was chosen arbitrarily. The buffer perhaps should be greater than the suggested 100 feet.
2) There needs to be some process for home owners to apply for a variance for things like when replacing a deck; being able to put in new footers.
3) The planning commission needs to have adequate staff and knowledgeable people to implement and oversee the components of this ordinance.

Having areas of open space near my home, greatly contributes to the quality of my life and my love of this city. My husband and I walk the Miller Park trail along Red Butte Creek in the 15th East to 9th South area many times a week. We see lots of families, runners, walkers, and people walking their dogs along that trail. Of immediate concern to me is the treat of development along Emigration Creek at 1665 E. Kensington Avenue. We also visit Wasatch Hollow Park which will be negatively impacted if poorly planned development is allowed upstream of the park.

I support the comments of Anne Cannon, Diane Fosnocht and Arthur Morris, who have written to you and the planning commission in support of the Riparian Corridor Overlay Ordinance.

Thank you for your consideration.

Sincerely, Barb Eastman

1566 E. Bryan Ave.
Salt Lake City, UT 84105
801-466-0542

Lewis, Marilynn

From: tom kimbrough [tombarbpaul@hotmail.com]
Sent: Friday, October 12, 2007 7:51 AM
To: Lewis, Marilynn
Subject: Riparian Corridor

Dear Ms Lewis,

I would like to express my support for the Riparian Corridor Overlay Ordinance.
I believe that we need to preserve the open space that we have left.
Thank you for your consideration of my feelings.

Sincerely,
Tom Kimbrough
1566 Bryan Ave
Salt Lake City, UT 84105
801 466-0542
tombarbpaul@hotmail.com

Windows Live Hotmail and Microsoft Office Outlook – together at last. Get it now!

Lewis, Marilynn

From: Arthur Morris [amorris@westminstercollege.edu]
Sent: Thursday, October 11, 2007 3:00 PM
To: Lewis, Marilynn
Subject: SLC riparian corridor overlay

October 12, 2007

Ms. Marilyn Lewis
Salt Lake City Planning Department
451 S. State Street, Rm 406
PO Box 145480
Salt Lake City, Utah 84114-5480

Re: Proposed Riparian Corridor Overlay

Dear Ms. Lewis,

Streams and riparian areas need preservation, protection, and restoration in Salt Lake City. I support the Riparian Corridor Overlay ordinance. However, a few changes will probably improve the draft that I have seen:

1. Include an accurate map showing streams, the buffer zone, the Structure Limit Line and the No Disturbance Line. I suggest constructing this map so that grandfathered structures are clearly indicated.

2. Do not include wetlands other than any in the riparian areas in the Riparian Corridor Overlay.

3. Require a thorough, site-specific consideration of all riparian areas in Salt Lake City. This would probably be best as part of a Riparian Corridor Management Plan that identifies site-specific threats to riparian structure and function. But do not hold up enactment of the ordinance for this. Site-specific assessments can be accomplished after protection is in place. A site-specific consideration of riparian areas would allow SLC to ensure protection of relatively natural areas and establish a necessary baseline for monitoring. Site-specific assessments will also ensure property owners that their property and structures have been recognized.

4. Include the possibility to extend the riparian buffer beyond 100 feet if needed. In some areas, riparian areas have been developed to the extent that 100 feet of protected area seems essentially meaningless. In other places, critical riparian habitat extends beyond 100 feet from the stream.

5. Institute an extensive public outreach program. The public benefits of properly functioning riparian systems are enormous. The public needs to know about the benefits of protecting riparian systems.

6. The relationship between the Lowland Conservancy District Overlay and the Riparian Corridor Overlay needs to be clearly stated. Reciprocal references between the Ordinance documents may also be helpful.

7. Salt Lake City will probably want to establish a maintenance easement in streams. Salt Lake County Flood Control has such an easement. If the Stream Corridor Overlay is enacted, it would be helpful for an authorized Salt Lake City employee to walk the streams at least annually to monitor and enforce the ordinance.

8. I think the Structure Limit Line should be at 100' at least. That means I would prohibit new houses, buildings, and accessory features within 100' of the annual high-water level. Here is why I think this change should be made:

a. If a structure already exists it is grandfathered, so any setback described here will not affect it. The main concern is with the areas where no development currently

exists.

b. Where relatively-natural riparian areas remain, as much as possible should be protected. 50' is pretty short. 100' is better than 50'. Ideally, ALL of the remaining relatively-natural riparian areas in Salt Lake City would be protected. There is not very much even relatively-natural riparian area left in the City.

c. Public benefit from protecting natural riparian areas will be great, but it depends on the riparian areas actually functioning properly. Larger riparian areas can provide the desired ecological and social functions better than small riparian areas. In fact, I question whether even relatively-natural riparian vegetation can sustain itself over the long-term if only a few 50' wide patches are left along streams in the city.

d. Houses, buildings, roads, driveways, sidewalks, etc. present a severe, permanent replacement of riparian areas. Therefore, I suggest that no new building construction or urban infrastructure development be allowed within at least 100 feet of the streams.

Again, you have my support for the ordinance. It is high time that Salt Lake City focused attention on protecting riparian areas. If you have further questions, please feel free to contact me.

All the best,

Arthur Morris, PhD, Ecologist

Lewis, Marilynn

From: Glenda Cotter [glcc_writer@yahoo.com]
Sent: Friday, October 12, 2007 1:12 PM
To: Lewis, Marilynn
Subject: Riparian Corridor Overlay Ordinance

Dear Ms. Lewis,
I'm sending to you within the body of this email, and also as an MS-Word attachment, my comments in support of the Riparian Corridor Overlay Ordinance. I am also mailing a hard copy of this letter. Thank you for the opportunity to express my support for this ordinance.

Glenda Cotter

Marilynn Lewis
Planning Division
451 S. State Street, Room 406
PO Box 145480
Salt Lake City, UT 84114-5480

RE: Riparian Corridor Overlay Ordinance

Dear Ms. Lewis:

Though I attended the open house held last month regarding this issue and submitted brief written comments at that time, I feel this issue is of such significance that I am writing more formally to express my support for this measure. It's indicative of Salt Lake City's growing commitment to the environment that this measure is being considered and I'm grateful for your efforts.

Riparian habitats—where they still exist at all—are among the most threatened habitat-types in this country. This is particularly tragic, as they are also among the most biologically diverse of all ecosystems.
While intact riparian areas within the city are already small and fragmented, it is essential to protect those few that remain. I would like to see more substantial protection than that proposed in the Riparian Corridor Overlay, but this ordinance is an excellent place to start.

I am a member of the Open Space Committee of the Wasatch Hollow Community Council, and I am aware that other members of my community having written regarding this ordinance, giving more specific information about the historical and natural values and assets that are at risk. Our community, in particular, is strongly in support of this measure as we have experienced firsthand the difficulties involved in protecting stream corridors. Development threatens to damage or destroy the corridor along Emigration Creek in our neighborhood, a natural environment that we value very highly for ourselves, our children, and most importantly for the wild birds, animals, and fish that depend upon this area for their survival.

Species inventories already conducted in areas along Emigration Creek indicate that a large number of bird species use this corridor both for migration purposes and as breeding habitat. It is also used by a number of smaller native mammal species. The continued preservation of this existing habitat will enhance the continuation of Utah=s native riparian species within the urban environment, providing current and future generations with the opportunity to encounter nature close to home. Preserving riparian corridors from future development will also enhance water quality in the various creeks and the Jordan River and hence, ultimately the Great Salt Lake.

It cannot be overstated how important this is, because of the status of the Great Salt Lake as a Western Hemisphere Shorebird Reserve Network site. Millions of migratory birds depend on the health of the lake's ecosystems. Our choices along our city's smaller stream corridors have implications for the health of ecosystems throughout this hemisphere. By

making appropriate and wise choices now we form a sound basis for long-lasting positive consequences. Our remaining riparian corridors deserve our concern and protection.

I'm grateful for your efforts and hope that the current moratorium will soon be replaced by this Riparian Corridor Overlay Ordinance.

Sincerely,

Glenda Cotter

Building a website is a piece of cake. Yahoo! Small Business gives you all the tools to get online.
http://smallbusiness.yahoo.com/webhosting

Lewis, Marilynn

From: Matthew L. Anderson [manderson@fabianlaw.com]
Sent: Thursday, October 11, 2007 3:15 PM
To: Lewis, Marilynn
Cc: Susan Whitney; Susan Whitney; Marketing1slc@aol.com
Subject: Wasatch Hollow- Riparian Corridor Overlay District
Attachments: Whitney- Wasatch Hollow- Neighbors Position- Temporary Final Draft for RCO.doc

I represent Susan Whitney, a landowner along Emigration Creek. We are in the process of gathering a coalition of concerned private property owners to protest the current efforts by others to somehow make the special area of Wasatch Hollow (the "Hollow") into some sort of public park or public access trail. In addition to trampling on the rights of the private property owners adversely affected, such access will trample and destroy the natural and increasingly rare suburban habitat that is so special in Wasatch Hollow.

That being said, it is not clear whether the proposed Riparian Corridor Overlay District ("RCO") will help our efforts to preserve the Hollow or not. Initially it looks like a good idea, but there are concerns that it may be the first step to increasing governmental control and governance over private property and the infringing of the rights of those property owners. It is, however, a primary objective to prevent further development of the Hollow, whether it be towards commercial/residential development OR park/public access development.

During the course of the various proposals with respect to the Hollow, there have been suggestions that the city or some other government or quasi-governmental agency control and regulate the Hollow. There has not been, however, any assurance much less commitment that such control will not ultimately lead, whether intentionally or otherwise, to increase public access and the resulting destruction of habitat. This is of major concern.

Finally, there is also some question as to the adequacy of notice of these proceedings. My client and her neighbors have not had adequate and in some respects any prior notice of these actions, making it difficult if not impossible to be fully informed.

However, somewhat independent of these proceedings, we have gathered a coalition of like-minded neighbors and are in the process of gathering signatures to a letter voicing our concerns. I will attach a ***draft*** of that letter that has not been finalized and has not been signed by the neighbors, but does generally reflect the sentiment of many of the adjacent landowners. Within a short time, this letter will be finalized, the signatures will be tallied and it will be submitted to your office and to other interested parties.

In short, we want to encourage the preservation of the habitat and would like to discuss this proposal more to understand its long term affects, its ability to prevent any further development and the resulting restriction on private property rights. Please feel free to contact me with any questions or concerns.

Matthew L. Anderson
Fabian & Clendenin
215 South State Street, 12th Floor
P.O. Box 510210
Salt Lake City, Utah 84151-0210
Direct Dial (801) 323-2267
Fax (801) 596-2814

To Whom It May Concern:

For months now, the fate of land alongside Emigration Creek (the "Creek"), roughly between 1700 South and 1900 East (the "Hollow"), has been discussed in conjunction with nearby development and the preservation of the Hollow. It has been suggested that the portions of Hollow be dedicated to the public to become Open Space, a park or some other kind of undefined preserve (these suggestions

are referred to as the "Public Efforts"). As part of these discussions, the Wasatch Hollow Community Council (the "Council") has supported these Public Efforts.

We the undersigned, a group of concerned citizens who own land adjacent to or by the Creek (the "Creekside Owners," comprising ___ out of ___ landowners along the Creek who have signed below), write to express our opinion because it differs significantly from the Council's views. There have been numerous representations that the community unanimously supports the Public Efforts. This is not true. In fact, through much of these discussions, the Creekside Owners have been dismayed at how their own constitutional private property rights have been ignored. It should be noted that those who are pushing for increased access to the Hollow are, not surprisingly, those that do not own land that will be adversely affected.

The Creekside Owners are committed to preserving the special quality of the Hollow. Riparian areas are increasingly rare in suburban settings. Indeed the Creekside Owners are willing to buy adjoining land, form a conservation association, replant and restore the damaged land, or even fence in their private property that surrounds the creek.

We believe that converting the Hollow to some form of public or quasi public ownership will increase traffic and cause further erosion and destruction of this delicate habitat. Furthermore, this increased traffic will undoubtedly spill over onto private property (including the Creekside Owners'), exacerbating and intensifying existing problems related to the Hollow (trespassing, loitering, littering, drug use, crime, etc.). Also, any conversion will ultimately result in oversight of the Hollow being relegated to an office-bound bureaucrat, far removed from the concerns of the private property owners.

We believe that the inherent qualities of government regulation make public supervision of the Hollow wholly inadequate. While current government representatives may make commitments, even with the best of intentions, such commitments are subject to the winds of political change, due to elections and bureaucratic turnover. By way of example we refer you to Parley's Historic Nature Park. (Please see attached Deseret Morning News article.) Nancy van Allmen and other volunteers undertook a noble effort spanning more than a decade to turn private land into a public preserve. Now the park is unofficially a dog park and is virtually void of the diverse habitat that Nancy was trying to preserve. Another example, closer to home, is Wasatch Presbyterian Church's donation of land to the city for Wasatch Hollow Park. It was done with the understanding that the church could use the park for activities several times a year and be exempt from fees. Just this year, however, the city rejected such a request from the Presbyterian Church. Still yet another example can be found in Miller Park, an alleyway of public property behind private property, much like what is being proposed in the Hollow. Because of an increase in crime and a decrease in overall conditions, the city police cite to Miller Park as an example of how things can go wrong despite best of intentions.

In short, we believe that the Public Efforts to convert and preserve the Hollow, despite the best of intentions, are destined to destroy rather than preserve. We are committed to exercising our rights to ensure that the Hollow is preserved, whether that means installing habitat-friendly fencing through the Hollow, formally organizing or resorting to litigation. Nevertheless, we are willing to work with others to preserve the Hollow. Please feel free to contact Susan Whitney, Jeffrey L. Shields, John Taylor or Karen Boe if you have any questions or concerns.

Sincerely,

Matthew L. Anderson

10/11/2007

Attorneys at Law
215 South State, Twelfth Floor
Salt Lake City, UT 84111
Telephone: (801) 531-8900

P.O. Box 510210
Salt Lake City, UT 84151-0210

Matthew L. Anderson
Direct Dial: (801) 323-2267
Facsimile: (801) 596-2814
manderson@fabianlaw.com

September 11, 2007

To Whom It May Concern:

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In short, we believe that the Public Efforts to convert and preserve the Hollow, despite the best of intentions, are destined to destroy rather than preserve. We are committed to exercising our rights to ensure that the Hollow is preserved, whether that means installing habitat-friendly fencing through the Hollow, formally organizing or resorting to litigation. Nevertheless, we are willing to work with others to preserve the Hollow. Please feel free to contact Susan Whitney, Jeffrey L. Shields, John Taylor or Karen Boe if you have any questions or concerns.

Sincerely,

Matthew L. Anderson

[Signature Blanks for Neighbors to Sign]

Lewis, Marilynn

From: Christopher Otto [otto1561@yahoo.com]
Sent: Thursday, October 11, 2007 9:12 AM
To: Lewis, Marilynn
Subject: Please support meaningful stream buffers!

On behalf of the Jordan River and its tributaries in Salt Lake City, I am writing to thank you for your consideration of stream buffers in residential and non-residential development. I am also writing to urge you to consider wildlife populations, specifically birds, and establish a permanent, non-buildable 300 foot stream setback for segments of stream corridor that are critical for bird habitat. For other segments, I urge you to either maintain the temporary, non-buildable stream setback of 100 feet or increase it as much as possible.

Stream buffers are critical for the protection of water quality and wildlife habitat, as well as for the maintenance of flood control functions. Most streams in Salt Lake City and the surrounding area are listed, or are tributary to a listed waterbody included under a Clean Water Act Section 303d category of poor water quality. Buffers adjacent to these systems could significantly reduce the persistence of poor water quality by acting to filter pollutants and/or keep them from ever reaching the stream.

Vegetated buffers along stream corridors provide essential habitat for many species of birds, mammals, and herpetofauna. For fish and aquatic organisms within waterways, buffer zones provide shade that maintains appropriate water temperatures.
If properly vegetated, buffer zones can reduce the amount of sediment reaching streams, therefore maintaining the substrate necessary for some fish speciesÂ' reproduction.

Well preserved and functioning floodplains can keep homes and businesses from flooding. Homes in southern Utah flooded several years ago because they had been constructed in floodplains. Establishing buffers that consider the width of the floodplain is critical in preventing natural flood disasters.

Existing scientific literature recommends a stream buffer of no less than 300 feet for the maintenance of bird populations along steam corridors (regardless of stream size). Many river scientists recommend a buffer five times the width of the channel in order to allow for appropriate flood control. Prior to establishing a new stream setback requirement, the City should determine where bird habitat exists along its stream corridors and identify where it wants to protect that habitat. In those areas, the City should require a non-buildable stream buffer of no less than 300 feet. For other stream corridors where the maintenance of bird populations is not a goal, the City should maintain the existing temporary and non-buildable setback of 100 feet.

Thank you for considering my comments. I again applaud your thoughtful efforts to determine appropriate buffer widths in development next to streams.

Sincerely,

Sincerely

Christopher Otto
otto1561@yahoo.com
505 S. Jake Garn Blvd
Salt Lake City, UT 84104

Diane Branscome Fosnocht
1430 East Bryan Avenue
Salt lake City, UT 84105

Marilynn Lewis
Planning Division
451 S. State Street, Room 406
PO Box 145480
Salt Lake City, UT 84114-5480

Dear Ms. Lewis:

Thank you for the opportunity to have input on the Riparian Corridors Overlay Ordinance. I am the mother of 3 young children and proud to be raising my family in such a unique, beautiful, vibrant city. I am committed to preserving our quality of life and believe that this ordinance helps to achieve that.

I support the immediacy of this ordinance as development pressures in my neighborhood increase dramatically. Specifically, an approximately 2 acre property immediately adjacent to Emigration Creek at 1665 Kensington Avenue is threatened to be developed. Our community is concerned about how this potential development will affect the health of the creek, as well as the impact it may have on wildlife and habitat in this riparian corridor.

Westminster College depends on the health of Emigration Creek for its current studies on the Bonneville Cutthroat trout that live in this creek that passes through this neighborhood.

Our neighborhood community benefits from the wildlife supported along this riparian corridor. Our children who live in the surrounding areas and play in the adjacent Wasatch Hollow Park are directly impacted by the protection and preservation of the stream corridor. I refer you to the Children and Nature Network website at www.cnaturenet.org/research/volumes for references to research on the relationship of nature and children. This supports the importance of protecting and preserving riparian corridors like the ones we have in our city for the sake of the quality of life of our citizens and their families.

As our city moves forward and grows rapidly, there is a distinct trend to preserve our historical landmarks. Through our community's research, we have discovered that there are active springs within our riparian corridor along Emigration Creek at 1665 Kensington Avenue that have historical value. These springs were once used by the Utah State Penitentiary. One of our neighbors, Anne Cannon has provided detailed information about these springs in her letter to you regarding her support of this ordinance.

Our community council, The Wasatch Hollow Community Council, hired an ecologist who specializes in riparian ecology to study and research our neighborhood's corridor along Emigration Creek, specifically from 1700 South to 1900 East. I can refer you to his website at www.aelmorris.homestead.com/WH_BaselineDocumentation for an extensive description of the wildlife and plants identified in this area. The data from his research is extraordinary and documents the value of preserving such rich corridors such as these.

I respect the private property owners who live along our creeks and appreciate that this ordinance will not affect their rights retroactively. However, I believe that is imperative the Salt Lake City Planning Office put more checks in place, such as this ordinance, to ensure that more development, new homes or expansions of existing homes, does not occur in our riparian corridors. I thing the 100 foot ordinance described in reasonable and effective.

My hope is that this ordinance is the first step towards giving our streams more of the attention they deserve. I look forward to more studies sponsored by the city to research and monitor water quality and create strategies to improve and maintain it. I hope to see more ecological studies done in our riparian corridors and management plans created to protect, restore and preserve these areas.

I believe all of our communities can benefit from protecting our waterways and stream corridors. It will improve and benefit our health, it will enhance our quality of life, and it will help to define our city with unique landmarks and natural urban refuges that will attract both visitors and potential new residents.

Thank you so much for your time and expertise devoted to this ordinance. It is a good move in the right direction, helping to make our city one of the best places to live in the country.

Sincerely, Diane Fosnocht

Diane Branscome Fosnocht
Wasatch Hollow Community Council

Lewis, Marilynn

From: Bruce Markosian [Bruce.Markosian@mhtn.com]
Sent: Friday, October 05, 2007 2:29 PM
To: Lewis, Marilynn
Subject: Riparian Corridor Ordinance

Good Afternoon:

I attended your open house last week and would like to submit the following:

I feel the ordinance should provide for properties along the stream bed that have been designated as buildable lots i.e. they are recorded lots within an established subdivision. With the setbacks proposed in this ordinance, I know of at least one property where there will be no possiblity of constructing a home. This property, located along Emigration Creek in the Monument Park Subdivision (parcel #1610256006) has the creek running through it approximately sixty to seventy feet from the front property line. As you near the creek, the slope is probably greater that 30%. If the setback from the high water mark is 50 feet and the setback from the front property line is held at 20 feet there is no room for a structure. There needs to be a provision in this ordinance "grandfathering" in existing properties that allows them to build within the setbacks in existence when the properties were recorded. Otherwise, the property owners should be compensated. This property is currently assessed at $180,500 and is on the market "for sale" at $399,000. I do not feel Salt Lake City has the right to wipe out the marketable value of this property without consequence.

Bruce Markosian

Diane Branscome Fosnocht
1430 East Bryan Avenue
Salt lake City, UT 84105

Marilynn Lewis
Planning Division
451 S. State Street, Room 406
PO Box 145480
Salt Lake City, UT 84114-5480

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I believe all of our communities can benefit from protecting our waterways and stream corridors. It will improve and benefit our health, it will enhance our quality of life, and it will help to define our city with unique landmarks and natural urban refuges that will attract both visitors and potential new residents.

Thank you so much for your time and expertise devoted to this ordinance. It is a good move in the right direction, helping to make our city one of the best places to live in the country.

Sincerely,

Diane Branscome Fosnocht
Wasatch Hollow Community Council

Lewis, Marilynn

From: Richard H. Thornton [rht@princeyeates.com]
Sent: Monday, October 08, 2007 9:03 AM
To: Lewis, Marilynn
Cc: taellison@stoel.com; Robert C. Hyde; rhthomton@gmail.com
Subject: SLC Riparian Ordinance: Comments from Homeowner

Dear Marilynn,

My wife and I own a home on Laird Drive that abuts Emigration Creek. I attended the open house on 25 September 2007 and have reviewed the draft ordinance.

Please consider the following in finalizing the proposed ordinance and presenting it to the Planning and Zoning Commission and the Salt Lake City Council:

Comments

- Lots along the street on which I live typically have depths of 130' to 190'. Accordingly, rear zones with 25, 50 feet or 75 feet encroach into (1) rear yards on the same surface as the main residence, (2) outbuildings and (3) even into residential structures. For example, in our case the 25' no-disturbance zone includes a number of existing garden beds on the same level as our house, before the yard begins sloping down to the stream bed. We do not want to obtain permission from the Urban Forester (and the forester will not want to be bothered) for gardening decisions in beds that are 20' behind our house but within the no-disturbance zone
- Topography varies significantly in these corridors, even on the same lots, e.g., part of a lot might have a slope >30% while the other part of the lot has one or more terraces or a very gradual slope; does the expanded 50' no disturbance line apply to the whole lot?
- Many owners along the stream have already installed improvements, which require continuing maintenance (e.g., Salt Lake City's Miller Park along Red Butte Creek—the trail is damaged in sections and requires ongoing maintenance); others have already started improvements, which are being completed over time
- Rear fencing along a stream is desirable for safety. Disallowing fences *within* the no disturbance zone forces some safety fences to be placed in odd places, often many feet into a back yard.
- Preparing riparian plans will be overly burdensome for residents, causing disproportionate expense and delays
- Many residents purchase homes because of the stream amenity and have started and/or planned improvements within the no-disturbance zone; "preserving the aesthetic value of streams" cannot be treated in a vacuum—property owners should be allowed to enjoy that value with minor improvements to their own properties, especially because a premium is usually paid for adjoining the stream; allowing improvements for those who have already acted, while denying improvements to those who start later creates significant inequities
- Some existing improvements along stream beds, including those installed by the city itself (outflow from culverts under streets), have caused problems for other landowners that need to be fixed; that would be barred by the new ordinance

Suggestions / options

- Exempt existing residences; apply the more restrictive ordinances only to new developments for land that is currently undeveloped
- The no-disturbance zone should be at the top of the channel bank (where that is clearly evident) or

an existing terrace; 25' is arbitrary and is often impractical
- Provide a process for building minor improvements within the no-disturbance zone, e.g., steps, fencing, patios on grade, small surface structures such as a gazebo
- A 50' Structure Limit Line for buildings, walls and accessory structures is much too aggressive; it would bar rear garages, etc. on many lots
- Creating a 50' No Disturbance Line and a 75' Structure Limit Line for slopes > 30% is impractical; it would effectively bar construction of homes on grade where there is a steep gully at the rear of lot
- For safety reasons (see above), fencing should be permitted closer to the stream, e.g., at the top of the channel or at the edge of an existing terrace; 25' is arbitrary and is often impractical
- Plantings, etc. within a no-disturbance zone should be permitted if they are on grade with the residential structure
- Allow improvements that are installed to be maintained and improvements that are planned or in process to be completed
- Permit pruning of existing vegetation (e.g., branches broken off during winter storms) and removal of dead vegetation within the No Disturbance zone
- Do not require riparian plans for minor improvements; the burden on residents is too great and in many instances could exceed the actual cost of the minor improvements

Please provide me with copies of any modifications to the ordinance and of the date for presenting the ordinance to Planning and Zoning.

Sincerely,

Rick Thornton

Richard H. Thornton
2040 Laird Drive
Salt Lake City, Utah 84108-1902
Home Phone (801) 582-1289
Work Phone (801) 524-1000
Work Fax (801) 524-1098
E-mail rht@princeyeates.com

Lewis, Marilynn

From: Lynne Olson [lynneolson@msn.com]
Sent: Thursday, October 04, 2007 2:17 PM
To: Lewis, Marilynn
Subject: Comment re: 400-07-18 Riparian Corridor Overlay

OPEN HOUSE
September 25, 2007
400-07-18 Riparian Corridor Overlay

Please provide us with the following information, so that we may contact you for further comment (please print clearly, thank you):

Name Lynne Olson
Address) 1878 Lincoln Street, Salt Lake City UT 84105
Phone 484-8352

Comments:

At the open house last week, I heard some property owners complain that erosion and pollution was the City's fault, because the City allows stormwater to wash off streets and into the creeks. One person worried that she would not be able to add to the retaining wall she depends upon to keep the bank from sloughing away.
What is missing from the draft Riparian Corridor Overlay ordinance is an explanation of how buildings, driveways, and gardens and the activity of constructing and using them contribute to the erosion of streambanks. While the ordinance does not require that existing structures be removed, there has to be an acknowledgement that the existing construction and activity has damaged the riparian corridor. I believe it is important to explain that tpast activities have caused or exacerbated the variety of problems that this ordinance will begin to cure.
I contacted Andree' Walker, Associate Director for the Utah Society for Environmental Education, and asked for information about the ways in which humans affect the health of a riparian zone.
I learned that the riparian zone is a very small area compared to the entire land area of a watershed, and humans can have a serious impact on this important ecosystem through different types of activities. The riparian zone acts as a natural sponge, soaking up water as it runs off the land, and slowly releasing that water back into the stream. Any disturbance of the land from construction or cultivation may increase the potential for erosion.

Clearing Stream bank vegetation:

The tough, tangled roots of sedges, shrubs and trees provide structure to streambanks and reduce soil loss to the stream. The aesthetic value of riparian zones makes them prime targets for housing and commercial development. However, construction often removes vegetation and alters the stream banks and may even result in concrete lined banks. These changes can increase the intensity of floods, increase the direct input of pollutants to water, and decrease wildlife.

Roads and Driveways:

Riparian zones, which tend to be flatter than the surrounding land, are attractive routes for road builders. Roads and driveways however, may cause accelerated erosion, introduce oil and other pollutants to the stream, cut off subsurface water flow to the stream and threaten wildlife.

Landscaping and Gardening:

Gardeners often clear riparian zones to increase the amount of land available for lawns and gardens. However, without the stabilizing effect of riparian vegetation, the banks of a yard or garden may erode during floods.

Removal of vegetation in the riparian area eliminates important insect breeding grounds. It also deprives many types of macro-invertebrates of an important food source.

Water pollution:

Nutrient enrichment in a stream or lake may result from introductions of human sewage, manure or fertilizer. Fertilizers and pesticides applied to gardens and lawns can enter the water directly or be delivered by runoff from the surrounding watershed.

Many riparian areas are affected by introduced species, which take over the riparian area and radically change the habitat. Species such as russian olive, tamarisk, and purple loosestrife may form "monocultures," replacing native plants and resulting in a serious loss of plant and animal diversity and a loss in other riparian functions such as storing and filtering wastes.

Removing native perennial sedges and rushes, shrubs, trees, grasses and forbs, even when they are replaced with non-native or annual plants may reduce bank stability. Irrigation to sustain non-native plants may also destabilize streambanks and promote run-off.

Recreation:

Recreational use of streambanks, construction of patios, decks, etc. can impair riparian areas by compacting the soil or covering it with impermeable concrete or asphalt surfaces.

The comment that I made during the open house was that the City's Public Utilities Department should initiative a public awareness campaign, with Public Health and Environmental Health agencies as partners, to educate residents about the ways in which human activities affect the health of the riparian zone, and the consequences for the whole community. The campaign should include strategies for helping owners of properties in riparian corridors to reduce their impact on the environment. It will also help to explain the need for the new Riparian Corridor Overlay.

Lewis, Marilynn

From: SJoeboys@aol.com

Sent: Wednesday, September 26, 2007 3:03 PM

To: Lewis, Marilynn

Subject: Riparian

Congratulations on keeping youor cool at the meeting in the City Building Tuesday. Some of our neighbors chose to be belligerent.

I live on 1500 East and Bonneview Drive, which is adjacent to the Red Butte Creek. The LDS church has title to the adjacent property untilk 1600 East when it becomes city Property and is known as Miller Park. Encroachment has not occurred and the banks are free from structures, fences, etc. As long as the LDS Church holids title, it will be a controlled natural state and free from inappropriate construction. A trail has been constructed on both sides of the creek and some barricades to erosion have been erected.

County Flood Control has been involved and monitors the grill under the large culv ert after every storm.....

The banks are steep and seem to be stable at this time.

I believe Miller park is neglected somewhat by the city., but there are no known threats to the riparian areas in the park. Some work was done two or three years ago regarding an erosion threat. The park is mostly used for walking or jogging with some bicyclists using it. I do not know if it is legal or illegal to use bicycles.
Also hundreds of people bring many dogs which go through the church portion and the park.

The bridges in the park are targets of graffitti taggers and possibly roving gangs.

The Red Butte stream west of 1500 East is a different story. Private property abutsd the stream and there are severall strluctures on private property near the stream. Each home between 1100 East and 1500 East should be queried
individually. There is no access except over private property. The canuyon is deep and steep

Elman K Ellsworth
1035 Soputh 1500 East
SLC

****
See what's new at http://www.aol.com

Lewis, Marilynn

From: John G. Taylor, MAI, CCIM [jtaylor@commercecrg.com]
Sent: Tuesday, October 02, 2007 12:01 PM
To: Lewis, Marilynn
Cc: Susan Whitney
Subject: Riparian Corridor

Marilynn, Thanks you for taking a few minutes to meet with me last week, concerning the corridor. As I suggested I think blanket restrictions on development along the stream corridors of Salt Lake City is short sighted. It is obvious that the moratorium was put in place as a political move to stop one development along Emigration Creek. As such it does not provide you and the City staff with adequate time to have anything but a superficial understanding of the estimated 2,500 properties that abut these creeks'. Due to the fact that these private properties are located on these watercourses makes them special purpose in nature and extremely unique from a commercial or residential perspective. To put in place very restrictive zoning ordinances, without any appeal or variance abilities is wrong. Most of the individual property owners along the creek have a far greater understanding of this unique habitat and maintenance of the stream. Yes some have diverted the natural course of the water or put things to close to the waterway. But the vast majority have decided to live along the creeks to maintain the natural beauty. The proposed restrictions are clearly a downzoning of the individual property owners rights and should result in a substantial penalty to the City for it's rash actions. I have lived along Emigration for most of the past 45 years and I am concerned for it's future. However, knee-jerk reactions by a couple members of the City Council to stop one project in an election year does nothing to improve the streambeds. It is irresponsible of City Staff to propose restrictions without a complete and through investigation of the the individual properties and the true nature of the properties.

This e-mail is from me as a private individual and does not reflect the view of the company shown below.

John G. Taylor, MAI, CCIM
Investment Properties | Brokerage Services
Commerce CRG - Salt Lake City office
175 East 400 South, Suite 700
Salt Lake City, Utah 84111
Direct: 801-303-5415
Main: 801-322-2000
Fax: 801-322-2040
jtaylor@commercecrg.com
www.commercecrg.com

Lewis, Marilynn

From: Nicole Roccanova [njr9730@westminstercollege.edu]
Sent: Tuesday, September 25, 2007 8:52 PM
To: Lewis, Marilynn
Subject: Protect our water!

Hello!
I am a student at Westminster College. One of my classes is currently involved in learning about the importance of good water quality. Please take the following information into account when making decisions.

On behalf of the Jordan River and its tributaries in Salt Lake City, I am writing to thank you for your consideration of stream buffers in residential and non-residential development. I am also writing to urge you to consider wildlife populations, specifically birds, and establish a permanent, non-buildable 300 foot stream setback for segments of stream corridor that are critical for bird habitat. For other segments, I urge you to either maintain the temporary, non-buildable stream setback of 100 feet or increase it as much as possible.

Stream buffers are critical for the protection of water quality and wildlife habitat, as well as for the maintenance of flood control functions. Most streams in Salt Lake City and the surrounding area are listed, or are tributary to a listed waterbody included under a Clean Water Act Section 303d category of poor water quality. Buffers adjacent to these systems could significantly reduce the persistence of poor water quality by acting to filter pollutants and/or keep them from ever reaching the stream.

Vegetated buffers along stream corridors provide essential habitat for many species of birds, mammals, and herpetofauna. For fish and aquatic organisms within waterways, buffer zones provide shade that maintains appropriate water temperatures.
If properly vegetated, buffer zones can reduce the amount of sediment reaching streams, therefore maintaining the substrate necessary for some fish speciesÂ' reproduction.

Well preserved and functioning floodplains can keep homes and businesses from flooding. Homes in southern Utah flooded several years ago because they had been constructed in floodplains. Establishing buffers that consider the width of the floodplain is critical in preventing natural flood disasters.

Existing scientific literature recommends a stream buffer of no less than 300 feet for the maintenance of bird populations along steam corridors (regardless of stream size). Many river scientists recommend a buffer five times the width of the channel in order to allow for appropriate flood control. Prior to establishing a new stream setback requirement, the City should determine where bird habitat exists along its stream corridors and identify where it wants to protect that habitat. In those areas, the City should require a non-buildable stream buffer of no less than 300 feet. For other stream corridors where the maintenance of bird populations is not a goal, the City should maintain the existing temporary and non-buildable setback of 100 feet.

Thank you for considering my comments. I again applaud your thoughtful efforts to determine appropriate buffer widths in development next to streams.

Sincerely,

Sincerely

Nicole Roccanova
njr9730@westminstercollege.edu
1705 South 1300 East
Salt Lake City, UT 84105

Lewis, Marilynn

From: Peter Herman [bushworks@comcast.net]
Sent: Tuesday, September 25, 2007 9:52 PM
To: Lewis, Marilynn
Subject: Please support meaningful stream buffers!

On behalf of the Jordan River and its tributaries in Salt Lake City, I am writing to thank you for your consideration of stream buffers in residential and non-residential development. I am also writing to urge you to consider wildlife populations, specifically birds, and establish a permanent, non-buildable 300 foot stream setback for segments of stream corridor that are critical for bird habitat. For other segments, I urge you to either maintain the temporary, non-buildable stream setback of 100 feet or increase it as much as possible.

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Thank you for considering my comments. I again applaud your thoughtful efforts to determine appropriate buffer widths in development next to streams.

Sincerely,

Your constituent

Peter Herman
bushworks@comcast.net
1938 Douglas St. #23
Salt Lake City, UT 84105

Lewis, Marilynn

From: Suzanne Stensaas [suzanne.stensaas@hsc.utah.edu]
Sent: Tuesday, September 25, 2007 5:52 PM
To: Lewis, Marilynn
Subject: Please support meaningful stream buffers!

On behalf of the Jordan River and its tributaries in Salt Lake City, I am writing to thank you for your consideration of stream buffers in residential and non-residential development. I am also writing to urge you to consider wildlife populations, specifically birds, and establish a permanent, non-buildable 300 foot stream setback for segments of stream corridor that are critical for bird habitat. For other segments, I urge you to either maintain the temporary, non-buildable stream setback of 100 feet or increase it as much as possible.

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Thank you for considering my comments. I again applaud your thoughtful efforts to determine appropriate buffer widths in development next to streams.

Sincerely,

Sincerely

Suzanne Stensaas
suzanne.stensaas@hsc.utah.edu
2460 Lynwood Dr.
Salt Lake City, UT 84109

Lewis, Marilynn

From: Lewis, Marilynn
Sent: Friday, September 28, 2007 1:08 PM
To: 'Ellen King'
Subject: RE: Riparian corridor
Categories: Program/Policy

Ms. King,

Thank you for sending your comments. I have provided some preliminary answers to your questions. I hope this is helpful. Please feel free to submit additional comments. We welcome your input. Thank you.

Who will inspect the condition of the river banks? Salt Lake City Public Utilities would review projects and sites when permits are pulled for new construction or additions on existing structures. If a complaint is called in by a neighbor to Zoning Enforcement they would coordinate with Public Utilities and review the issue. But there is no proposal to do random inspections of properties.

Who will decide if shoring up of the bank is required? The proposed ordinance does not currently allow for the armoring of stream banks. If that changes, then again when a permit is pulled Salt Lake City Public Utilities would review projects and sites

Who will carry out the work and who will pay for this work to be done? If the Council determines that they do want to allow property owners the option of armoring the steep slope, then the property owner would pay for that as part of their development project.

Marilynn Lewis
Planning Division
451 S. State Street, Rm 406
PO Box 145480
Salt Lake City, Utah 84114-5480

From: Ellen King [mailto:eaking@xmission.com]
Sent: Friday, September 28, 2007 12:43 PM
To: Lewis, Marilynn
Subject: Riparian corridor

I attended your meeting on Tuesday evening and wish to comment as follows:

Who will inspect the condition of the river banks?
Who will decide if shoring up of the bank is required?
Who will carry out the work and who will pay for this work to be done?
I feel that 100 ft from the highwater mark of the river is an excessive amount of land to be monitored. Surely 25 ft would be more reasonable.

Ellen King
2055 East 1300 South
Salt Lake City, 84108

Emigration Creek resident.

-413

Lewis, Marilynn

From: Sue Hokanson [Sue.Hokanson@questar.com]
Sent: Tuesday, October 09, 2007 12:22 PM
To: Lewis, Marilynn
Subject: Comments Addressing SLCC Moratorium and Petition #400-07-18

Planning Department,
After attending the September 25th Meeting at the City & County Building addressing Petition #400-07-18 Riparian Corridor Overlay District Creation, I left with more questions and far greater concerns. The standard response to queries was to put them in writing and forward them back.

As a property owner who paid and pays dearly for the privilege of living in the area I do, I am very protective of my home and land. I value being able to live in a historic area where many of the homes meet the criteria of being antiques. It is of great importance to me that my property and dwelling is well kept up and that this upkeep preserves the design of the period in which it was built and maintains the historic significance.

Need- less- to- say, my home and property is my largest financial asset and my major means of security.

Information gathered at the September 25th meeting…..

- On July 17, 2007 the Council enacted a moratorium and Temporary Land Use Regulation for our area. *Comment: It seems unusual that notice isn't given before those meetings, I know many people who would be interested in attending. Why was no one informed of what had taken place until late September. We knew nothing of this moratorium for approximately two months. This is affecting our property & our actions.*
- A "no disturbance area" of 25 feet MINIMUM, with the possibility of extending to 50 feet from the edge of the creek (during high water flow) is being considered. This is not to be touched by the property owner and the city will have control of this area. Within these 25 feet no building or structure may be erected, existing buildings and structures shall be permitted. *Comment: You are talking about a large amount of property. When purchasing this home and land, the deed included to the middle of the creek. If this is private property for which we paid - wouldn't that mean it belongs to us and we have control over it? We bought the property just as much for the backyard and creek and for the home. Often during the winter a tree will fall in the area mentioned. When this occurs we saw it into pieces, haul to higher land, store until the annual street pick up or hire a service to do this. It is not an easy or inexpensive project but to leave some of these natural occurrences for very long could cause the very erosion we ALL don't want to happen. Every neighbor I know takes responsibility for their property in this way. Also when leaves and branches build up and block the grate on 13th East , neighbors clean it out, haul the debris home to deposit in the garbage over several weeks. Relying on the city to do this service or waiting for an agency to give us conditional use grants to perform any maintenance would take time and perhaps cause the erosion that this document is concerned with.*
- A "buffer zone area" consisting of 50 to 100 feet from waters' edge will be considered. *Comment: Please see above comments but add to those the feeling of outrage. One hundred feet is a huge amount of our precious land. Consider of the loss of property value for us.*

I noticed an article last week mentioning property in Draper and how some residents used as much as 10 feet of city property. The word "encroachment" was used. Those home owners DID intrude

upon the possessions or rights of another and advance beyond proper limits. But aren't you doing the same thing in regard to us? It is taking from another. Along with property, you are taking things that can't be measured by "feet". You are taking financial security, home resale value, the ability to enjoy the backyards we own. There are too many losses to mention. What is given is a fear that what is rightfully yours is in jeopardy, your security is fragile, your nest egg may be diminished and the city government is not build on fairness and ethics. This may sound extreme, but revisit the wording of your moratorium and consider it being applied to your residence.
Sincerely,

Suzanne N. Hokanson 1330 Yale Avenue

Moratorium
WHEREAS, the City Council finds that the City's interest in adopting these temporary land use regulations outweighs any private interest in developing under other existing standards;....

Section 2 Balancing of Public vs. Private Interests. The City Council further finds that any harm to private interests is de minimus and is outweighed by the City's interest in protecting and preserving the City's streambed corridors and lowland protection areas while the City Council reviews and evaluates changes to the current zoning requirements.

Lewis, Marilynn

From: shokejneed@sitestar.com

Sent: Tuesday, October 09, 2007 6:43 PM

To: Lewis, Marilynn

Subject: SLCC Moratorium and Petition #400-07-18 COMMENTS

Planning Department:

One of the main reasons we bought our property (which includes land to the middle of Red Butte Creek) was to enjoy our riverside. A patio, picnic table and a great deal of vegetation are located within 25 feet of the creek. I have several concerns about the City Planning Department's Moratorium and Proposed Overlay Corridor.

1. A moratorium was passed on July 17th with no public notice or input. A poorly planned open house was held on September 25th in a room that did not accommodate all the concerned property owners. This open house was held at the inconvenient time of 4:30 p.m.
2. I do not feel that Jordan River, City Creek, Red Butte, Emigration and Parleys can be grouped together. They all have different problems and concerns. The character and historical development of the property surrounding these water ways is vastly different.
3. In the planning departments draft- Section D, "Prohibited Activities within the riparian Corridor. No person shall engage in any activity that will disturb, remove, fill, dredge, clear, destroy, armor, terrace or alter any area, including vegetation within a stream corridor, wetland or their setbacks except by authorization of the Army Corps of Engineers or the Public Utilities Director for all other bodies of water."

   The land and its vegetation needs to be trimmed, pruned and maintained. The stream needs to be kept clear of tree limbs and debris. In the 12 years we have lived here, the city has not cleaned the stream once. I find it hard to believe that the city can find money in its budget to hire workers to do the necessary work.
4. The overlay zoning district is concerned about water quality. The street department should not have the water from the street gutters on 15th East drain into the stream.
5. The overlay zoning district is concerned about preserving habitat. The vegetation was planted by the property owners. My neighbor trapped four raccoons this year. The raccoons were doing damage to the yards. They were given to the Animal Control Department.
6. The overlay zoning district is concerned about aesthetic values. One persons' idea of aesthetic values may very greatly from others. This city's freeway entrance plantings and maintenance in its highway corridor have very little aesthetic value when compared to those of many other nearby communities.

John Evans Needham
1330 Yale Avenue

October 8, 2007

To Whom It May Concern:

In regard to the Riparian corridor proposed, consideration should be taken into account for properties along the corridor currently built upon that are in disrepair, and need to be brought up to date. In some instances, updating these properties to standards within their particular neighborhoods can mean changing the footprint of the existing structures, and many of these footprints fall within the suggested corridor. Currently, there is no allowance for variances in the draft as written – this should be corrected. Also, if geological or seismic activity damages structures or alters particular sites, property owners should be able to rebuild accordingly – the language in the draft suggests many may not be able to rebuild.

Please take these considerations under advisement.

Thank you for your support of our waterways. We appreciate your diligence.

Anthony and Kirsten Oliver
1175 East Harvard Avenue
Salt Lake City, Utah, 84105
anthony.oliver@comcast.net
801-554-1090

Lewis, Marilynn

From: kokopelli99@comcast.net
Sent: Sunday, October 07, 2007 2:49 AM
To: Lewis, Marilynn
Subject: Riparian Corridor Overlay Zoning District and Parley's Creek

My residence borders Parley's Nature Park and I support the petition to create a Riparian Corridor Overlay Zoning District. It is mind-boggling to me that the City Council recently voted to make the Nature Park an off-leash dog park, given the obvious negative effects on all of the very qualities which the proposed overlay zoning district is designed to protect and preserve. Please protect the riparian area there by banning the dogs from the Nature Park. This is the only means of accomplishing all the goals of the proposed district. Dog parks don't belong in riparian areas.

Karl Johnson

Lewis, Marilynn

From: nancy von allmen [nvonallmen@comcast.net]
Sent: Friday, October 05, 2007 1:16 PM
To: Lewis, Marilynn
Subject: Open House

Dear Marilyn:

How good it was to receive notice of the Open House. There was a freeze warning that afternoon/evening so I had to tend to my big vegetable garden. Then a colleague phoned to say that the line was very long so I am writing my thoughts as you urged me to do!

It is wonderful that the City is addressing the issue of Riparian areas along its streams. Nothing could make me happier. Twenty years ago, these riparian areas were mostly healthy, untrammeled and relatively unthreatened. What has happened, with population growth and economic growth has been devastating to the Riparian Corridors recently. The issue for us is Parley's Creek, especially where it runs through the City Park known as Parley's Historic Nature Park.

We have lived in the neighborhood for 36 years. We chose this property largely because it was adjacent to the creek and its fabulous riparian zone. The walking with our children, the trail biking, the quick access from the neighborhood, the availability of environmental study for area schools and scout groups was truly unsurpassable. It became a huge commitment... to protect this magic place for Nature.

In 1976. I approached then Mayor Ted Wilson about creating a Nature Park there. He was most encouraging. We created an Historic Nature Park Committee, comprised of some 56 people representing some 40 environmental organizations. Creating that Committee took a huge amount of work. Approaching the respective private land owners also took a huge amount of effort. From this evolved the Canyon Rim Citizens Association (CRCA) in 1979. This was the 2nd Community Council created in the valley and it was for the specific purpose of protecting the Riparian Zone alongside Parley's Creek.

We hope that this historic perspective will enable the City to understand that our neighborhood started caring and working 30 years ago to protect the Riparian Zone along Parley's Creek. We negotiated with land owners to have them donate and sell for low bid prices the 88 acres that included and surrounded this riparian zone. In 1986, the area was dedicated by Gov. Matheson, with a Minister and prayers and City Officials, to be the Parley's Historic Nature Park. The historic sites here reminded us all that some 80% of the early pioneers arrived in the valley through this canyon, not through the more popularly acclaimed Emigration Canyon. While the history was, and remains, eminently important, the thrust of the 56 person committee was preservation of the Nature.....and the Riparian Zone!

Ten years ago, off leash dogs from the neighborhood began to appear in the park. There was grave concern since it was a City Park under park leash ordinances. As Nature protectors began to complain about the invasion into wildlife habitat along the stream, off leash dog owners organized themselves into FIDOS Inc. They had something to gain, a place to run their dogs off leash, so they became very well organized and very outspoken very fast. The off leash issue has subsequently become a political football, and they were able to spread "the word" to other FIDOS by putting up signs all over the park organizing themselves. Their meetings became more and more boisterous. They began to take over the Nature Park as a Dog Park. As their use increased, less and less Nature protectors used and enjoyed the park.

Fast forward to 2007, where we witness about 1200 off leash dogs per day in this very sensitive area. The dogs of course chase wildlife, which is their innate character, and they constantly burrow and snoop into wildlife habitat. Along big sections of stream, dogs have totally destroyed the Riparian zone. The songbird nesting areas have been destroyed. The families of ducks and ground nesting birds which used this Riparian Zone for centuries are gone. Have they flown away or been killed? Probably both. Nests cannot long survive with large dogs destroying them. I have witnessed 3 dogs chasing birds up the sensitive steep hillsides near the stream. Those birds would likely move away, if they weren't killed. I have witnessed large dogs chasing the Bonneville Cutthroat Trout, our

state fish and listed as endangered under the Clinton Administration. I have seen dogs urinating directly into the stream. They defecate in and along the stream, and the owner usually does not notice and leaves it. Even if removing it, the bacteria from this fecal pile remains in the soil. I have seen many large and small dogs chase after each other in the stream, thrashing about. This stresses the fish frightening them away or killing them. The thrashing and chasing of course stirs up great amounts of silt, which then clogs the gills of the fish, also of course killing them.

Perhaps the most interesting impact from all those off leash dogs is the erosion of the streambanks. As the dogs claw their way in and out of the stream, the dirt holding the tree roots is loosened and washed away downstream, causing more silt for those gills. As the dirt is eroded, the roots holding grasses, bushes and trees can no longer hold on. They die and fall over. With less shade over the stream, water temperature increases in pools which used to be cool for the trout. This sun exposed warmer water also stresses and kills the fish.

There is only one solution to this enormous problem for the Parley's Riparian Zone: fence the creek to keep out off leash dogs. Only by doing this can the Riparian Zone begin to heal and invite Nature back into its midst.

In July there was a large fish kill in Parley's Creek after a big rainstorm. Word was that nitrates caused this kill. If there are 1000 dogs a day near Parley's Creek, and they each pee, let's say, 10 times, and they each defecate once during their hour in the park, that would be strong nitrate residue to flow into that stream. Are we concerned about the health of the Riparian Zone? You bet we are.

The greatest joy would be to close the entire Nature Park to all off leash (destructive) use. If that is unacceptable, then lets close off the entire south side of the creek to off leash use because this side has the greater amount of wildlife habitat. In addition, some form of fencing needs to be installed along most of the creek on the north side to protect the Riparian area on that side.

If you have any questions, Marilyn, please call me at 466-8076. It would be a GREAT pleasure to work with you in any way possible.

With best wishes,

Nancy von Allmen

By doing this

Lewis, Marilynn

From: nancy von allmen [nvonallmen@comcast.net]
Sent: Friday, October 05, 2007 2:43 PM
To: Lewis, Marilynn
Subject: Re: Open House

You are welcome. I would like to add that 1000-1200 off leash dogs in a riparian area along Parley's do FAR more damage than a home. They chase and kill the wildlife AD they destroy the wildlife habitat.

What could be worse??

Hope you can pencil that onto my email!

Thank you.

Nancy

---- Original Message ----
From: Lewis, Marilynn
To: nancy von allmen
Sent: Friday, October 05, 2007 1:42 PM
Subject: RE: Open House

Ms. von Allmen,

Thank you for taking time to send in comments on this petition. They will be included in the staff report to the Planning Commission.

Marilynn Lewis
Planning Division
451 S. State Street, Rm 406
PO Box 145480
Salt Lake City, Utah 84114-5480

From: nancy von allmen [mailto:nvonallmen@comcast.net]
Sent: Friday, October 05, 2007 1:16 PM
To: Lewis, Marilynn
Subject: Open House

Dear Marilyn:

How good it was to receive notice of the Open House. There was a freeze warning that afternoon/evening so I had to tend to my big vegetable garden. Then a colleague phoned to say that the line was very long so I am writing my thoughts as you urged me to do!

It is wonderful that the City is addressing the issue of Riparian areas along its streams. Nothing could make me happier. Twenty years ago, these riparian areas were mostly healthy, untrammeled and relatively unthreatened. What has happened, with population growth and economic growth has been devastating to the Riparian Corridors recently. The issue for us is Parley's Creek, especially where it runs through the City Park known as Parley's Historic Nature Park.

We have lived in the neighborhood for 36 years. We chose this property largely because it was adjacent to the

Lewis, Marilynn

From: David M. Burnett [david.burnett@hci.utah.edu]
Sent: Friday, October 05, 2007 3:10 PM
To: Lewis, Marilynn
Subject: Parley's

Ms Lewis -

Please AT LEAST protect the riparian zone in Parley's Historic Nature Park, since everything else has been destroyed.
If not, please rename it **"FIDO's Fourth District Canine Drainage Ditch".**

Thank you.

Dave Burnett

Lewis, Marilynn

From: Terry [tbbecker@comcast.net]
Sent: Monday, October 08, 2007 1:05 PM
To: Lewis, Marilynn
Subject: Petition

Marilynn,

I am writing regarding Petition 400-07-18 Riparian Corridor Overlay District Creation. Having served on the workshop studying Parleys Nature Park, and as a member of the Open Space Advisory Board, I have observed the level of destruction at both Wasatch Hollow off 17th South, and Parleys stream beds. It is imperative we protect ALL riparian areas.

I would also like to state my concern that only property owners within approximately 150 feet of the proposed areas for the overlay district are being notified. This is a city-wide issue, and EVERYONE using these areas, not just property owners adjacent the streams, should be made aware of the Council's moratorium. This issue should be publicized to educate and inform its citizens.

Sincerely,

Terry B. Becker

Not in SLC

Lewis, Marilynn

From: Carol Curtis [carolcurtis@hotmail.com]
Sent: Tuesday, September 25, 2007 12:52 PM
To: Lewis, Marilynn
Subject: Please support meaningful stream buffers!

On behalf of the Jordan River and its tributaries in Salt Lake City, I am writing to thank you for your consideration of stream buffers in residential and non-residential development. I am also writing to urge you to consider wildlife populations, specifically birds, and establish a permanent, non-buildable 300 foot stream setback for segments of stream corridor that are critical for bird habitat. For other segments, I urge you to either maintain the temporary, non-buildable stream setback of 100 feet or increase it as much as possible.

Stream buffers are critical for the protection of water quality and wildlife habitat, as well as for the maintenance of flood control functions. Most streams in Salt Lake City and the surrounding area are listed, or are tributary to a listed waterbody included under a Clean Water Act Section 303d category of poor water quality. Buffers adjacent to these systems could significantly reduce the persistence of poor water quality by acting to filter pollutants and/or keep them from ever reaching the stream.

Vegetated buffers along stream corridors provide essential habitat for many species of birds, mammals, and herpetofauna. For fish and aquatic organisms within waterways, buffer zones provide shade that maintains appropriate water temperatures.
If properly vegetated, buffer zones can reduce the amount of sediment reaching streams, therefore maintaining the substrate necessary for some fish speciesÂ' reproduction.

Well preserved and functioning floodplains can keep homes and businesses from flooding. Homes in southern Utah flooded several years ago because they had been constructed in floodplains. Establishing buffers that consider the width of the floodplain is critical in preventing natural flood disasters.

Existing scientific literature recommends a stream buffer of no less than 300 feet for the maintenance of bird populations along steam corridors (regardless of stream size). Many river scientists recommend a buffer five times the width of the channel in order to allow for appropriate flood control. Prior to establishing a new stream setback requirement, the City should determine where bird habitat exists along its stream corridors and identify where it wants to protect that habitat. In those areas, the City should require a non-buildable stream buffer of no less than 300 feet. For other stream corridors where the maintenance of bird populations is not a goal, the City should maintain the existing temporary and non-buildable setback of 100 feet.

Thank you for considering my comments. I again applaud your thoughtful efforts to determine appropriate buffer widths in development next to streams.

Sincerely,

Sincerely

Carol Curtis
carolcurtis@hotmail.com
1001 E 3745 S #5
Salt Lake City, UT 84106

Not in SLC

Lewis, Marilynn

From: Mark Danenhauer [markdpcv@hotmail.com]
Sent: Wednesday, September 26, 2007 9:12 AM
To: Lewis, Marilynn
Subject: Please support meaningful stream buffers!

On behalf of the Jordan River and its tributaries in Salt Lake City, I am writing to thank you for your consideration of stream buffers in residential and non-residential development. I am also writing to urge you to consider wildlife populations, specifically birds, and establish a permanent, non-buildable 300 foot stream setback for segments of stream corridor that are critical for bird habitat. For other segments, I urge you to either maintain the temporary, non-buildable stream setback of 100 feet or increase it as much as possible.

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Thank you for considering my comments. I again applaud your thoughtful efforts to determine appropriate buffer widths in development next to streams.

Sincerely,

Sincerely

Mark Danenhauer
markdpcv@hotmail.com
1547 E 3045 S
Salt Lake City, UT 84106

Not in SLC

Lewis, Marilynn

From: Richard Spotts [spotts@infowest.com]
Sent: Tuesday, September 25, 2007 7:12 PM
To: Lewis, Marilynn
Subject: Please support meaningful stream buffers!

On behalf of the Jordan River and its tributaries in Salt Lake City, I am writing to thank you for your consideration of stream buffers in residential and non-residential development. I am also writing to urge you to consider wildlife populations, specifically birds, and establish a permanent, non-buildable 300 foot stream setback for segments of stream corridor that are critical for bird habitat. For other segments, I urge you to either maintain the temporary, non-buildable stream setback of 100 feet or increase it as much as possible.

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Thank you for considering my comments. I again applaud your thoughtful efforts to determine appropriate buffer widths in development next to streams.

Sincerely,

Sincerely

Richard Spotts
spotts@infowest.com
1125 W. Emerald Drive
St. George, UT 84770

Not in SLC

Lewis, Marilynn

From: Yael Calhoun [ycalhoun@westminstercollege.edu]
Sent: Tuesday, September 25, 2007 1:12 PM
To: Lewis, Marilynn
Subject: Please support meaningful stream buffers!

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Thank you for considering my comments. I again applaud your thoughtful efforts to determine appropriate buffer widths in development next to streams.

Sincerely,

Sincerely

Yael Calhoun
ycalhoun@westminstercollege.edu
2961 LOSTWOOD DR
sandy, UT 84092

Not in SLC

Lewis, Marilynn

From: Jazmynn Pok [jazmynnp@hotmail.com]
Sent: Tuesday, September 25, 2007 6:12 PM
To: Lewis, Marilynn
Subject: Please support meaningful stream buffers!

On behalf of the Jordan River and its tributaries in Salt Lake City, I am writing to thank you for your consideration of stream buffers in residential and non-residential development. I am also writing to urge you to consider wildlife populations, specifically birds, and establish a permanent, non-buildable 300 foot stream setback for segments of stream corridor that are critical for bird habitat. For other segments, I urge you to either maintain the temporary, non-buildable stream setback of 100 feet or increase it as much as possible.

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Thank you for considering my comments. I again applaud your thoughtful efforts to determine appropriate buffer widths in development next to streams.

Sincerely,

Respectfully yours

Jazmynn Pok
jazmynnp@hotmail.com
5281 Holladay Blvd
Holladay, UT 84117

Not in SLC

Lewis, Marilynn

From: Alivia Huffman [ah1102@westminstercollege.edu]
Sent: Tuesday, September 25, 2007 9:52 PM
To: Lewis, Marilynn
Subject: Please support meaningful stream buffers!

On behalf of the Jordan River and its tributaries in Salt Lake City, I am writing to thank you for your consideration of stream buffers in residential and non-residential development. I am also writing to urge you to consider wildlife populations, specifically birds, and establish a permanent, non-buildable 300 foot stream setback for segments of stream corridor that are critical for bird habitat. For other segments, I urge you to either maintain the temporary, non-buildable stream setback of 100 feet or increase it as much as possible.

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Thank you for considering my comments. I again applaud your thoughtful efforts to determine appropriate buffer widths in development next to streams.

Sincerely,

Sincerely

Alivia Huffman
ah1102@westminstercollege.edu
8365 South 300 East
Sandy, UT 84070

does not live in SLC

Lewis, Marilynn

From: Danica West [dbw0413@westminstercollege.edu]
Sent: Friday, September 28, 2007 11:52 AM
To: Lewis, Marilynn
Subject: Please support important stream buffers!

On behalf of the Jordan River and its tributaries in Salt Lake City, I am writing to thank you for your consideration of stream buffers in residential and non-residential development. I am also writing to urge you to consider wildlife populations, specifically birds, and establish a permanent, non-buildable 300 foot stream setback for segments of stream corridor that are critical for bird habitat. For other segments, I urge you to either maintain the temporary, non-buildable stream setback of 100 feet or increase it as much as possible.

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Thank you for considering my comments. I again thank your thoughtful efforts to determine appropriate buffer widths in development next to streams.

Thank you

Danica West
dbw0413@westminstercollege.edu
5109 west 6435 south
West Jordan, UT 84084

Not in SLC

Lewis, Marilynn

From: Krystopher Broschinsky [kab0930@westminstercollege.edu]
Sent: Tuesday, September 25, 2007 10:12 PM
To: Lewis, Marilynn
Subject: Please support meaningful stream buffers!

On behalf of the Jordan River and its tributaries in Salt Lake City, I am writing to thank you for your consideration of stream buffers in residential and non-residential development. I am also writing to urge you to consider wildlife populations, specifically birds, and establish a permanent, non-buildable 300 foot stream setback for segments of stream corridor that are critical for bird habitat. For other segments, I urge you to either maintain the temporary, non-buildable stream setback of 100 feet or increase it as much as possible.

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Thank you for considering my comments. I again applaud your thoughtful efforts to determine appropriate buffer widths in development next to streams.

Sincerely,

Sincerely

Krystopher Broschinsky
kab0930@westminstercollege.edu
5916 La Salle Drive
Murray, UT 84123

Lewis, Marilynn

From: shea@cityacademyslc.org
Sent: Monday, November 05, 2007 11:01 PM
To: Lewis, Marilynn
Subject: Jordan River Riparian Corridor

Marilynn-
As residents and homeowners along the Jordan River, we are pleased the City is thinking about how to clean up this valuable resource. It fits right in with our 10 year vision (well, ok, maybe a 20 year vision?) of a rope swing from our property into a clean, healthy, pollution-free, critter-filled river.

We embrace (in fact it was already central to our own property plan) the concept of the 25 ft and 50 ft zones of no/minimal impact. But we hope you'll take into consideration 3 major points: 1)complete lack of management is not necessarily the best tactic for land that is already as heavily impacted as the Jordan River. 2) This plan only addresses some of the problems of the Jordan River, and 3)If you're asking homeowners to comply and go along with the policy, you (the city) should also bring something to the table.

We strongly hope the city will be active and not just legislative in your efforts to clean up the Jordan River. Sure, we'll agree to not dig, build and plant... so what are you going to do?

It seems as though the current plan is aimed at primarily reducing erosion, creating wildlife habitat and perhaps reducing the level of Total Suspended Solids in the river. But according to the Jordan River Watershed Water Quality TMDL Assessment, http://www.waterresources.slco.org/pdf/wqJrTMDL.pdf , TSS are not necessarily the area of most concern for the Jordan River-- total coliform, fecal coliform, and dissolved oxygen are.

So in addition to what you're asking us to do, here are some of our ideas for what the city can contribute to the Jordan River cleanup. We hope you will consider them carefully and take strides towards adopting them.

1)Encourage citizen weeding of non-natives-- even within the corridor.
Hold workshops, make i.d. pamphlets, but let's get rid of some of the exotics.

2)Encourage citizens to plant native plants. Again, workshops...guides...etc.

3)Make the urban forester or other permit-provider very available for citizens who want to propose weeding and native species planting on their property. Establish a timeline of reply (i.e. one week). If the city doesn't get back to the homeowner in that amount of time, the homeowner is at liberty to proceed.

4)Pay someone to help/assist with weeding. In public places, such as along the parkway trail where goatheads and thistle are rampant and in private yards for interested and consenting homeowners.

5)Plant native plants, and/or provide native plants to interested property owners along the corridor.

6) Include a ban on pesticides, herbicides and fertilizers within the 50ft boundary.

7) Clean up storm water before it discharges into the river using a system such as the wetland retainment ponds in Murray.

8) Put a sewer line up Immigration Canyon to prevent the septic systems from continuing to leak into the watershed. (Note: it would be nice if the rich folks up there could foot the bill instead of us working class
west-siders.)

9)Provide recycling containers and trash cans with lids along the Jordan River trail.

10) Provide dog waste stations (like the ones that are on all of the East side trails) along the Jordan River trail.

11) Stop mowing the parkway, it encourages the weeds.

12) Do encourage/support community gardens and small agricultural projects along the parkway.

Thanks for listening. Please keep us updated,

Shea and Paul Wickelson
Giles Larsen
1030 W. California Ave
SLC, UT 84104
596-0326

ANNE CANNON
1647 Kensington Avenue
Salt Lake City, Utah 84105

September 28, 2007

Marilynn Lewis
Principal Planner
Planning and Zoning Division
Salt Lake City Corporation
451 South State Street
Salt Lake City. Utah 84111

Dear Marilynn and Planning Commission,

Thank you for the opportunity to have input on the Riparian Corridors Overlay Ordinance.

I recognize the timing of this ordinance as being both timely and immediate. The timeliness as it applies to all the waterways involved is because of the increasing encroachment by development that casts them as dangerous and polluted nuisances–bury or carry them away attitude.

It is my view that the areas along these waterways that have escaped development have a chance, with this ordinance, to be preserved, conserved and restored to provide our city with unique natural riparian environments in a western desert climate. How very special this is.

These waterways played a very important part in the development of this city. It will be a tragedy to lose the opportunity to experience this history first hand by being able to visit places in our city where these riparian habitats still exist. An appreciation of the past is so important to building wisely for the future.

One of the aspects of the future is the recognition of the need for nature sanctuaries of natural indigenous wildlife in our lives. This is so necessary to promote the wonder of childhood, build ecological values, and preserve spaces where all ages can find space for calming, peaceful reflection.

At this present and immediate time the opportunity exists to provide a lasting legacy for future generations who will want to live "where the desert was made to blossom as a rose." This quality of life is part of our heritage. We need to preserve it now.

I have included information on three historically significant aspects of Emigration Creek.

The Big Cottonwood Canal passed through this park area. The cliffs of this canal were our "clay cliffs," a mini-grand canyon enjoyed by all until destroyed by the flooding of 1975 when the present retention dam was built. (A condensed history and map are included.)

Another unique historical feature was the diversion dam and pipeline built to capture water from Hodson Springs and Emigration Creek to provide culinary and irrigation water to the Utah State Penitentiary. This was built in 1910 and functioned until the prison was moved to the Point of the Mountain location in 1951. As a child I played at this "frog pond"dam, as we called it. We often visited with trustees from the prison who came to clean and maintain this site. I drank from these springs of pure, cold, and watercress covered waters. Today this site is under the fill Joe Knowlton brought in to create the open level area of his two acre site and the earth debris pushed over the rim as the houses were built along the eastern edge. (Maps included.) Photos also included of springs 2007 activity.

The third historically significant feature of this project is the Pioneer Trail that followed Emigration Creek along the ridge on the east side of this area, crossing what is now 1700 South and then camping at "The First Encampment," approximately 500 East, on July 22, 1847. Now Rosecrest Drive homes and homes on 1700 East cover this ridge. In my youth this was sheep pasture, sage brush, and tall grasses. (Photo and map included.)

Thank you for your recognition of the need to preserve our city's precious waterways.

Sincerely,

Anne Cannon

Anne Cannon

BIG COTTONWOOD CANAL

As early as October 28, 1849, there was discussion on bringing the waters of the River Jordan and the Little Cottonwood Canal into the city for irrigation purposes. The Stansbury map of 1849 depicts a canal running from the direction of the Cottonwoods toward Salt Lake City. This proposed canal measured a little over six miles in length. In January of 1850, $2,000.00 was appropriated to construct a canal from the channels of Big Cottonwood, Mill, and Little Kanyon Creeks for irrigation and other purposes. This canal was surveyed and ready for labor on May 1, 1852.

No further mention was made of canal building until February 1, 1855, when the Legislative Assembly granted to

> Brigham Young, Isaac Chase and Feramorz Little, and their associates and successors the right to make a canal from Big Cottonwood to Great Salt Lake City and a strip of land one mile wide on the East and a half mile on the West side of the canal for its entire length

This permanent canal was to be constructed to boat granite rock from the Big Cottonwood for Temple construction and the general building up of the city with any surplus water to be used for irrigation. It was hoped to have the canal in readiness for boating rock by June, 1856, and in order to promote the work it was proposed to let out contracts for labor payable in land along the route and credit it to tithing.

David Wilkin was appointed superintendent, and the survey was begun. Faced with an extremely dry season, and the possibility of continued drought, work was pushed forward with vigor. Due to the failure of grass for the teams hauling from the quarry, teamsters, quarrymen and hands from the public works abandoned their skills to work on the canal. By the end of August several sections of the canal were nearing completion; work was progressing rapidly and all of the heavy fills north of Big Kanyon Creek had been let out by contract.

These contracts were mostly given to men on the public works and were on a competitive bid basis.

Labor tithing was also employed extensively and each of the wards was assigned a section of the canal to complete. The records of the wards for this period of time indicate that the wards were supplying men six days a week. The average ward member spent between one half and two days weekly fulfilling the assignments made by the bishop. The bishop was foreman of his assigned section and spent a large part of the week on the job.

Water was turned into the canal for irrigation on June 13, 1856, from Big Cottonwood to Kanyon Creek and was being used for irrigation of the five and ten-acre lots. Labor was continued into 1857 and when Brigham Young visited the head of the Big Canal on March 17, he was pleased with the great amount of work done and expressed a desire that work be continued until the canal was in condition to boat rock for the temple. Work proceeded on the canal until at least March 6, 1858, when the Sixteenth Ward, which had been furnishing workmen since the 2nd of February, 1856, recorded their last labor tithing entry for workers on the Big Cottonwood

1665 - existing [illegible]
1647 - Cannon home

STATE OF UTAH, DIVISION OF WATER RIGHTS

0 110 220 330 440 ft

Water Rights

16 - Intersection of Big Cottonwood Canal & Emigration Creek

● - Hodgson Springs

http://utstnrwrt6.waterrights.utah.gov/cgi-bin/mapserv.exe

Phase III - Undeveloped area of Wasatch Hollow Park

◯ - Photos taken of Emigration Creek where Springs can be seen draining into Emigration Creek (July 17, 2007)

Child walking into dry creekbed To catch the rope

Photo A

View looking south, while standing in the same spot, running water collecting in a pool by fill debris.

↓ Close-up of creek and pool by debris (Photo B)

Photos taken July 11, 2001 by Anne Lemen

Close-up of hillside noted in Photo A

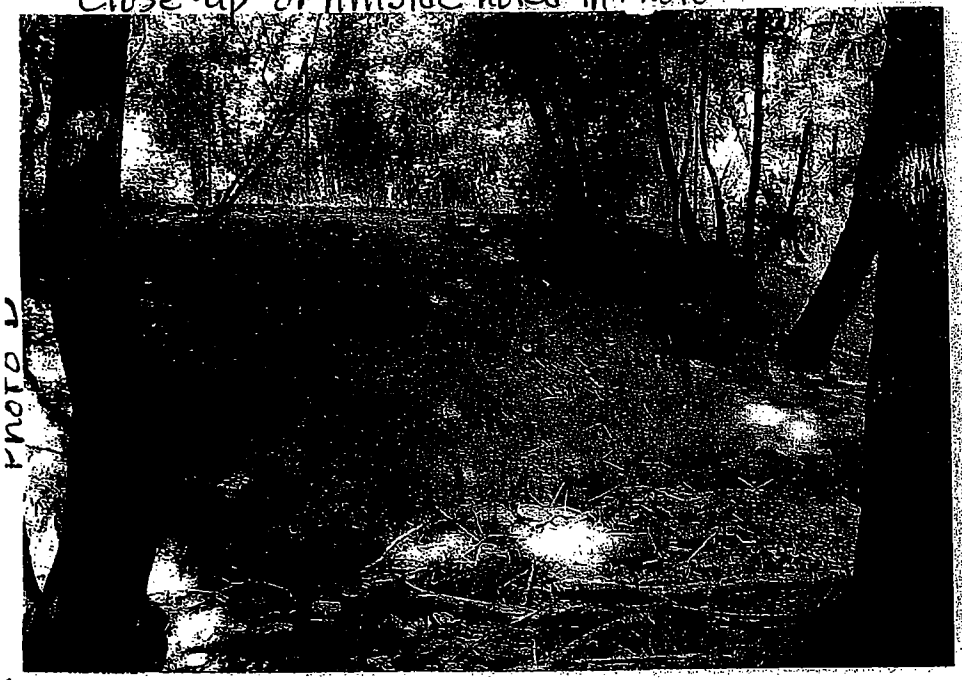


Photo D

Filled hillside on westside of dry creekbed

Close-up of Photo B

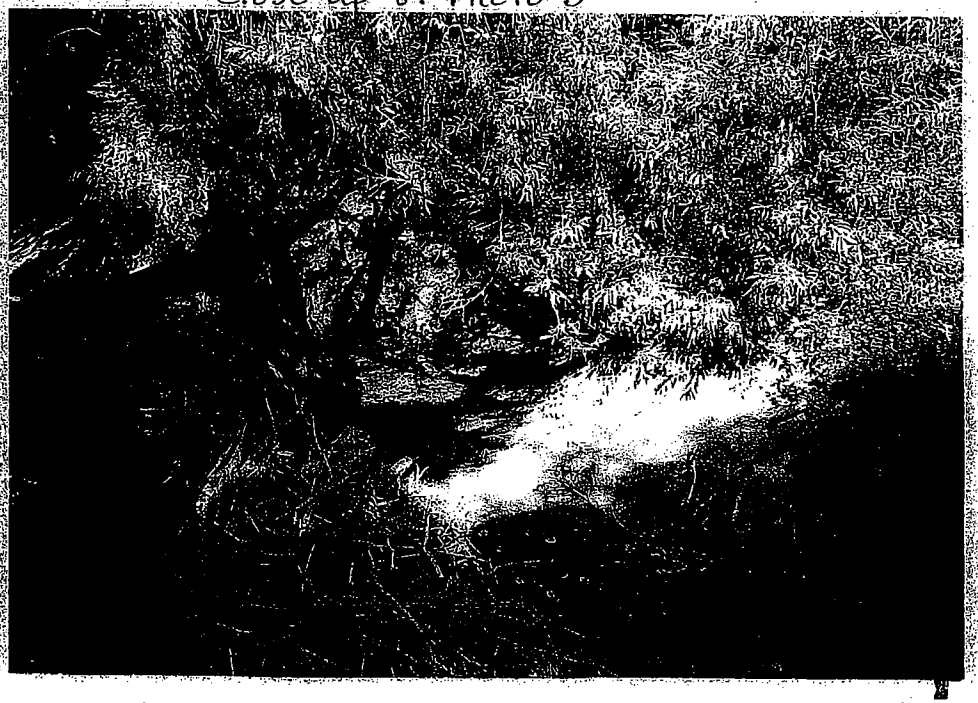
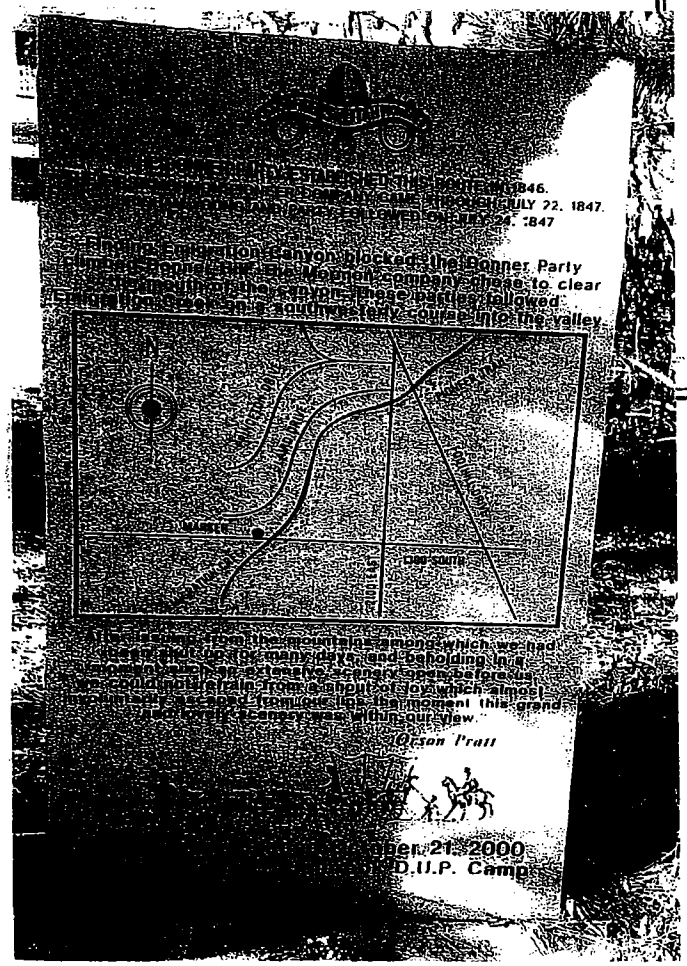


Photo E

Downstream view of creekbed with water in it



Pioneer Trails and Campsites in the Salt Lake Valley

LEGEND

- Pioneer Company, 22-23 July 1847
- Brigham Young, 24 July 1847
- Mormon Battalion, 29 July 1847
- "Emigrant Road", 1850s
- Modern features
- Campsites, 1847

ONE INCH EQUALS APPROXIMATELY 0.72 MILES

South Temple Street
City Ck
300 South Street
23 July
500 South Street
800 South Street
Parley's Ck
West Temple Street
State Street
700 East Street
1100 East Street
1300 East Street
Emigration Ck
1300 South Street
22 July
1700 South Street
500 East Street
2100 South Street
Parley's Ck
Sunnyside Avenue
This is the Place State Park
Emigration Canyon Road
Foothill Drive
2100 East Street
UTAH
CLS Bartos - 19

Canal. The advent of the U.S. Army in 1858 led to the closing of the public works. Official word of the abandonment of the huge project did not come until March 2, 1862, when Brigham Young announced,

> The canal that we started from Big Cottonwood Creek to this city was for the purpose of transporting, material for building the Temple. . . . We have learned some thing in relation to the nature of the soil in which the bed of the canal is made that we did not know before. We pretty much completed that canal, or, in other words we bowed out the cistern, but behold it would not hold water. We have not the time now to make that canal carry water, so we will continue to haul rock with cattle, and when an opportunity presents, we will finish the canal.

This canal as reported in the *Deseret News* was four feet deep and twenty feet wide at the bottom, growing gradually wider as it neared the top, depending upon the nature of the soil through which it passed. It was of ample size and capacity for the purpose of its design.

Bisecting the rolling benchland as it did and terminating in the eastern part of the city, the canal passed over ravines and through hillsides. Terrain of such a pattern provided tremendous difficulties and necessitated the construction of many cuts and fills. In areas where the obstruction was of such huge depth and width to render the making of a fill or cut impractical, the canal would have to circumvent the obstacle. For example, if the canal, which was headed north, approached a deep ravine, which opened toward the west on the downhill side, the canal upon approaching the brink of the ravine would turn into the ravine on the north hillside (eastern end) toward its origin. The canal would gradually flow in this direction until striking the stream bottom, then forming a "V", it would switch back on the side of the hill until breaking the brink of the gully; it would then pursue its original course. To circumvent a high plateau, the same pattern would be followed, only the detour would be to the west.

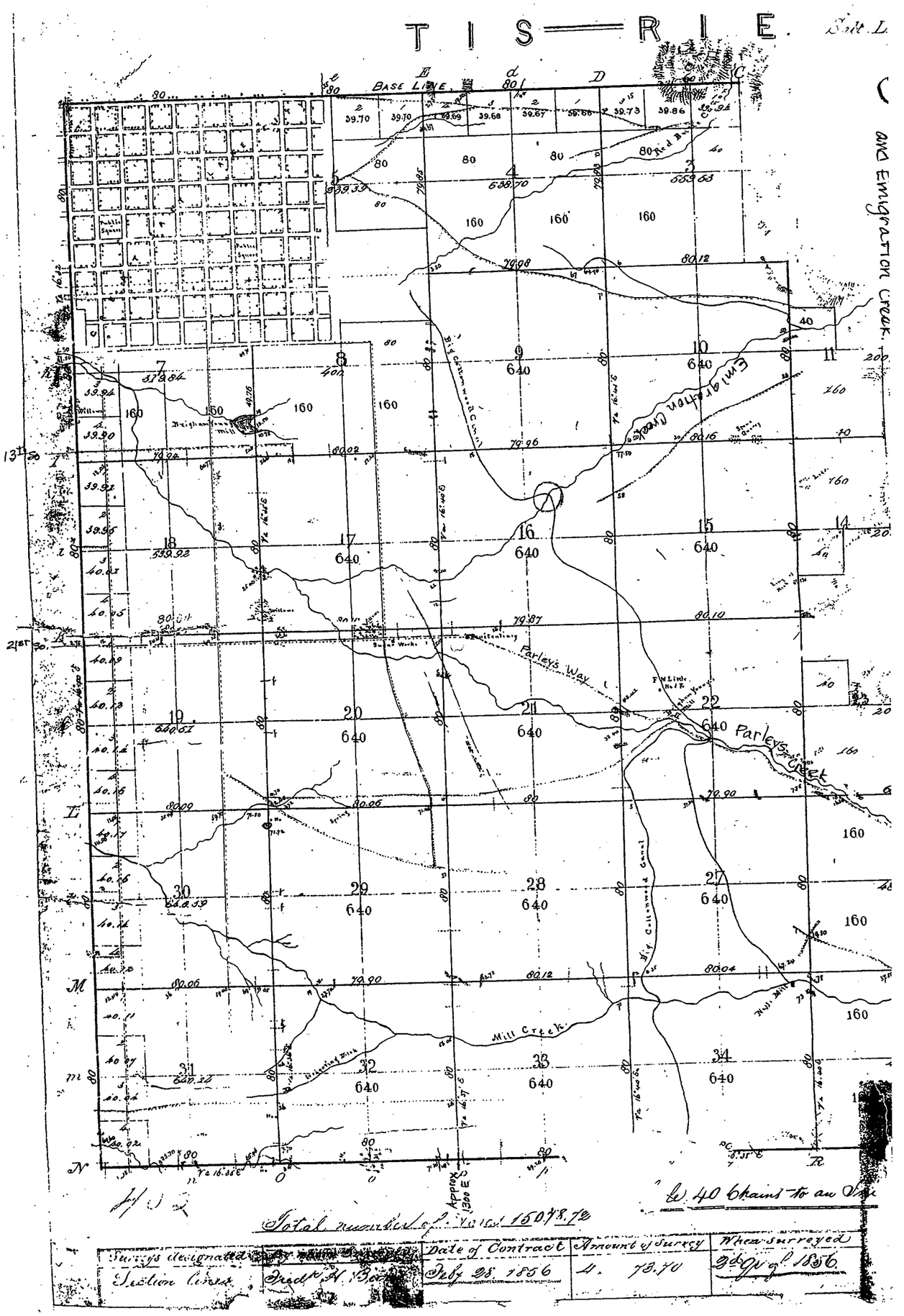
The soil along the canal varies considerably and in some places, as described, it is porous and coarse grained while other areas are full of rocks and so it must have constituted a great deal of labor to excavate such a sizeable canal bed. Some light is shed on the method of construction by W. C. A. Smoot, who worked on the canal.

> The digging proceeded under difficulties. We had only oxen in the way of teams; there were very few horses in these days. We had some plows, but no scrapers at all. Some of the men had shovels; but the majority of the workers had only the ordinary garden spade, and with these implements the old canal was constructed. It was a slow process taking out the dirt plowed up with spades.

As to the final state of completion, the canal was actually constructed from beyond the mouth of the Big Cottonwood on the south, to a point on the flat east of the old tower in the northeastern part of the city; and the water was turned into its length two or three times but as far as the best recollection of those who took part in building the remarkable waterway extension, no boat was ever laden with stone for transportation from the mountain to Salt Lake City.

Thus, after two years of labor, this gigantic project, which the *Salt Lake Tribune* said had cost the Church members $169,000.00 was abandoned, and though sections were later used for irrigation purposes, time and the plow have erased almost every vestige of its course.

THE STORY OF THE SALT LAKE TEMPLE, THE EVERLASTING SPIRES
W. A. Raynor, 1965


T I S — R I E.
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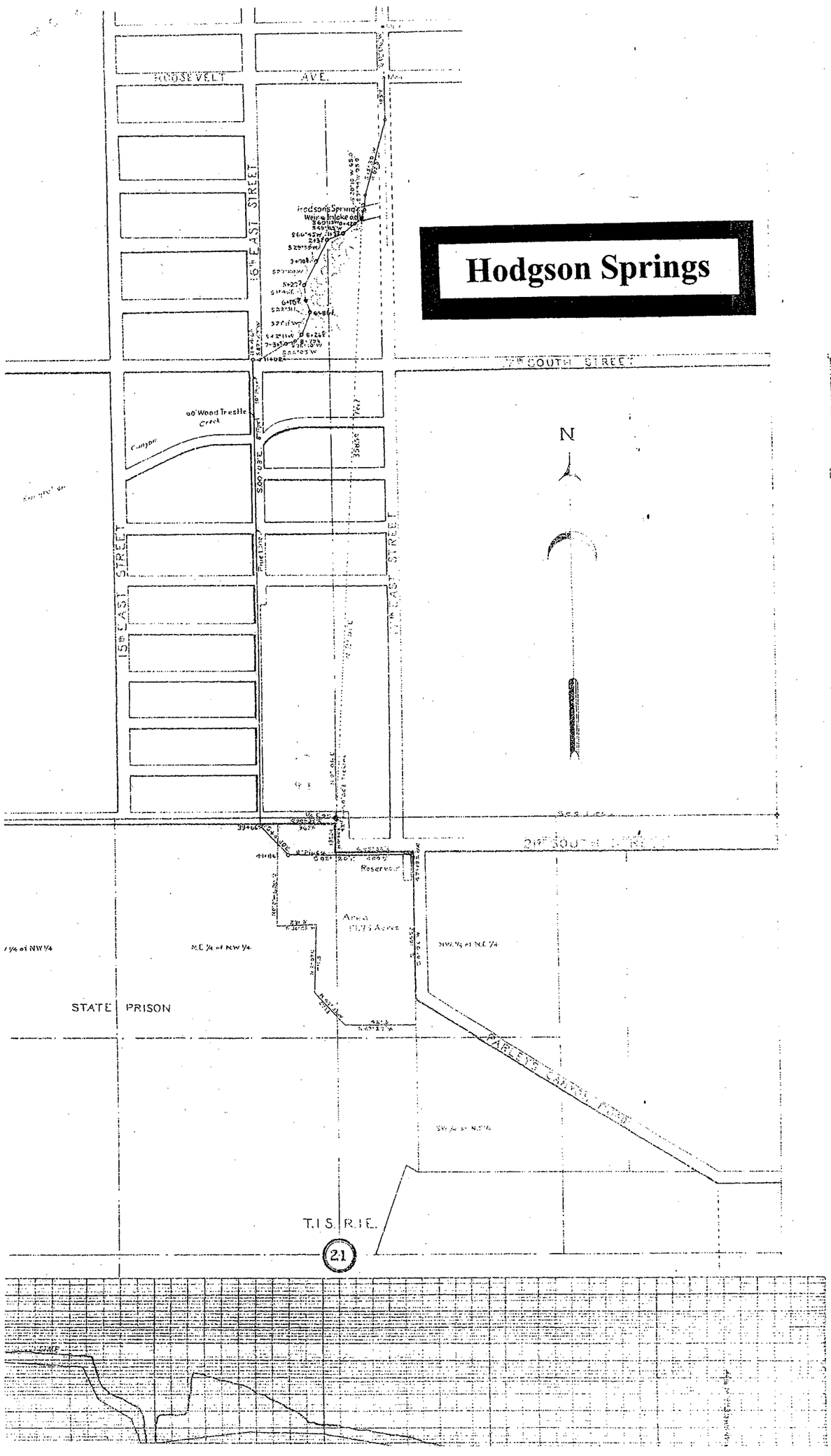

Hodgson Springs
ROOSEVELT AVE.
16th EAST STREET
17th SOUTH STREET
90' Wood Trestle
Creek
Culvert
S.60°10'E.
15th EAST STREET
17th EAST STREET
N
21st SOUTH STREET
Reservoir
Area
(U.P.R.R.) Agency
STATE PRISON
T. 1 S. R. 1 E.
21

ATTACHMENT C

MEMORANDUM

451 South State Street, Room 406
Salt Lake City, Utah 84111
(801) 535-7757

Planning and Zoning Division
Department of Community Development

TO: **Planning Commission**

FROM: **Marilynn Lewis, Principal Planner**

DATE: **September 26, 2007**

SUBJECT: **Petition #400-07-18 Riparian Corridor Overlay District**

Planning Commission Input

Background/Introduction
On July 17, 2007 the Salt Lake City Council issued a six month moratorium and an ordinance enacting temporary land use regulations for non-ephemeral above ground stream corridors. The purpose of this legislation is to minimize erosion, stabilize stream banks, protect water quality, preserve fish and wildlife habitat, as well as preserve aesthetic values of natural watercourses and wetland areas.

Included with this memo is a copy of the changes staff is recommending for the proposed zoning district Section 21A.34.130 RC Riparian Corridor Overlay District, which is the draft for the permanent zoning ordinance as directed by the City Council, as well as changes to Section 21A.34.050 LC The Lowland Conservancy Overlay District. While there will be some similarity with the two zoning districts, it is important to avoid conflict between them with regards to the Jordan River. There is also a copy of the original temporary ordinance.

Considerations
Staff is requesting direction from the Planning Commission on the draft zoning text amendments, before finalizing the analysis. Those specific issues are as follows:

> Do you agree with placing the Jordan River under the new Riparian Corridor Overlay District with the other streams in the City, and removing it from the jurisdiction of the existing Lowlands Conservancy Overlay District?
>
> Conditional Uses are listed in the Lowlands Conservancy Overlay District. However, we have determined that condition uses are not appropriate for the Riparian Corridor Overlay District. If you offer conditional uses you will have to accept them if mitigation is possible. Certain types of potential mitigation (for example armoring of stream banks) is undesirable and staff has listed it as a "prohibited activity". Since large sections along each of these streams runs through urban residential areas, it is staff's professional opinion that by not allowing special situations to occur the City can reduce future negative impacts from in-compatible additions and accessory structures placed too close to the banks of streams on smaller lots.

Please review the attached material and come prepared to discuss these issues with Planning staff.

NOTE: Field trip scheduled to leave at 4:00 p.m.

AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, September 26, 2007 at 5:45 p.m.

Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m., in Room 126. This portion of the meeting is open to the public for observation.

1. **APPROVAL OF MINUTES FROM WEDNESDAY, SEPTEMBER 12, 2007**

2. **REPORT OF THE CHAIR AND VICE CHAIR**

3. **REPORT OF THE DIRECTOR**

4. **OTHER BUSINESS**

   a. **City Creek Center—** Clarification of subsurface parking structures and subsurface structural pedestals for future buildings.

   b. **Petition 400-07-18, Riparian Corridor Overlay**—on July 17 the City Council enacted a moratorium and Temporary Land Use Regulations for Non-ephemeral Above Ground Streambed Corridors. Staff is working on drafts for the ordinance changes and seeks direction from the Planning Commission. No final recommendations will be made on this project at this meeting (Staff—Marilynn Lewis at 535-6409 or marilynn.lewis@slcgov.com).

5. **ISSUES ONLY HEARING**

   a. **Petition 430-07-01, Conditional Building and Site Design Review**— a request by Red Mountain Retail Group for the general redevelopment of the western portion of the Granite Furniture Block in Sugar House located at approximately 2100 South and McClelland Street. This is an Issues Only hearing to consider and discuss the proposed mixed-use redevelopment. Public comment will be taken at this hearing, however no final decision will be rendered by the Planning Commission as a result of the discussion and public comment (Staff—Lex Traughber at 535-6184 or lex.traughber@slcgov.com).

   b. **Petition 430-07-04, Conditional Building and Site Design Review**—a request by Craig Mecham for the general redevelopment of the eastern portion of the Granite Furniture Block in Sugar House located at approximately 2100 South and 1100 East/Highland Drive. This is an Issues Only hearing to consider and discuss the proposed mixed-use redevelopment. Public comment will be taken at this hearing, however no final decision will be rendered by the Planning Commission as a result of the discussion and public comment (Staff—Lex Traughber at 535-6184 or lex.traughber@slcgov.com).

6. **PUBLIC HEARING**

   a. **Petition 400-06-50, Utah Metal Works Street Closure**— a request by Utah Metal Works, at 805 West Everett Avenue, is requesting the city close segments of two roads: a) Everett Avenue from Hot Springs Street to Dexter Street; and b) 800 West from 1500 North to Everett Avenue. The closure will occur in two phases, with the first including only half of the requested Everett Avenue segment and half of the 800 west segment. The second phase will include the remainder of the request. The subject rights-of-way are in the M-2 (Heavy Manufacturing) Zoning District (Staff—Nick Britton at 535-7932 or nick.britton@slcgov.com).

   b. **Petitions 410-07-23, Belmont Downtown Phase II**— a request by Brent Hilton for approval of a 30 unit residential conditional use planned development located at approximately 994 South 200 East. The subject property is located in the Moderate Density Multi Family Residential (RMF-35) Zoning District (Staff—Nick Norris at 535-6173 or nick.norris@slcgov.com).

   c. **Airport Light Rail Transit Line**—UTA is requesting that the Planning Commission forward a positive recommendation to the City Council concerning a proposal by the Utah Transit Authority to build an Airport Light Rail Transit line; including potential track alignment and station locations (Staff—Doug Dansie at 535-6182 or doug.dansie@slcgov.com).

Visit the Planning and Zoning Enforcement Division's website at www.slcgov.com/CED/planning.com for copies of the Planning Commission agendas, staff reports, and minutes. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission.

MEETING GUIDELINES

1. Fill out registration card and indicate if you wish to speak and which agenda item you will address.
2. After the staff and petitioner presentations, hearing swill be opened for public comment. Community Councils will present their comments at the beginning of the hearing.
3. In order to be considerate of everyone attending the meeting, public comments are limited to two (2) minutes per person, per item. A spokesperson who has already been asked by a group to summarize their concerns will be allowed five (5) minutes to speak. Written comments are welcome and will be provided to the Planning Commission in advance of the meeting if they are submitted to the Planning Division prior to noon the day before the meeting. Written comments should be sent to: *Salt Lake City Planning Commission*
   451 South State Street, Room 406
   PO Box 145480
   Salt Lake City UT 84111
4. Speakers will be called by the Chair.
5. Please state your name and your affiliation to the petition or whom you represent at the beginning of your comments.
6. Speakers should address their comments to the Chair. Planning Commission members may have questions for the speaker. Speakers may not debate with other meeting attendees.
7. Speakers should focus their comments on the agenda item. Extraneous and repetitive comments should be avoided.
8. After those registered have spoken, the Chair will invite other comments. Prior speakers may be allowed to supplement their previous comments at this time.
9. After the hearing is closed, the discussion will be limited among Planning Commissioners and Staff. Under unique circumstances, the Planning Commission may choose to reopen the hearing to obtain additional information.
10. Salt Lake City Corporation complies will all ADA guidelines. People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this meeting. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the Planning Office at 535-7757; TDD 535-6220.

On Thursday, September 13, 2007, I personally posted copies of the foregoing notice within the City and County Building at 451 South State Street at the following locations: Planning Division, Room 406; City Council Bulletin Board, Room 315; and Community Affairs, Room 345. A copy of the agenda has also been faxed/e-mailed to all Salt Lake City Public Libraries for posting and to the Salt Lake Tribune and Deseret News.

*Signed*_____
Tami Hansen

STATE OF UTAH)
:SS
COUNTY OF SALT LAKE)

SUBSCRIBED AND SWORN to before me this day September 13, 2007

_____

NOTARY PUBLIC residing in Salt Lake County, Utah

that issue tonight, but staff would be presenting additional information on the alignment at a later date and tonight's meeting would be used to gather additional public comment.

Mr. Shaw noted that initially it was thought that staff would be ready for a recommendation, which is why the petition was set as a public hearing; however, since that time based on the information gathered at the last meeting and other information submitted by UTA, the timeline was pushed back. He mentioned that on October 18, 2007 an open house for the public had been scheduled at the Fair Park regarding this issue.

Petition 400-07-18, Riparian Corridor Overlay—on July 17 the City Council enacted a moratorium and Temporary Land Use Regulations for Non-ephemeral Above Ground Streambed Corridors. Staff is working on drafts for the ordinance changes and seeks direction from the Planning Commission. No final recommendations will be made on this project at this meeting.

(This item was heard at 6:11 p.m.)

Acting Chair Woodhead introduced Marilynn Lewis as staff representative.

Ms. Lewis stated that staff would like direction regarding this petition, and copies of the draft ordinances had been given to the Commission in their packets prior to this meeting. She noted that staff had gathered comments from the public via an open house, and had made note of the conditions and opportunities that they would like to have included through either conditional uses or variances.

Commissioner Forbis noted that he did agree with this petition; however, would like some clarification in regards to the ordinance draft changes. He inquired about what the difference was between leaving in the language concerning the surplus canal and striking out the Jordan River.

Ms. Lewis noted that currently the Low Land Conservancy dealt with all of the surplus canals and a lot of lower areas west of I-215 and the Jordan River, so what staff wanted to do was include the Jordan River in with the new ordinance and take it out of the old ordinance, so that there were not conflicting district zoning issues.

Commissioner Forbis read from page 2 of the ordinance regarding adequate assurances that had been received, in section E part 3.

Ms. Lewis noted that the Low Land Conservancy was as it exists right now, and the only thing staff was proposing to do to that was to take out the Jordan River.

Commissioner Forbis noted that in the suggested final copy of the ordinance the arborist's involvement in the ordinance was non-existent.

Ms. Lewis noted that its exists in the ordinance currently involved conditional uses that allowed different activities to happen in that area, therefore staff was not proposing that the arborist take on that load.

Commissioner Forbis stated that he suggested that staff should involve the arborist.

Commissioner Scott noted that she would like Commissioner Forbis to further explain his suggestion.

Commissioner Forbis stated that in the draft there was an approval process for the City's arborist regarding trees and other landscaping features, but the draft changes to the Low Land Conservancy Overlay did not include that language, therefore he was suggesting that staff make that consideration in the document. He also noted that in both documents there was not language in regards to developments facing the river, and he felt that would help create a sense of

ownership, which tends to proliferate. He stated that if the businesses rear faced the river it would be more likely to throw waste into the back of the property that might bleed into the river; however, if there was a development that faced the river there was a tendency to take ownership of what was in front of them.

Ms. Lewis noted that there were not specific projects that were being reviewed at this time.

Commissioner Forbis stated that he was only suggesting language that would encompass a development accepting ownership of their placement along the river.

Commissioner Scott inquired about the public input that was received at the open house.

Ms. Lewis noted that many comments received involved people wanting to be able to remove debris without going through a process. They wanted to be able to pull debris out of the river and be able to expand their outdoor living areas; for example, decks and gardens. They also wanted some formal process that they could go through if they could not meet the requirements.

Commissioner Scott inquired about what would constitute an accessory structure in the area, and if this language would be followed up in the final ordinance.

Ms. Lewis noted that there would be a follow up of the language, and asked if the Commission would be okay with allowing decks in the non-buildable area.

Commissioner Scott inquired if a deck would be allowed in the 25-50 foot area from the river.

Ms. Lewis stated that it would not be because any building structure would be allowed only in the 50-100 foot area.

Commissioner McHugh inquired if staff was asking if a deck could go in that 25-50 foot area.

Ms. Lewis noted that was correct.

Commissioner McHugh noted that her thought was no, because than there would be an encroachment upon the non-buildable area.

Commissioner De Lay noted that this ordinance could be used to rethink building along the Jordan River. She inquired how this applied to State and Federal law.

Ms. Lewis noted that currently if you were going to do something in the stream itself, you would have to deal with the State.

Commissioner De Lay inquired, for example, if an applicant wanted to put in a mooring area for canoes; would that be allowed.

Ms. Lewis stated that would not be allowed.

Commissioner De Lay inquired if staff was working with State and/or Federal riparian laws.

Ms. Lewis noted that staff was making sure to not come into conflict with both of those, but the City did not have any regulation in regards to the other streams.

Commissioner Muir inquired of staff, what exactly they expected of the Commission tonight.

Ms. Lewis noted that staff wanted to know what the Commission would like to see included in the ordinance before it comes before them.

Commissioner Muir noted that he supported staffs two concerns. He stated that he did not think that conditional use should be part of the criteria, since there is no mechanism in managing them, and he agreed with the exclusion of the Jordan River.

Commissioner McDonough agreed with Commissioner Muir along with Acting Chair Woodhead.

Ms. Lewis noted that staff would take the information the Commission had given and do an analysis and before it was brought back before them for a hearing process. She noted that this was a moratorium so it was being moved at a very fast pace.

Commissioner McDonough inquired about background information more than just text and the ordinance in terms of studies conducted in the past or existing master plans.

Ms. Lewis noted that riparian, erosion, and storm water management issues have been briefly mentioned in different master plans and that this would involve different zones, which is why it is being considered as an overlay.

Commissioner De Lay noted that she would like a map of the area affected by this moratorium.

Commissioner Muir noted that the map should reflect the existing structures along with the underlying zones so the Commission could get a feel for how many non-compliant structures would be created.

Ms. Lewis noted that she was not sure how a map could be created, due to the size of the area.

Commissioner Muir noted that an aerial overlay would help to see the magnitude of impact on adjourning neighborhoods.

Acting Chair Woodhead noted that she did have one comment card from the public and invited Cindy Cromer to the table.

Ms. Cromer suggested different options regarding the Riparian Corridor Overlay for the Commission to review.

Anne Cannon (1647 Kensington Avenue) stated that she was in favor of this petition.

Mr. Shaw stated that obviously if this ordinance was passed it would affect a lot of private property, but it was not geared toward a specific property, and allowed the City to protect all of its private waterways.

ISSUES ONLY HEARING

Petition 430-07-01, Conditional Building and Site Design Review— a request by Red Mountain Retail Group for the general redevelopment of the western portion of the Granite Furniture Block in Sugar House located at approximately 2100 South and McClelland Street. This is an Issues Only hearing to consider and discuss the proposed mixed-use redevelopment. Public comment will be taken at this hearing; however no final decision will be rendered by the Planning Commission as a result of the discussion and public comment.

Petition 430-07-04, Conditional Building and Site Design Review—a request by Craig Mecham for the general redevelopment of the eastern portion of the Granite Furniture Block in Sugar House located at approximately 2100 South and 1100 East/Highland Drive. This is an Issues Only hearing to consider and discuss the proposed mixed-use redevelopment. Public comment will be taken at this hearing; however no final decision will be rendered by the Planning Commission as a result of the discussion and public comment.

ATTACHMENT D

DRAFT

21A.34.130 RCO RIPARIAN CORRIDOR OVERLAY

A. Purpose Statement. The purpose of the Riparian Corridor Overlay is to minimize erosion and stabilize stream banks, improve water quality, preserve fish and wildlife habitat, moderate stream temperatures, reduce potential for flood damage, as well as preserve the natural aesthetic value of streams and wetland areas of the City. This overlay provides protection for all stream corridors and wetlands east of the Interstate 215 Highway and includes City Creek, Red Butte Creek, Emigration Creek, the Jordan River and Parleys Creek and their tributaries. Canals and irrigation ditches are not included. The requirements of this District shall supplement other applicable codes and regulations, including State and Federal regulations and the Salt Lake City Floodplain Ordinance.

B. Delineations:

Boundaries and Delineations shall be performed by a licensed professional Civil or Hydraulic Engineer, Landscape Architect, Hydrologist, Fluvial Geomorphologist or equivalent environmental science professionals. All delineations are subject to the approval of the Public Utilities Director.

The Riparian Corridor shall be delineated at the annual high water level on the bank taking into consideration the characteristics of the surrounding area. Where the annual high water level cannot be found, the top of the channel bank may be substituted under the approval of the SLC Public Utilities Director or his designee. The Army Corps of Engineers must approve wetland delineations prior to submittal to the Public Utilities Director. If a wetland occurs within and extends beyond the 100 feet or the Riparian Corridor, the outermost edge of the wetland will determine the outer edge of the Riparian Corridor.

C. Minimum Setbacks for New Construction, Additions and Accessory Structures.

The following minimum setbacks shall be required within the Riparian Corridor:

1. **Riparian Corridor** is a one hundred (100) foot transition buffer measured from the Annual High Water Level of the adjacent water course and/or wetland. No leach fields, storm water retention ponds, detention basins or commercial parking lots shall be located within the Riparian Corridor. Permitted activities and the responsible agency are listed in 21A.34.131 Table Of Permitted Activities Within the Riparian Corridor and 21A.34.132 Illustration - A. No person/organization shall engage in any activity that will disturb, remove, fill, dredge, clear, destroy, armor, terrace or alter this area through manipulation of soil vegetation, or other material except by authorization from 1) Salt Lake City Public Utilities Director, 2) U.S. Army Corps of Engineers where and when applicable.

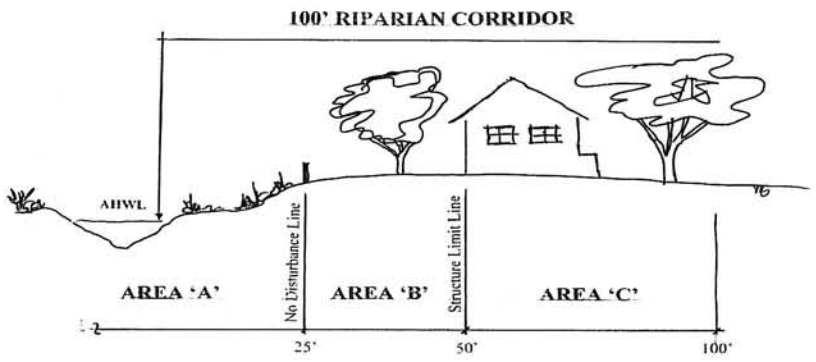
a. **No Disturbance Line** is measured twenty-five feet (25) from the AHWL. This is the outermost limit that prohibits disturbance of any kind. No wooden or metal chain link fencing shall be closer than twenty-five (25) feet horizontally to the annual high water level. Planting beyond this point must be native non-invasive vegetation and must be approved by the Public Utilities Director and the Urban Forester.

b. **Structure Limit Line** is measured fifty feet (50) from the AHWL. This delineates the limit where any type of construction (landscape walls, additions, accessory structures or new development) can occur. (See sections 21A.34.131 and Illustration -A)

2. The foot print of any existing structure can be retained for new construction, as long as armoring of the stream bank is not required, there is no instability due to movement of a steep slope, unstable soils or geological activity along a fault has not occurred and caused changes to the ground that are so severe it will not support the previous structural foot print. (Section 21A.34.130.D – Prohibited Activities)

3. If the Riparian Corridor Overlay District creates an undue hardship on a property due to unforeseen application of this title, the property owner may go before the Board of Adjustment for a Variance. All variance requests must be reviewed by the Director of Public Utilities for recommendation to the Board of Adjustment. (See Section 21A.18.010 Variances)

ILLUSTRATION - A



21A.34.131 Table of Permitted Activities Within The Riparian Corridor Overlay District			
Use	**Area A**	**Area B**	**Area C**
All leach fields, storm water retention ponds, detention basins and parking lots			
New principal buildings, additions and accessory structures			X
Walls			X
Wooden or metal chain link fencing		X	X
Decks with footings Maximum 18" above grade		X	X

Patios (slab/pavers on grade)			X
Site grading			X
Minimal grading, surface vegetation, vegetable gardens		X	X
Manual removal of storm debris by property owner	X[2]	X	X
Pruning or removal of trees along utility easements	X[1]	X	X
Compost from yard debris		X[2]	X[2]
Removal of invasive plants or re-vegetation projects	X[1]		

Area A – is located by measuring from the AHWL 25 feet to establish the No Disturbance Line. In this area no structures or fencing are allowed and the planting or removal of vegetation must be approved by the Urban Forester and Public Utilities. (Section 21A.34.130.H Riparian Plan);

Area B – is located between the 50 foot Structure Limit Line and the 25 foot No Disturbance Line, minimal grading, fencing and surface vegetation is allowed;

Area C – the outermost area of the Riparian Corridor at 100 feet from the 50 foot Structure Limit Line. In this area structures, major site grading and ornamental plants are allowed.

D. Steep Slopes and Soil Stability Standards. The Public Utilities Director can require a geotechnical report and impose greater setbacks for structures or buildings from the Structure Limit Line to ensure safety. Proposed projects will be reviewed on an individual basis. When unstable soils are suspected regardless of the slope, the Public Utilities Director may require a geotechnical report, increase the No Disturbance Line as well as impose greater setbacks for structures or buildings from the Structure Limit Line to ensure safety. Proposed projects will be reviewed on an individual basis.

E. Riparian Plan Standards. In addition to the standard drawings for permit review, a Riparian plan shall also be submitted for review by the Public Utilities Department. An applicant must have a Development Plan approved by the Public Utilities Department (and the Urban Forester for plant material) before a permit can be issued.

1. Plans shall be at a scale of 1"= 20'minimum. Sections requiring a horizontal and vertical scale shall be equal (example: Horizontal 1"=10', Vertical 1"=10').
2. All site plans shall have existing and proposed grades with two (2) foot contour intervals.
3. Native vegetation should be identified by location, type and size. The proposed removal of invasive vegetation must also be identified.
4. Cross section drawings showing the riparian corridor, building setbacks and location of proposed structures.
5. 100 year flood plain, geological faults, high liquefaction areas and slopes 30% or greater must all be identified.

6. The applicant shall also submit any geotechnical or hydrological reports required as determined by the Public Utilities Department.
7. Habitat of any threatened or endangered species of aquatic and terrestrial flora or fauna shall be identified on the plan.

F. Definitions.

1. **Annual High Water Level (AHWL)** - Annual high water level means the highest level water reaches annually, on average on the shore and is identified by: fresh silt or sand deposits, the presence of litter and debris, or other characteristics indicative of high water levels.
2. **Armoring** – A protective covering of a stream's bed or banks with erosion-resistant material such as rock, concrete or stone filled gabion baskets. Armoring increases the stream flow velocity, which causes further damage on opposite down stream banks. Armoring can increase water temperatures, which affects riparian habitat and water quality.
3. **Stream** – A flowing body of water confined within a defined bed and banks. Streams may have continuous or periodic flow. Streams are important as conduits in the water cycle, instruments in aquifer recharge, and corridors for fish and wildlife migration. Stream is also an umbrella term used in the scientific community for all flowing natural waters, regardless of size (brook, creek, kill, rill, or run). Streams include intermittent or seasonal waterbodies, which exist for long periods, but not all year round They do not include Ephemeral creeks, streams, rivers, ponds or lakes that only exists for a few days following precipitation or snowmelt.
4. **Wetland** –Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands must be delineated by the Army Corps of Engineers (ACOE).

ATTACHMENT E

DRAFT CHANGES

21A.34.050 LC Lowland Conservancy Overlay District:

A. Purpose Statement: It is the purpose of this District to promote the public health, safety and general welfare of the present and future residents of the City and downstream drainage areas by providing for the protection, preservation, proper maintenance, and use of the City's watercourses, lakes, ponds, floodplain and wetland areas. The requirements of this District shall supplement other applicable codes and regulations, including State and Federal regulations and the Salt Lake City Floodplain Ordinance.

B. Lowland Protection Areas: Areas protected by the LC Lowland Conservancy Overlay District encompass areas consisting of waterbodies such as streams, lakes, ponds and wetlands west of Interstate 215, as identified on the Zoning Map, and also ~~the Jordan River and~~ the Surplus Canal. These areas are referred to herein as lowland protection areas.

C. Lowland Protection Area Standards:

1. Setback Required: A nonbuildable setback area around the waterbodies described in subsection B of this Section above shall be required. The nonbuildable setback shall be fifty feet (50') for nonresidential uses and twenty five feet (25') for residential uses from the boundary line of the LC Lowland Conservancy Overlay District as identified on the Zoning Map, or from the banks of the ~~Jordan River or~~ Surplus Canal.

2. Permitted Uses: No development or improvement to land shall be permitted within the limits of a waterbody. Within the setback area identified in subsection C1 of this Section, permitted uses shall be limited to the following, subject to the other requirements of this District.

a. Agricultural uses, provided such uses are permitted in the underlying district and do not involve any grading, earthmoving, modification of site hydrology, removal of wetland vegetation or construction of permanent buildings/structures;

b. Open space and recreational uses that do not involve any grading, earthmoving, modification of site hydrology, removal of wetland vegetation or construction of permanent buildings/structures.

3. Conditional Uses: Within the limits of a waterbody, conditional uses shall be limited to those involving only limited filling, excavating or modification of existing hydrology, as listed below:

a. Boat launching ramps;

b. Swimming beaches;

c. Public and private parks including wildlife and game preserves, fish and wildlife improvement projects, and nature interpretive centers;

d. Boat docks and piers;

e. Roads and bridges;

f. Observation decks and walkways within wetlands;

g. Repair or replacement of existing utility poles, lines and towers; and

h. Watercourse relocation and minor modifications.

Within the setback area, conditional uses shall be limited to the following.

a. All uses listed above;

b. Stormwater drainage and detention facilities;

c. Pedestrian paths and trails; and

d. Public and private open space that requires grading or modification of site hydrology.
4. Natural Vegetation Buffer Strip: A natural vegetation strip shall be maintained along the edge of the stream, lake, pond or wetland to minimize erosion, stabilize the streambank, protect water quality, maintain water temperature at natural levels, preserve fish and wildlife habitat, to screen manmade structures, and also to preserve aesthetic values of the natural watercourse and wetland areas. Within the twenty five foot (25') natural vegetation strip, no buildings or structures (including paving) may be erected, except as allowed by conditional use. However, normal repair and maintenance of existing buildings and structures shall be permitted. The natural vegetation strip shall extend landward a minimum of twenty five feet (25') from the ordinary high water mark of a perennial or intermittent stream, lake or pond and the edge of a wetland. The natural vegetation strip may be interrupted to provide limited access to the waterbody.
Within the natural vegetation strip, trees and shrubs may be selectively pruned or removed for harvest of merchantable timber, to achieve a filtered view of the waterbody from the principal structure and for reasonable private access to the stream, lake, pond or wetland. Said pruning and removal activities shall ensure that a live root system stays intact to provide for streambank stabilization and erosion control.
5. Landscape Plan Required: A landscape plan shall be submitted with each conditional use permit application for development activity within the LC Lowland Conservancy Overlay District and contain the following:
a. A plan describing the existing vegetative cover of the property and showing those areas where the vegetation will be removed as part of the proposed construction;
b. A plan describing the proposed revegetation of disturbed areas specifying the materials to be used. The vegetation must be planned in such a way that access for stream maintenance purposes shall not be prevented and should be reviewed by the Urban Forester; and
c. Such a plan shall be in conformance with the requirements of Part IV, Chapter 21A.48 of this Title.
D. State And Federal Permits Required: A conditional use shall not be granted unless the applicant has first obtained a section 404 permit from the Army Corps of Engineers and a stream alteration permit from the Utah State Department of Natural Resources, Water Rights Division, as applicable.
E. Conditional Use Standards: In addition to demonstrating conformance with the conditional use standards contained in Part V, Chapter 21A.54 of this Title, each applicant for a conditional use within the LC Lowland Conservancy Overlay District must demonstrate conformance with the following standards:
1. The development will not detrimentally affect or destroy natural features such as ponds, streams, wetlands, and forested areas, nor impair their natural functions, but will preserve and incorporate such features into the development's site;
2. The location of natural features and the site's topography have been considered in the designing and siting of all physical improvements;
3. Adequate assurances have been received that the clearing of the site topsoil, trees, and other natural features will not occur before the commencement of building operations; only those areas approved for the placement of physical improvements may be cleared;

4. The development will not reduce the natural retention storage capacity of any watercourse, nor increase the magnitude and volume of flooding at other locations; and that in addition, the development will not increase stream velocities;
5. The soil and subsoil conditions are suitable for excavation and site preparation, and the drainage is designed to prevent erosion and environmentally deleterious surface runoff;
6. The proposed development activity will not endanger health and safety, including danger from the obstruction or diversion of flood flow;
7. The proposed development activity will not destroy valuable habitat for aquatic or other flora and fauna, adversely affect water quality or groundwater resources, increase storm water runoff velocity so that water levels from flooding increased, or adversely impact any other natural stream, floodplain, or wetland functions, and is otherwise consistent with the intent of this Title;
8. The proposed water supply and sanitation systems are adequate to prevent disease, contamination and unsanitary conditions; and
9. The availability of alternative locations not subject to flooding for the proposed use.
(Ord. 26-95 § 2(17-4), 1995)

ATTACHMENT E

21A.34.050 LC Lowland Conservancy Overlay District:

A. Purpose Statement: It is the purpose of this District to promote the public health, safety and general welfare of the present and future residents of the City and downstream drainage areas by providing for the protection, preservation, proper maintenance, and use of the City's watercourses, lakes, ponds, floodplain and wetland areas. The requirements of this District shall supplement other applicable codes and regulations, including State and Federal regulations and the Salt Lake City Floodplain Ordinance.

B. Lowland Protection Areas: Areas protected by the LC Lowland Conservancy Overlay District encompass areas consisting of waterbodies such as streams, lakes, ponds and wetlands west of Interstate 215, as identified on the Zoning Map, and also ~~the Jordan River and~~ the Surplus Canal. These areas are referred to herein as lowland protection areas.

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1. Setback Required: A nonbuildable setback area around the waterbodies described in subsection B of this Section above shall be required. The nonbuildable setback shall be fifty feet (50') for nonresidential uses and twenty five feet (25') for residential uses from the boundary line of the LC Lowland Conservancy Overlay District as identified on the Zoning Map, or from the banks of the ~~Jordan River or~~ Surplus Canal.

2. Permitted Uses: No development or improvement to land shall be permitted within the limits of a waterbody. Within the setback area identified in subsection C1 of this Section, permitted uses shall be limited to the following, subject to the other requirements of this District.

a. Agricultural uses, provided such uses are permitted in the underlying district and do not involve any grading, earthmoving, modification of site hydrology, removal of wetland vegetation or construction of permanent buildings/structures;

b. Open space and recreational uses that do not involve any grading, earthmoving, modification of site hydrology, removal of wetland vegetation or construction of permanent buildings/structures.

3. Conditional Uses: Within the limits of a waterbody, conditional uses shall be limited to those involving only limited filling, excavating or modification of existing hydrology, as listed below:

a. Boat launching ramps;

b. Swimming beaches;

c. Public and private parks including wildlife and game preserves, fish and wildlife improvement projects, and nature interpretive centers;

d. Boat docks and piers;

e. Roads and bridges;

f. Observation decks and walkways within wetlands;

g. Repair or replacement of existing utility poles, lines and towers; and

h. Watercourse relocation and minor modifications.

Within the setback area, conditional uses shall be limited to the following.

a. All uses listed above;

b. Stormwater drainage and detention facilities;

c. Pedestrian paths and trails; and

d. Public and private open space that requires grading or modification of site hydrology.
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Within the natural vegetation strip, trees and shrubs may be selectively pruned or removed for harvest of merchantable timber, to achieve a filtered view of the waterbody from the principal structure and for reasonable private access to the stream, lake, pond or wetland. Said pruning and removal activities shall ensure that a live root system stays intact to provide for streambank stabilization and erosion control.
5. Landscape Plan Required: A landscape plan shall be submitted with each conditional use permit application for development activity within the LC Lowland Conservancy Overlay District and contain the following:
a. A plan describing the existing vegetative cover of the property and showing those areas where the vegetation will be removed as part of the proposed construction;
b. A plan describing the proposed revegetation of disturbed areas specifying the materials to be used. The vegetation must be planned in such a way that access for stream maintenance purposes shall not be prevented and should be reviewed by the Urban Forester; and
c. Such a plan shall be in conformance with the requirements of Part IV, Chapter 21A.48 of this Title.
D. State And Federal Permits Required: A conditional use shall not be granted unless the applicant has first obtained a section 404 permit from the Army Corps of Engineers and a stream alteration permit from the Utah State Department of Natural Resources, Water Rights Division, as applicable.
E. Conditional Use Standards: In addition to demonstrating conformance with the conditional use standards contained in Part V, Chapter 21A.54 of this Title, each applicant for a conditional use within the LC Lowland Conservancy Overlay District must demonstrate conformance with the following standards:
1. The development will not detrimentally affect or destroy natural features such as ponds, streams, wetlands, and forested areas, nor impair their natural functions, but will preserve and incorporate such features into the development's site;
2. The location of natural features and the site's topography have been considered in the designing and siting of all physical improvements;
3. Adequate assurances have been received that the clearing of the site topsoil, trees, and other natural features will not occur before the commencement of building operations; only those areas approved for the placement of physical improvements may be cleared;

4. The development will not reduce the natural retention storage capacity of any watercourse, nor increase the magnitude and volume of flooding at other locations; and that in addition, the development will not increase stream velocities;
5. The soil and subsoil conditions are suitable for excavation and site preparation, and the drainage is designed to prevent erosion and environmentally deleterious surface runoff;
6. The proposed development activity will not endanger health and safety, including danger from the obstruction or diversion of flood flow;
7. The proposed development activity will not destroy valuable habitat for aquatic or other flora and fauna, adversely affect water quality or groundwater resources, increase storm water runoff velocity so that water levels from flooding increased, or adversely impact any other natural stream, floodplain, or wetland functions, and is otherwise consistent with the intent of this Title;
8. The proposed water supply and sanitation systems are adequate to prevent disease, contamination and unsanitary conditions; and
9. The availability of alternative locations not subject to flooding for the proposed use.
(Ord. 26-95 § 2(17-4), 1995)

ATTACHMENT F

SALT LAKE CITY ORDINANCE
No. _____ of 2007

(An Ordinance Enacting Temporary Land Use Regulations
for Non-ephemeral Above Ground Streambed Corridors)

AN ORDINANCE ENACTING TEMPORARY LAND USE REGULATIONS FOR NON-EPHEMERAL ABOVE GROUND STREAMBED CORRIDORS

WHEREAS, Section 10-9a-504 of the Utah Code allows cities, without a public hearing, to enact ordinances establishing temporary land use regulations for any part or all of the City if the City Council makes a finding of compelling, countervailing public interest; and

WHEREAS, Section 10-9a-504 of the Utah Code allows the City in a temporary land use regulation to prohibit or regulate the erection, construction, reconstruction or alteration of any building or structure; and

WHEREAS, under the Salt Lake City Zoning Code, adopted in 1995, only a limited number of the City's watercourses, lakes, ponds, floodplains and wetland areas are designated as lowland protection areas protected by the Lowland Conservancy Overlay District; and

WHEREAS, protection and preservation of streambed corridors within the City promotes the public health, safety and general welfare of present and future City residents; and

WHEREAS, due to escalating land values and increasing development pressures throughout the City, the City Council is concerned that current City zoning regulations, particularly relating to development setbacks within streambed corridors, are insufficient to adequately protect and preserve the City's streambed corridors; and

WHEREAS, the City finds that is necessary to establish temporary non-buildable setback requirements to protect streambed corridors while the City evaluates the current zoning regulations and requirements to determine what level of protection is required in light of current

development pressures; and

WHEREAS, the City finds that these temporary land use regulations will minimize erosion, stabilize stream banks, protect water quality, preserve fish and wildlife habitat, and preserve aesthetic values of natural watercourses and wetlands areas; and.

WHEREAS, the City finds that the need to provide greater protection for streambed areas constitutes a compelling, countervailing public interest which justifies a temporary land use regulation; and

WHEREAS, the City Council finds that the City's interest in adopting these temporary land use regulations outweighs any private interest in developing under other existing standards;

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Finding of compelling, counter-veiling public interest. Pursuant to Section 10-9a-504, Utah Code Ann., the City Council expressly finds that protecting stream bed corridors and other lowland protection areas from increasing development pressures constitutes a compelling, countervailing public interest sufficient to justify these temporary land use regulations.

SECTION 2. Balancing of Public vs. Private Interests. The City Council further finds that any harm to private interests is *de minimus* and is outweighed by the City's interest in protecting and preserving the City's streambed corridors and lowland protection areas while the City Council reviews and evaluates changes to the current zoning requirements. The City Council finds that any land use application for any subdivision, permit or other land use approval on any property located adjacent to any non-ephemeral above ground stream bed corridor or located adjacent to any Lowland Conservancy Overlay District that has not received final

approval from the City prior to 5:00 p.m. on July 17, 2007, in full compliance with existing zoning regulations, other City ordinances and requirements applicable to new construction, have no right to develop under the existing regulations but are instead subject to this temporary land use regulation.

SECTION 3. Temporary zoning regulations. Notwithstanding any other ordinance which the City Council may have adopted which may provide otherwise, during the period of this temporary land use regulation, any development, modification, alteration or enlargement of any building or structure on property located adjacent to any non-ephemeral streambed corridor, or located adjacent to any Lowland Conservancy Overlay District, shall not be accepted, processed or approved without a minimum 100 foot setback measured from the top of the stream bank.

SECTION 4. Boundaries. This temporary land use regulation shall apply to all properties located adjacent to any non-ephemeral above ground stream bed corridor or adjacent to the Lowland Conservancy Overlay District.

SECTION 5. Exemptions. This temporary land use regulation shall not apply to the construction, installation, modification, alteration or enlargement of fences located adjacent to any non-ephemeral streambed corridor, or location adjacent to any Lowland Conservancy Overlay District, which shall continue to be subject to existing minimum setback requirements.

SECTION 6. Duration. These temporary land use regulations shall remain in effect for a period of six months from the effective date of this ordinance, or until the effective date of the City Council's action adopting revisions to the city's zoning regulations concerning streambed corridors and the Lowland Conservancy Overlay District, whichever occurs first.

SECTION 7. Effective date. This ordinance shall become effective upon publication.

August

Passed by the City Council of Salt Lake City, Utah, this _____ day of July, 2007.

_____
CHAIRPERSON

ATTEST:

_____
CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____Approved. _____Vetoed.

_____
MAYOR

ATTEST:

_____
CHIEF DEPUTY CITY RECORDER

(SEAL)

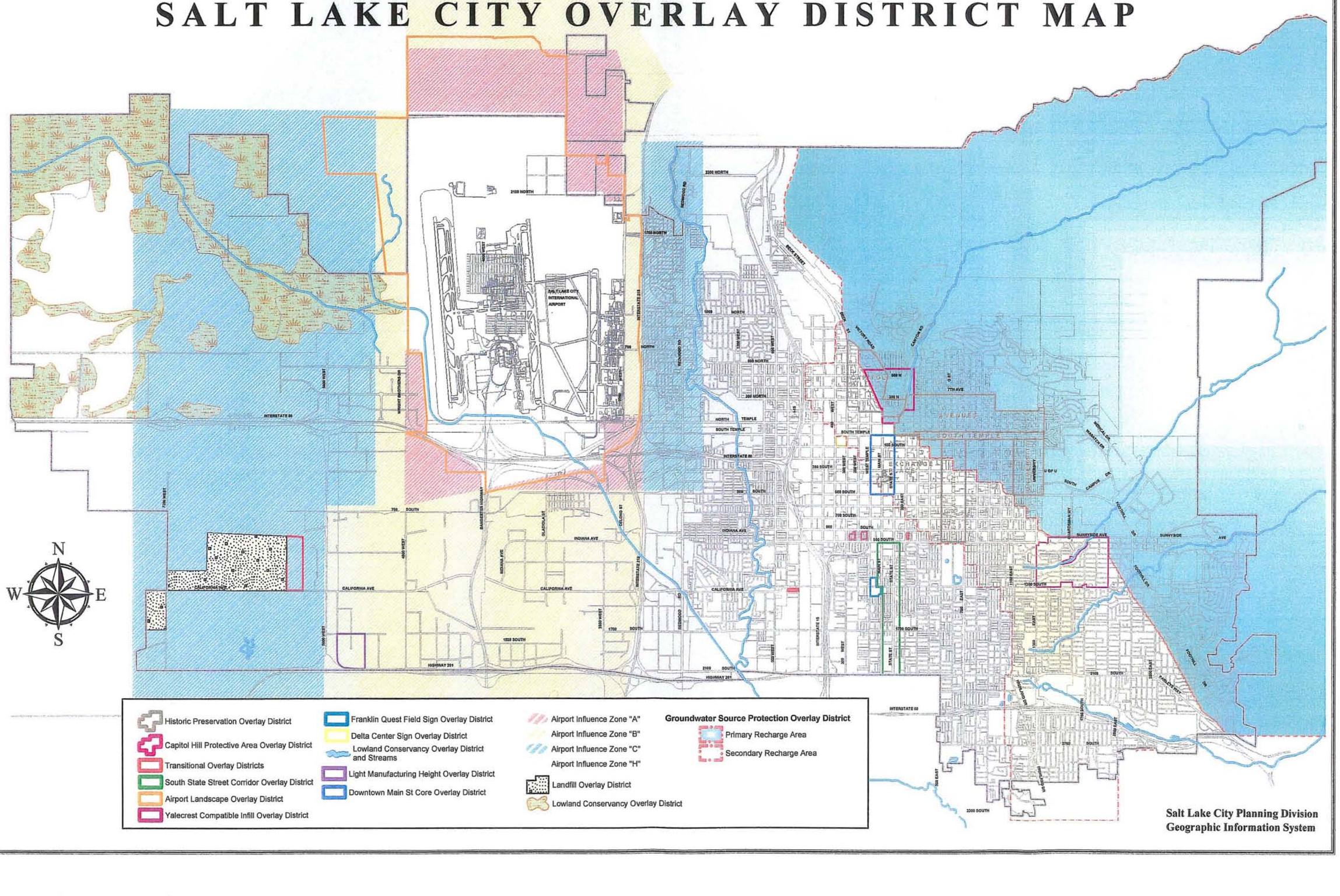
Bill No. _____ of 2007.
Published: _____.

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date 7/18/07
By _____

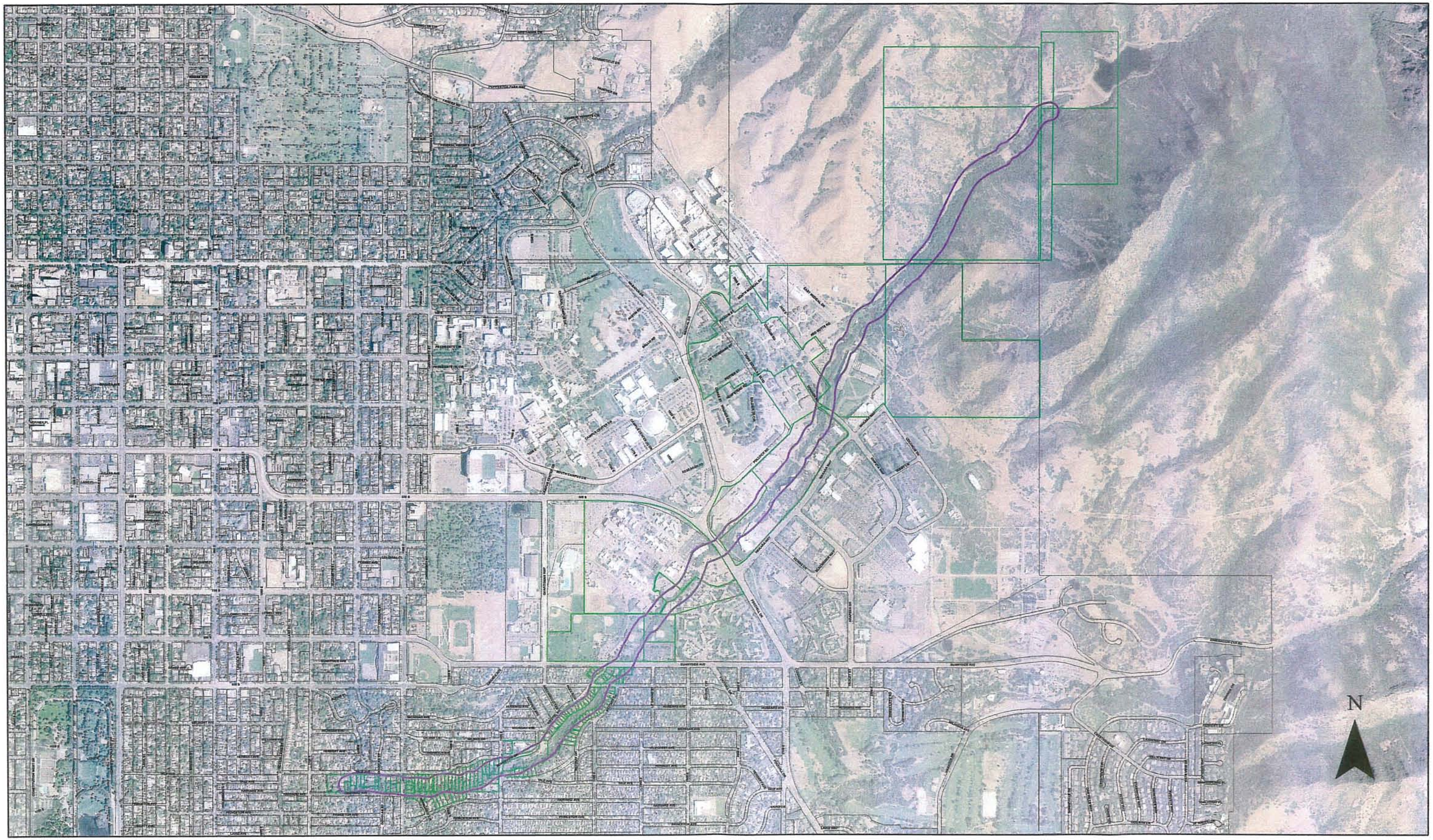
HB ATTY # 1098

ATTACHMENT G

SALT LAKE CITY OVERLAY DISTRICT MAP



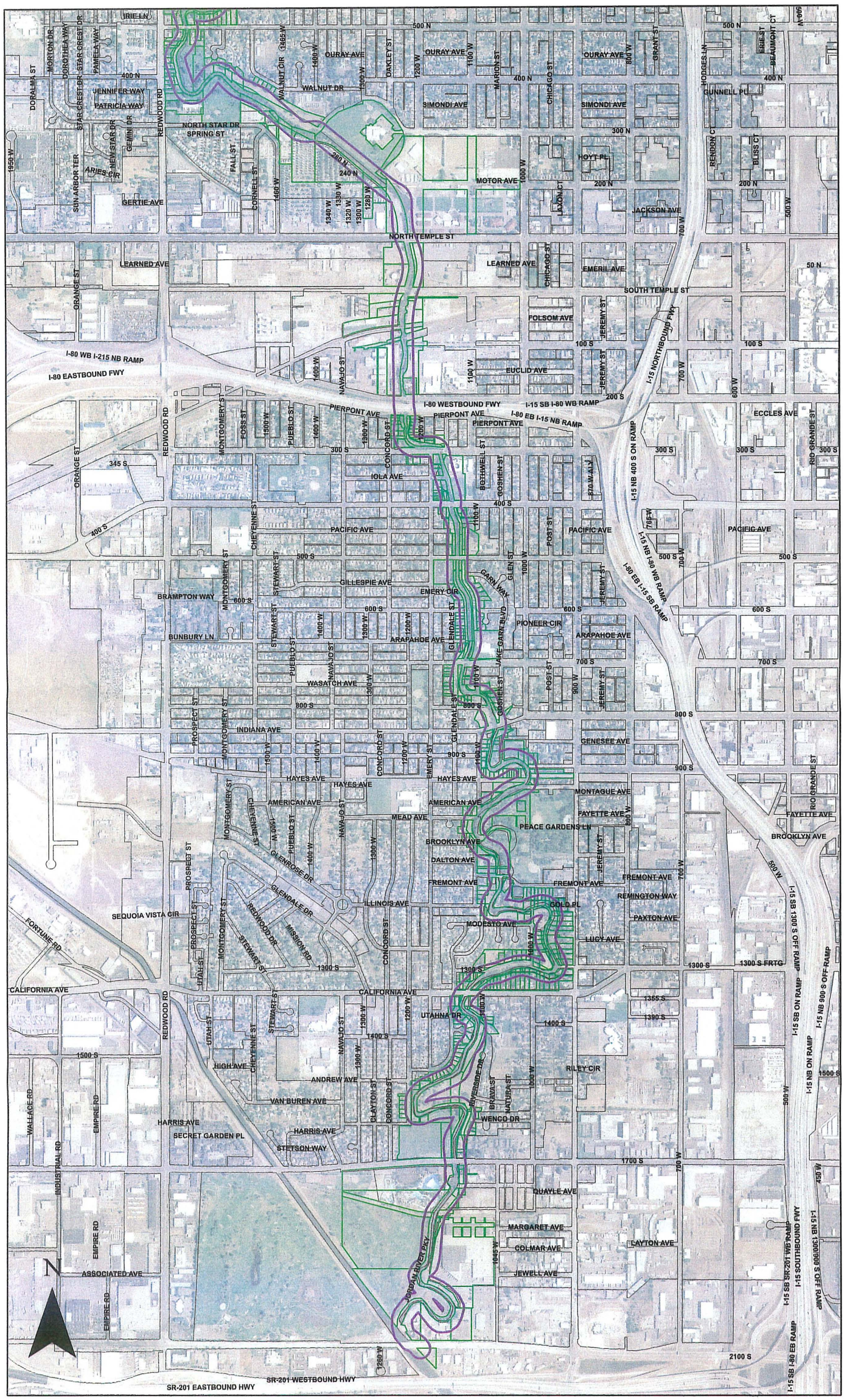
Red Butte Canyon Corridor



150 Foot Radius around Stream Centerline

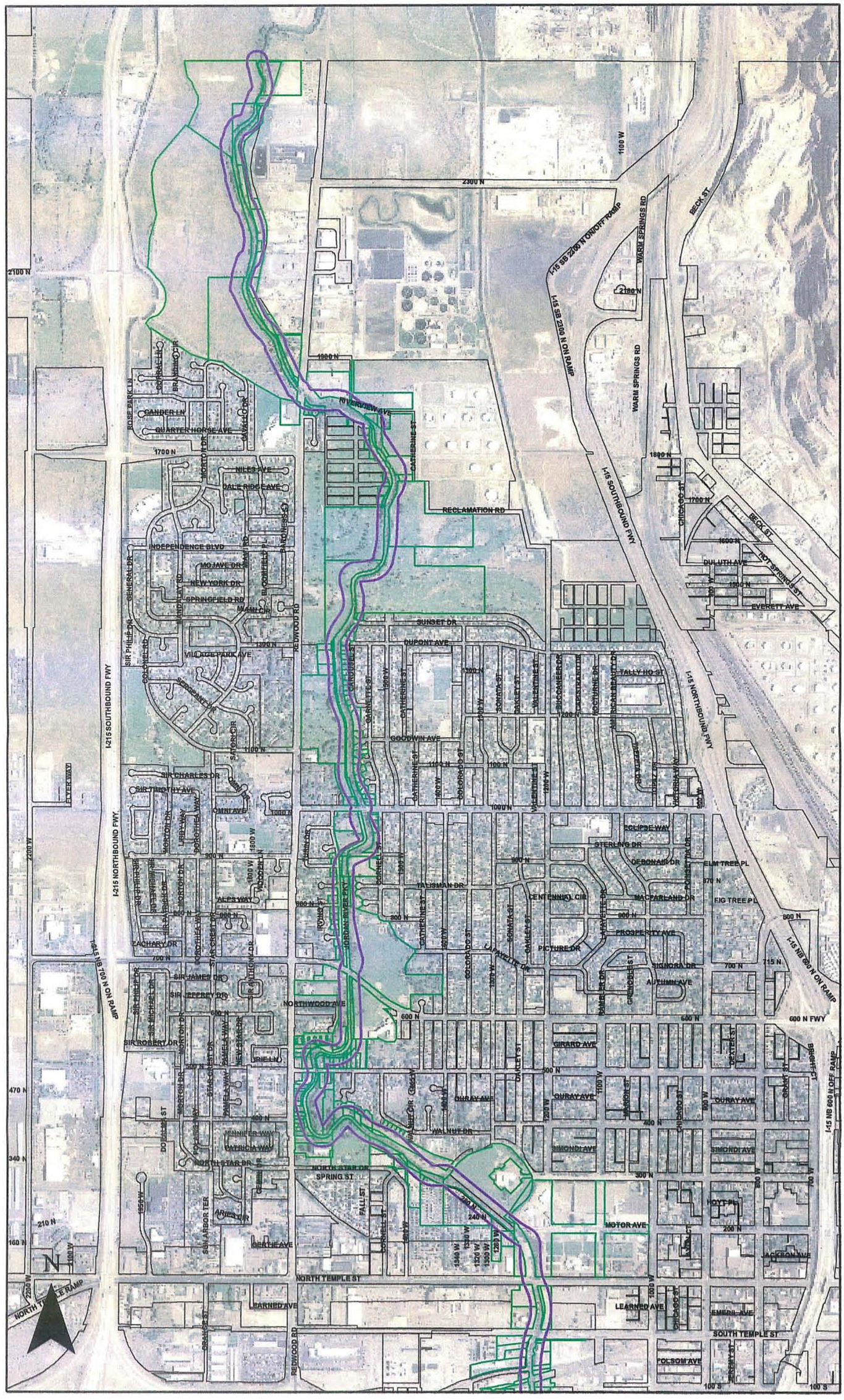
Properties that Intersect the 150 Radius

Jordan River Corridor #1

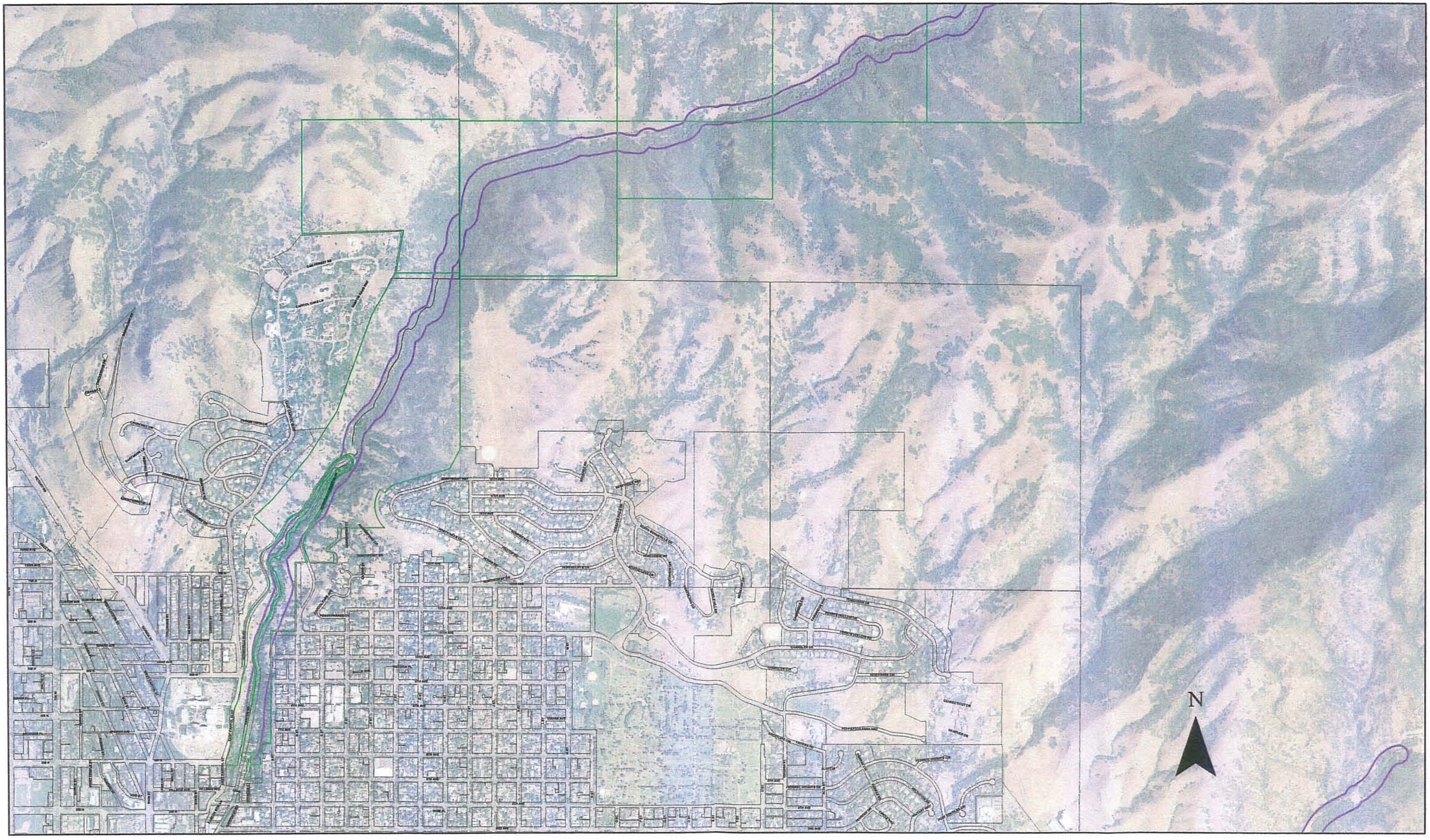


* Actual location is measured

Jordan River Corridor #2



City Creek Corridor #1

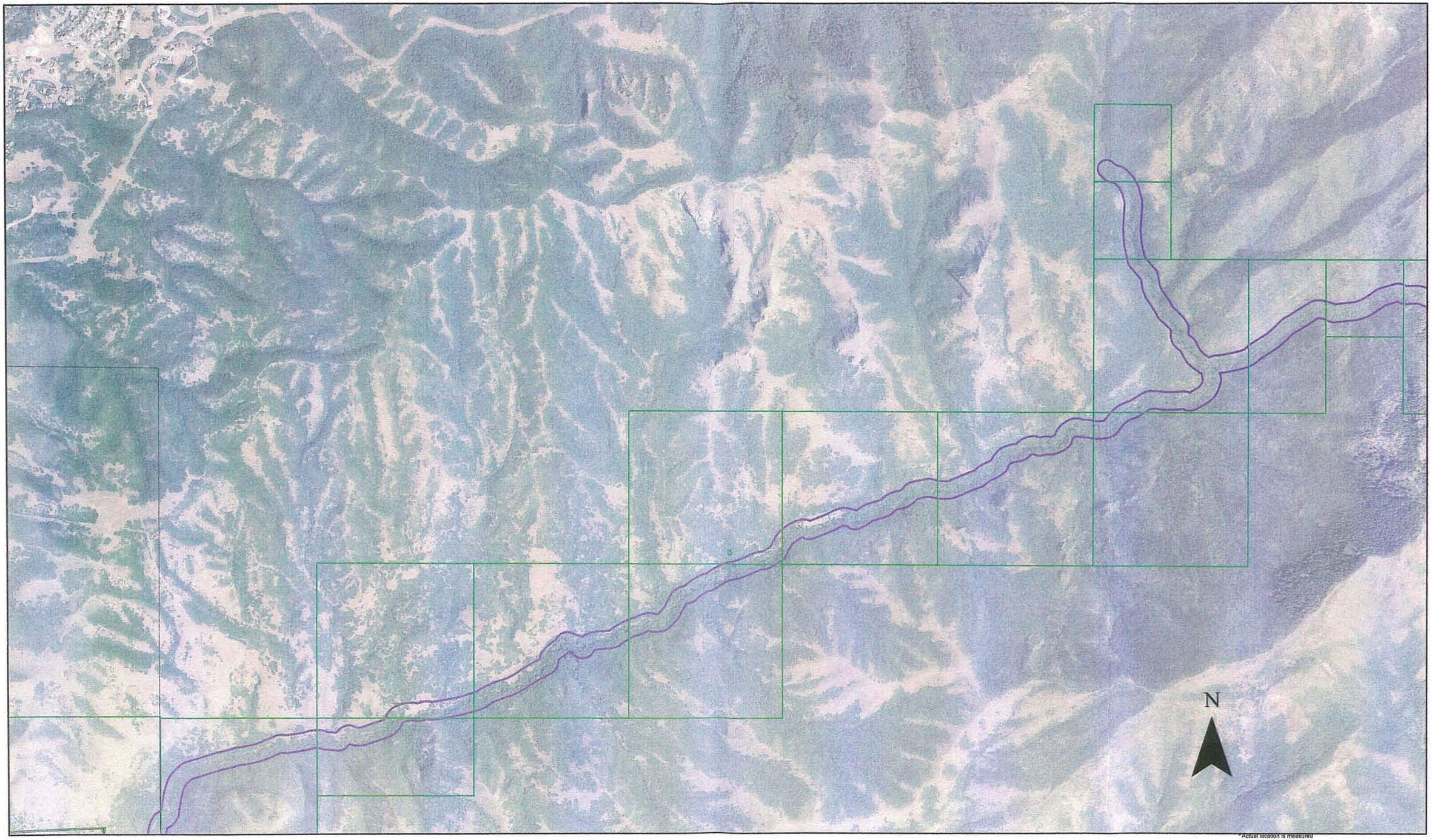


*Actual location is measured at Annual High Water Level

Approximate Location of Proposed Riparian Corridor Overlay

Properties that Intersect the 150 Radius

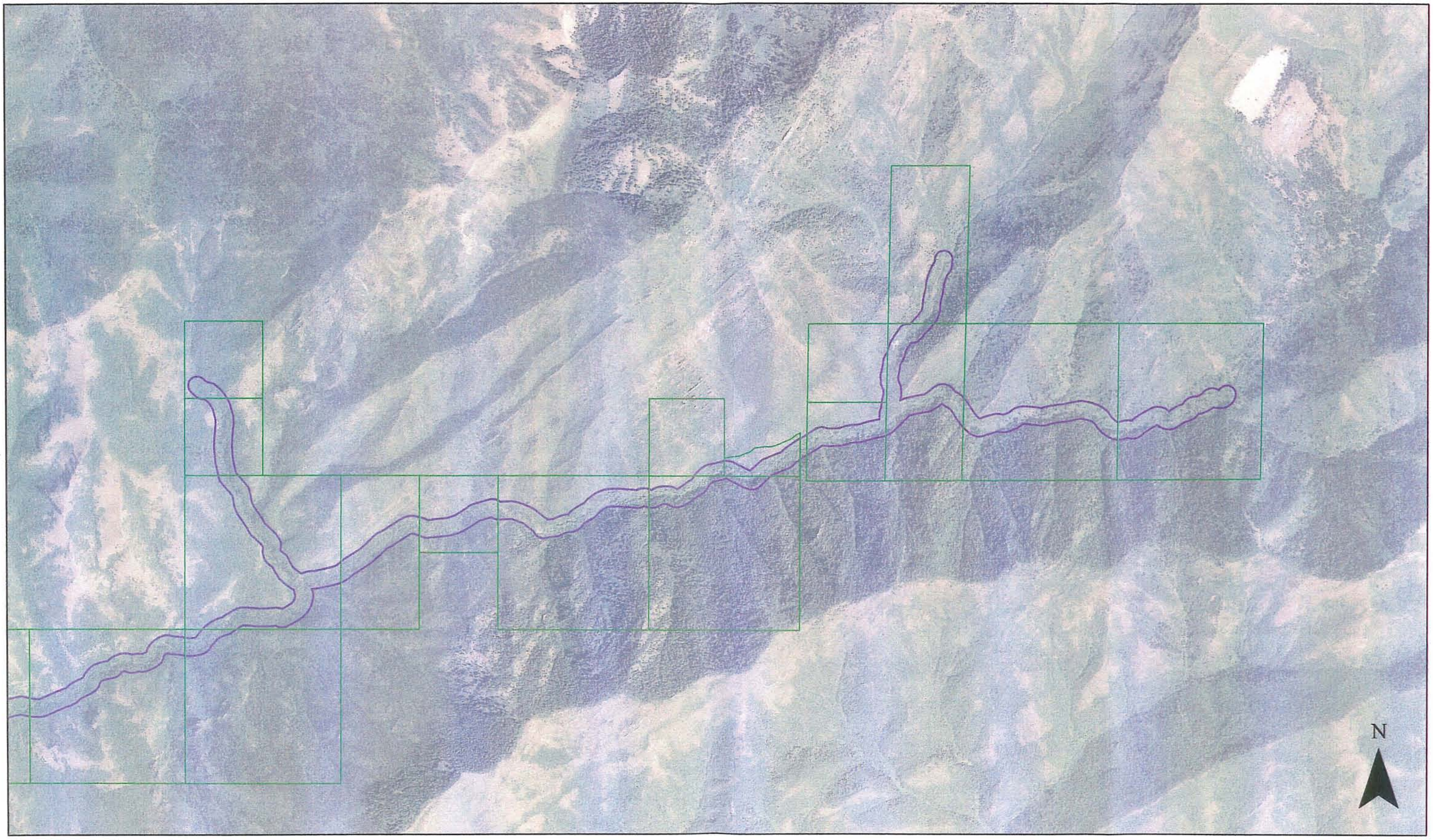
City Creek Corridor #2



Approximate Location of Proposed Riparian Corridor Overlay

Properties that Intersect the 150 Radius

City Creek Corridor #3

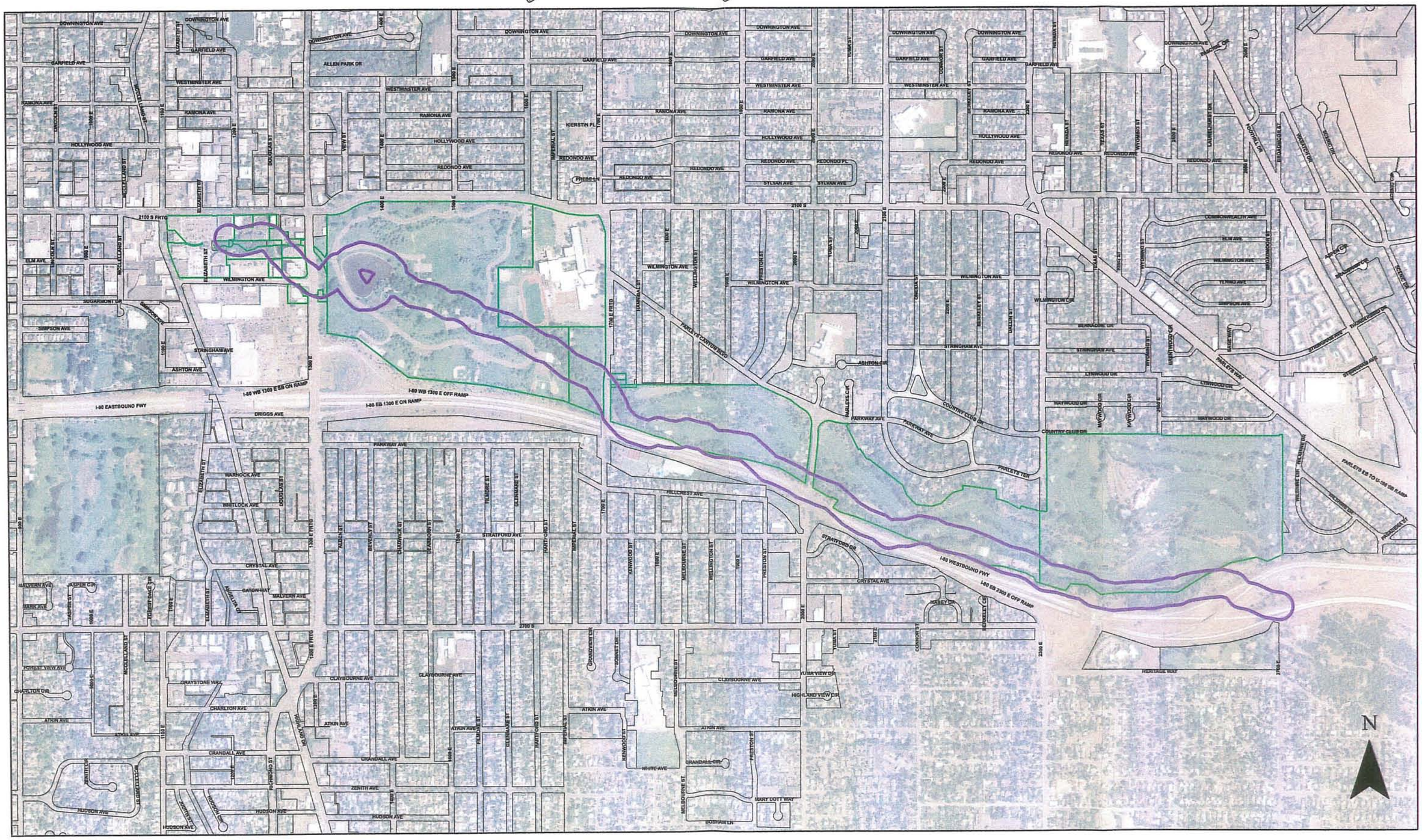


Approximate Location of Proposed Riparian Corridor Overlay

Properties that Intersect the 150 Radius

* Actual location is measured at Annual High Water Level

Parleys Canyon Corridor

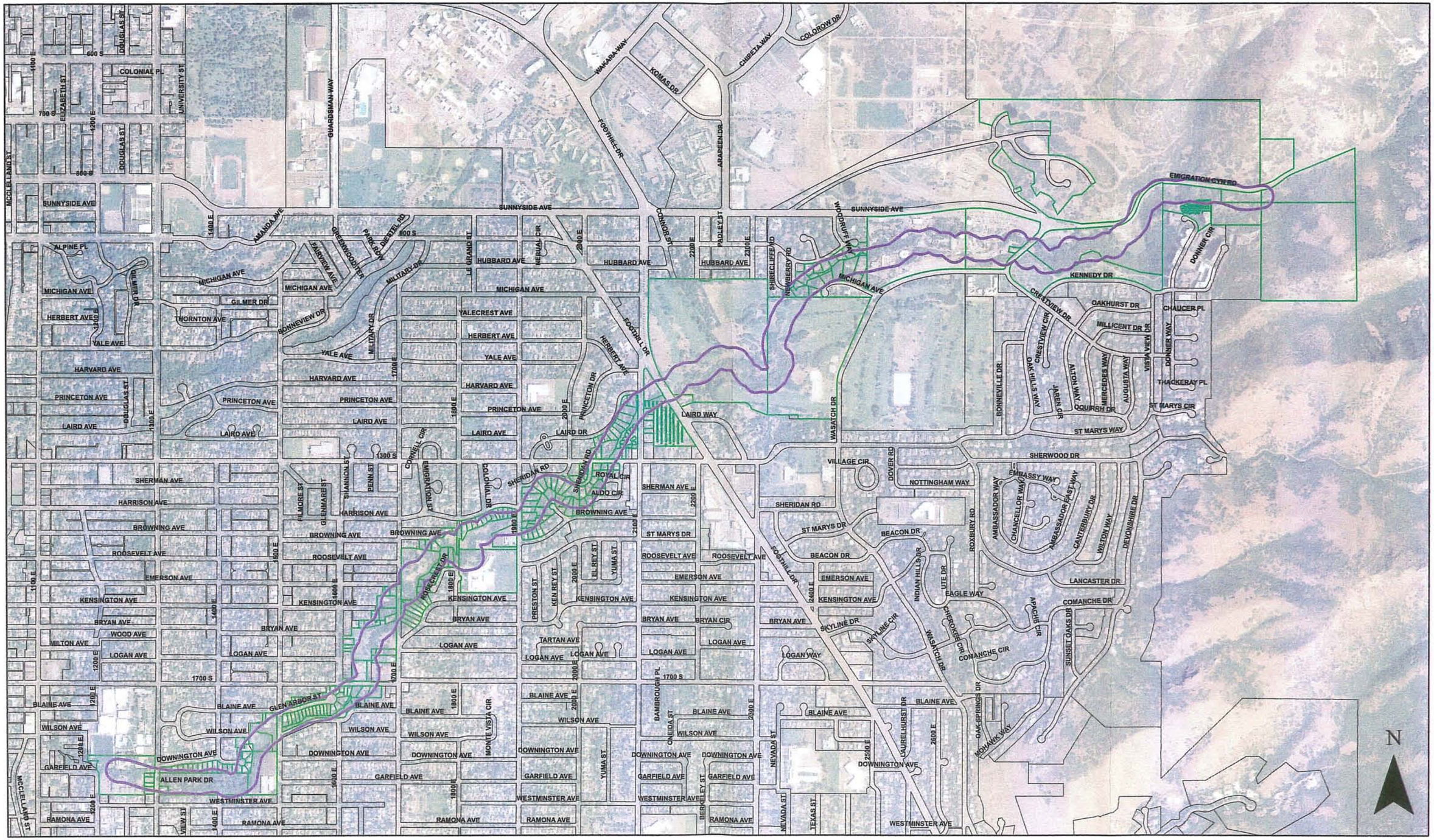


Approximate Location of Proposed Riparian Corridor Overlay

Properties that Intersect the 150 Radius

*Actual location is measured at Annual High Water Level

Emigration Canyon Corridor



Approximate Location of Proposed Riparian Corridor Overlay

Properties that Intersect the 150 Radius

*Actual location is measured at annual high water level

6. PLANNING COMMISSION-TABLED

c. Minutes

SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, November 14, 2007

Present for the Planning Commission meeting were Chairperson Matthew Wirthlin, Vice Chair Mary Woodhead, and Commissioners Peggy McDonough, Susie McHugh, Prescott Muir, Tim Chambless, and Robert Forbis. Commissioners Babs De Lay, Kathy Scott, and Frank Algarin were excused from the meeting.

Present from the Planning Division were George Shaw, Planning Director; Kevin LoPiccolo, Planning Manager; Marilynn Lewis, Principal Planner; Nole Walkingshaw, Zoning Administrator; and Cecily Zuck, Senior Secretary. Staff from additional City departments included: Lynn Pace, City attorney, and Brad Stewart, Public Utilities.

A roll is being kept of all who attended the Planning Commission Meeting. Chairperson Wirthlin called the meeting to order at 5:50 p.m. Audio recordings of Planning Commission meetings are retained in the Planning Office for an indefinite period of time.

The field trip scheduled prior to the meeting was canceled.

APPROVAL OF THE MINUTES from Wednesday, October 24, 2007.
(This item was heard at 5:52 p.m.)

Commissioner McHugh made a motion to approve the minutes with noted changes. Commissioner Chambless seconded the motion. All in favor voted, "Aye," the minutes were approved unanimously.

REPORT OF THE CHAIR AND VICE CHAIR
(This item was heart at 5:53 p.m.)

Chairperson Wirthlin thanked the Commissioners for participating in numerous subcommittee meetings the past month.

Commissioner Muir noted that he had attended another city's Planning Commission meeting and noticed that it was their practice that when a motion was called for there was an individual Commissioner voice roll call for the motion.

Chairperson Wirthlin noted that was a good suggestion and he would adopt that practice immediately and have staff review Robert's Rules of Order to clarify.

PUBLIC HEARING
(This item was heard at 5:54 p.m.)

Airport Light Rail Transit Line— a recommendation will be forwarded to the City Council regarding a proposal by the Utah Transit Authority to build an Airport Light Rail Transit line, including potential track alignment and station locations.

Chairperson Wirthlin noted that Doug Dansie was the staff representative on this petition, but was unable to attend the meeting and George Shaw would present the petition to the public and Planning Commission.

Mr. Shaw stated that this petition had been before the Commission a couple of times, and had been presented individually to a few of the Community Councils. On October 18, 2007 a public

open house was held at the Fairpark to receive additional public comments and concerns regarding the Trax alignments.

Mr. Shaw noted that staff had recommended that the airport correcting line should run centrally down 400 West. He noted that some of the proposed changes for the station locations would be discussed later in the meeting. These recommendations were also discussed by the Transportation Advisory Board (TAB) on November 5, 2007 and they forwarded their recommendation to the Planning Staff, which sustained the 400 West alignment.

Mr. Shaw stated that John Naser, City Transportation Engineer; and Tim Harpst, City Transportation Director were both present at the meeting to present to answer questions from the Planning Commission and public.

Mr. Naser noted that a large amount of time and resources had been spent studying these issues, and public hearings and meetings were also held, which had generated much public input. He stated the configuration of the light rail would run down the center of the street, which was exactly as it was elsewhere in the city, however; the track would run just north of the North Temple viaduct and not directly over the center of that structure.

Mr. Naser noted that the Transportation Department agreed with the recommendation by staff for the light rail to be built down 400 West, beginning at the a station at South Temple and 400 West, which would proceed north to North Temple Street, extend over a new light rail viaduct, and touch down at 600 West.

Mr. Naser noted that the details were still being worked on for the connection at either 2200 or 2400 West, which would allow the light rail to extend from that point parallel to Interstate 80 around the golf course into the airport. The alignment into the airport was still being developed as the airport master plan continues to be molded to accommodate the light rail and airport expansion.

Mr. Naser noted that there were currently five proposed station locations and one proposed station that would not be built until a future date. He noted that the four of the stations would be located on the Westside of 800 West and the stations configurations would match those being built in the city as far a same size, look, and function. One station would be located on the eastside of the Jordan River at the Fairpark in the Jordan River Parkway. The second station would be located just west of Garside Street, called Cornell station. The third station would be located on the Westside of Winifred Street at about 1900 West. The fourth station would be located on top of the North Temple viaduct, over the Union Pacific and commuter rail tracks, and the future station would be located at 2200 or 2400 West, which would be decided as the area developed.

Mr. Naser noted that the Transportation Department would like to transform North Temple Street into a type of grand boulevard/entrance into the city and the light rail would be placed in the center of North Temple Street, which would reduce the street from six lanes to four lanes, but would allow space for additional amenities such as sidewalks and bike paths, which would not affect traffic. This four lane section would also continue over the North Temple Street viaduct.

Mr. Naser noted that the most controversial issue within this project matrix was the alignment options between 400 West and 600 West. The reasons that Transportation staff recommended the 400 West alignment included:

- 0verwhelming majority of public comment supporting the 400 West alignment.
- Four of the five Community Councils in the area have supported the 400 West alignment.

- The previous Light Rail Master Plan and plans from the 1999 Environmental Document suggested the 400 West alignment,
- If this alignment is used, it would prevent another viaduct in the downtown area, and allow the new structure to be placed next to the existent North Temple viaduct, which will look like one structure.

Mr. Tim Harpst stated that based on various city department recommendations, UTA's recommendations, and public comment. UTA had recommended that they would like to see the light rail connect to 600 West because it would be the most cost effective; however, they were prepared to agree with the City's recommendations and move forward with the 400 West connection. Mr. Harpst presented a PowerPoint presentation to visually express what had been discussed thus far in the meeting.

Mr. Harpst stated that the West Valley and Mid-Jordan lines would be built prior the airport light rail and Draper lines. He noted that UTA would need to provide four trains per line to accommodate the fifteen minute pick-up/drop-off times, and there were still concerns in regards to congestion at 400 West and Main Street, which was currently being studied. He noted that by extending the 400 South line westward, the University line would be able to connect to 400 South instead of following its current route into downtown, which would eliminate a lot of the congestion at 400 West and 200 South.

Mr. Harpst noted that there were also negotiations with South Davis County on how to improve connection into downtown Salt Lake City.

Vice Chair Woodhead stated that she noticed that in the TAB meeting minutes, and City recommendations both referenced support for a rehabilitated North Temple Street viaduct; however, later in the City's document it stated that the anticipated cost for a North Temple Boulevard and possible reconstruction or rehabilitation of the North Temple viaduct were not included in the evaluation.

Mr. Naser noted that the cost of rebuilding or rehabilitated the viaduct was not included because it looked as if the North Temple Boulevard would work without actually redoing the viaduct; however, the grand boulevard project would stand alone from the light rail project as far as cost, which is why it had not been included.

Vice Chair Woodhead and Commissioner Chambless inquired about the timeframe and budget regarding this.

.Mr. Naser noted UTA would like to start construction in late 2009 or early 2010, and would be completed by 2012. He noted that the timeframe for the Grand Boulevard and North Temple viaduct would be completed at the same time.

Mr. Harpst noted that the Transportation Department understood that the replacement of the North Temple viaduct would be extremely costly, so for now various looks and functional options were being looked at.

Commissioner Chambless inquired of the condition of the existing North Temple Street viaduct.

Mr. Harpst noted that it was in good condition it just was not visually pleasing, and non functional for pedestrians and cyclists. He noted that UDOT evaluated it with a 92 percent sufficiency rating and there would be a lot of cosmetic features that could be added to visually improve the structure, to avoid having to tear it down.

Commissioner Chambless inquired about the 2100 West site and what the tentative date of completion was, as well as what the commute time from the airport to downtown would be.

Mr. Harpst noted since it was a future site; the plans would stay flexible and be built as per how the area developed.

Matt Sibble, UTA Project Manager, noted that the commute time from the airport to downtown would be approximately 24 minutes, with the 400 West route.

Commissioner Muir stated that in the report from Transportation Division it stated that the 400 West option would hinder the function of Gateway and future developments in the area, and he inquired what was being done to mitigate those issues.

Mr. Harpst stated that by placing the track north of the existing North Temple viaduct those problems would be mitigated.

Chairperson Wirthlin noted that there seemed to be a discrepancy between what UTA had originally concluded would be the cost of the project and what was being presented as the approximate cost of both the 400 West and 600 West option.

Mr. Harpst noted that the 600 West viaduct would be shorter, which is why it would cost one million and a half less.

Mr. Naser noted that a lot of the cost with the 400 West option was generated due to a transfer station on North Temple, which would be approximately an additional ten million dollars.

Vice Chair Woodhead asked how the public would move from that transfer station on North Temple.

Mr. Sibble noted that there would be a serious of stairways and two elevators.

Chairperson Wirthlin opened the discussion to the public.

Gentleman, Rose Park Community Council, stated that he and the council voted in favor of the 400 West Trax alignment.

Vicky Orme, Fairpark Community Council, stated that the council was in favor of the 400 West Trax alignment and the North Temple viaduct rebuild because it would beautify North Temple as an entrance into the city.

Leslie Reynolds-Benns, WestPoint Community Council, stated that the council was grateful the City and the Planning Commission took the time to allow for public comment from the Westside citizens, and stated that the council was in favor of the 400 West alignment.

John Williams (574 NE Capitol Street, representing Gastronomy Properties) stated he was in support of the 400 West alignment and the transfer station at the North Temple viaduct. He also wanted to urge the Planning Commission to choose the option that would be the most beneficial as far as urban planning and not which would be the cheapest option.

Dave Sollis (6205 Lorreen Drive) stated that he would like to see the 400 West alignment versus 600 West.

Tom DeVroom (213 North 800 West) stated that he agreed with either alignment, and would like to see the choice made that would increase ridership. He also noted that well designed bridges were assets to any city and should be thought of as positive connections and not a structure that would bring crime.

Tony Nissen (456 North 600 West) stated he felt that there had not been a good enough analysis on the North Temple viaduct and would like to see a couple more studies done.

Jeff Gochnour (2855 Cottonwood Parkway, Cottonwood Partners) stated he was in favor of the 400 West alignment, with a transfer station on the North Temple viaduct.

Pam Phillips (439 East Sandy Oaks Drive) stated that she supported the 400 West alignment and the new North Temple viaduct.

Tiffany Sandberg (310 North 1000 West) stated she supported the 400 West alignment, which would benefit the West High School students by making it a lot more safe for them to get to and from school.

Jason Grigg (Park-N-Jet) noted that his family had been in business on North Temple Street for over 23 years, have 65 employees, and run over 250 shuttles a day. He stated he did not feel comfortable having a transfer at the 2200 West intersection, and would recommend having the transfer at 2400 West.

Darren Menlove (1370 West North Temple) stated he was concerned with the area at 1260 and 1460 West North Temple, where the property access would be altered. He stated he would like the Commission to consider this property and include a solution in their recommendations to the City Council.

Vice Chair Woodhead inquired of Mr. Menlove if he had a solution to this problem.

Mr. Menlove noted that UTA had come to them in the past couple of months with a few proposals regarding access issues to preserve his property. He noted that he felt that UTA was not required to help with the change and he would like to see something more permanent to preserve the access.

Tom Guinney (518 9th Avenue) stated that he supported the 400 West/ North Temple alignment and the new viaduct.

Steve Woods (995 West Beardsley) stated that he was representing the Salt Lake City school district and they would like to see the 400 West option, which would be beneficial for the students coming from the Rose Park area.

Rawlins Young (2135 South 1900 East) stated that he would like to see better or even alternative planning to prevent unlimited downtown urban sprawl.

Terry Hurst (346 North 600 West) stated that he would like to see the current North Temple viaduct torn down and rebuilt to be more pedestrian friendly.

John Haymond (3060 N. Marie Circle) stated he was representing Salt Lake Neighborhood Sevices, for the past 15 years. He stated they were in favor of 400 West alignment and the new North Temple viaduct.

David Galvan (440 West 600 West) noted that he was representing a lot of the public from the Westside. He stated that he would like the 1998 Master Plans re-looked at by the Planning Commission to make sure that the Westside was unified instead of cut off from the rest of the downtown area.

Chairperson Wirthlin closed the public portion of the hearing.

Commissioner McDonough inquired about how ingress and egress limitations were negotiated.

Mr. Harpst stated that it would depend on the situation, for example if it were a traffic control issue at an intersection he would deal with the negotiations. He noted that as the project design becomes more concrete the City would work with property owners on specific impacts and how access could be adjusted.

Commissioner Woodhead inquired if the via duct would be rebuilt; however, under the current plan how is the pedestrian crossing being taken care of.

Mr. Harpst stated that currently there were six lanes over the viaduct and the outside two would be converted into a sidewalk.

Commissioner Woodhead inquired how likely it was the viaduct would be completely rebuilt.

Mr. Harpst noted that it was still an option, and did have some advantages as far as urban planning, but some disadvantages as far as traffic. A big part of the decision had to do with funding from the City and considering the grand scale of the project the money could go toward beautification elsewhere along North Temple Street as well.

Commissioner Woodhead inquired about the approximation of one of the stations on Redwood Road.

Mr. Sibble noted that structured parking would be allowed in the area to be used by surrounding developments as well as the public who wanted to park and use the transit system. He noted that the nearest station would be 1950 West; however, if the parking was seriously considered the station would need to move east 700-800 feet to make the walk to the station shorter. He noted that this was still being negotiated.

Commissioner Woodhead noted that though it was important to have the stations built near work places, which would serve people that live outside of the Westside, the stations should be placed to benefit the residences of the Westside, who may use the transit system to get groceries etc. as well as accessing the work places.

Commissioner Chambless inquired about current funding and the choice to not redo the viaduct first, and would the viaduct increase the view corridor?

Mr. Harpst noted that if funding were not an option then there would be no question the North Temple viaduct would be torn down and re-built. He also noted that he did not think the view corridor would be greatly changed, because the new bridge would only be shortened, but not have additional height or width space. Mr. Harpst noted that one of the positive things of not building a new viaduct was that traffic flow would not be lost in that area during the construction.

Commissioner McHugh stated that concerning the station locations, should the Commission temper the recommendation concerning the Redwood Road station that Vice Chair Woodhead mentioned.

Commissioner Muir suggested that in the staff recommendation it stated, *Station locations are approximate and may shift somewhat as a result of the negotiations with user groups and details of final design,* which should be specifically mentioned in the motion. He noted that the Planning Director should have the final say in these negotiations and he recommended that the Planning Director address transit-oriented development potential in that final decision.

Commissioner Muir made a motion based on the careful analysis of the technical aspects, community impacts, and considerable input over various hearings from the general public, stake holders, and community groups, and City departments recommendations; that the Planning Commission recommends the Trax configuration be center running down the 400 West route, and approved as the preferred alignment, and that the station locations be

said as noted, *Station locations are approximate and may shift somewhat as a result of the negotiations with user groups and details of final design,* with the acceptation that the Planning Director be empowered to address the final station locations, as a result of ongoing discussions with user groups, detail of the final design, and to reference the transit-oriented development potential of each site. A critical part of the 400 West recommendation is the inclusion of a new additional light rail track at 400 South, 400 West, and 700 South to make the overall light rail system perform effectively and also the recommendation of a secondary commuter rail transfer station at North Temple.

Commissioner Forbis seconded the motion.

Commissioner McDonough inquired how the Commission felt about adding to the motion language sustaining a new viaduct over rehabilitating the existing viaduct.

Mr. Shaw noted that the Commissioners may want to consider that aspect of the project as a separate motion, since it was not technically part of the recommendation, but could be sent to the City Council as a separate motion.

Commissioner Muir did not accept the addition to the motion.

Mr. Harpst stated that in looking at the TAB and Planning Staff recommendations the motion addresses the majority of the points, and wondered if the Commission wanted to include item 4 from the staff report which stated, *North Temple cross-section—two auto travel lanes in each direction with bike lanes, sidewalks, and amenities creating a Grand Boulevard treatment,* versus the existing current three.

Commissioner Muir stated that all of the TAB and Planning staff recommendations were included by reference in the motion.

Commissioners Forbis, McHugh, Chambless, McDonough, Muir, and Woodhead all voted, "Aye," the motion passed unanimously.

Commissioner McDonough made a motion that the Planning Commission passes on a strong recommendation to the City Council for a full replacement of the existing North Temple viaduct.

Commissioner Chambless seconded the motion.

Commissioners Forbis, McHugh, Chambless, McDonough, Muir, and Woodhead all voted, "Aye," the motion passed unanimously.

Chairperson Wirthlin announced a short break at 7:30 p.m.

Chairperson Wirthlin called the meeting back to order at 7:39 p.m.

(This item was heard at 7:40 p.m.)

Petition 400-07-18 Riparian Corridor Overlay District— on July 17, 2007 the City Council enacted a moratorium and Temporary Land Use Regulations for Non-Ephemeral above Ground Streambed Corridors. The purpose, as stated in this draft zoning regulation, is to minimize erosion, stabilize stream banks, protect water quality, preserve fish and wildlife habitats, as well as preserve aesthetic values of natural watercourses and wetland areas. Planning Staff has created the new draft Riparian Corridor Overlay District to address protection for the streams east of I-215, which will include the Jordan River. Also proposed are minor revisions to the existing Lowland Conservancy Overlay District to remove the Jordan River and focus on streams west of I-215 and the surplus canal.

Chairperson Wirthlin recognized Marilynn Lewis as staff representative.

Ms. Lewis stated that she wanted to make clear to the Commission that this petition was not about open space, but the general health, safety, and welfare of the city's streams. She noted that protection was needed to establish all three of these in an urban environment.

Ms. Lewis noted that some of the important functions of a riparian corridor included:

- Dissipation of stream energy
- Reduction of sedimentation and suspended materials
- Filtering pollutants
- To provide and improve wildlife habitat
- To provide shade, which reduces changes to temperature
- To reduce erosion
- To reduces flood potential.

Ms. Lewis noted that a riparian overlay corridor would not stop any developments existing uses; but would set up clear demarcation for what activities were appropriate close to the stream. She noted that this was determined by the annual high water level on both sides of the stream corridors.

Twenty-five feet from the stream would be considered a no disturbance line, where no structures or fencing would be allowed and the planting or removal of vegetation would need to be approved by the urban forester and public utilities, yet storm debris may be removed by hand.

Fifty-feet would designate a structure limit line where new structures could be built and the footprint of an existing structure could be maintained and minimal grading, fencing, and surface vegetation would be allowed.

One hundred feet would be the ending boundary for the corridor and outside of this boundary would be where parking lots, leach fields, and retention basins could be located, as well as structures, major site grading, and ornamental plants would also be allowed.

Ms. Lewis noted that the Public Utilities Director could require a geotechnical report and impose greater setbacks for structures or buildings from the structure limit line to ensure safety. She stated that the average slope was 30 percent, but failures could happen depending on the soil type, and future projects would be reviewed on an individual basis.

Ms. Lewis noted that staff had received a lot of comments from the community asking for a mechanism to provide relief incase there were issues or unique circumstances that may affect only one property. She noted the best mechanism would be through a variance, which dealt with property hardships based on physical characteristics and new developments would need to be built in accordance with the riparian corridor.

Ms. Lewis stated that staff found that the proposed zoning text was consistent with the standards in the zoning ordinance; therefore staff recommended that the Planning Commission forward a positive recommendation to the City Council for approval.

Commissioner McHugh asked for definition clarification on page 2 of the staff report where it stated, "The Board of Adjustment will not consider issues which are self imposed or economic, and this issue has been addressed in the proposed draft ordinance."

Ms. Lewis noted that was exactly how the Board of Adjustment made their decisions.

Commissioner McHugh stated that a lot of the public comment was concerning re-sale of their properties and the possibility of the property values dropping.

Ms. Lewis noted that economics was not viewed as a hardship by the Board of Adjustment. The lay of the land or other unique circumstance that would prevent one neighbor from having something that another had, would be considered a hardship.

Commissioner Muir inquired why the part of the surplus canal that winded south from Interstate 80 toward 2100 South, or West from the airport was not included as part of the riparian overlay corridor.

Brad Stewart (Public Utilities) stated that the Low Land Conservancy covered the surplus canal and the Jordan River, so this riparian overlay was covering City Creek, Red Butte, Immigration and Parley's creeks.

Commissioner Muir inquired if the reason was because those four creeks were not viewed as having the same habitat potential.

Ms. Lewis noted that was correct.

Chairperson Wirthlin opened up the public hearing portion, and invited any Community Council members to the table.

Dan Jensen (1670 East Emerson Avenue, Wasatch Hollow Community Council Chair) stated that this overlay proposal was a great first step in providing protection in all of the city streams. He stated that many of the stream issues affected the water quality in the city and native habitat and species, and was long overdue.

Jim Webster (938 Military Drive; Yalecrest Community Council) stated this was vital to the natural habitats of the creek, but there were a few things that need to be taken into consideration. He submitted a formal letter to the Commission, which will be held as part of the permanent record.

Ellen Reddick (2177 Roosevelt Avenue; Bonneville Community Council Chair) stated that she was in favor of the riparian corridor overlay to preserve natural habitats. She asked the Commission to look at homeowner's properties along the corridors and requested that the homes in Emigration canyon be looked at specifically to taylor the rules of the corridor in that area. She also noted that she would be interested in educating homeowners that live along creeks and streams on what plants and structures could be placed along the stream.

Vince Rampton (170 South Main #1500) stated he was representing Allen Park Incorporated. He noted that Allen Park was the corridor going up Emigration Creek immediately east of Westminster College. He stated that if the Riparian corridor were passed it would cause extreme complications for his client and would remove the building potential by taking away private property. He urged careful consideration of these issues, with sensitivity to the rights of private property owners.

Chairperson Wirthlin inquired if Mr. Rampton had any recommendations for the Planning Commission other than to simply deny it.

Mr. Rampton stated he did not.

Commissioner Forbis inquired if the property Mr. Rampton was refereeing to was already developed.

Mr. Rampton stated that it was not.

Commissioner Chambless inquired if it was strictly private property or open for pedestrians.

Mr. Rampton stated it was strictly private.

Rick Thornton (2040 Laird Street) stated that he supported the corridor, but the draft of the ordinance was not flexible enough for existing residential homes. There should be something written into the ordinance for erosion control because tens of thousands of dollars had been spent by surrounding residence on maintenance, repair, and existing improvements and should be allowed in the no disturbance zone. Third, the ordinance should allow for simple new improvements like steps and pathways that would aid erosion issues.

Morris Linton (2001 Browning Avenue) stated that many residences were interested in preserving the stream beds, but the ordinance was not clear as to the developed and undeveloped land. The set backs as currently stated divided backyards and rezoned houses into parts.

Chairperson Wirthlin asked Mr. Linton to what extent had he been involved in the preparation of this overlay corridor.

Mr. Linton stated that he did not have input on the drafting of the ordinance, but had attended the September 12, 2007 Planning Commission meeting to listen to the comments.

Tom Hulbert (1547 Yale Avenue) stated he was disappointed in the language of the ordinance, because instead of creating a cooperative effort between private property owners who were in the creek areas, it tended to alienate and cause distrust. He stated that a lot of residents had sent in comments to Ms. Lewis, which were not addressed in the re-draft of the ordinance. He stated he would like this petition tabled so affected private property owners could submit more input.

Anne Cannon (1647 Kensington Avenue) encouraged the Commissions consideration regarding the language of the ordinance. She noted that she was happy to see a preservation effort.

Ron Woodhead (1938 Sheridan Road) stated he did not agree with the 25 foot "No disturbance zone"; the ordinance would subject his property to.

Alan Condie (1375 Kristie Lane) stated that he was in opposition to the overlay corridor, and that he had a problem with who would decide what plants could be planted and which plants would be band from the streambed area.

Amy Price (1328 Allen Park Drive) stated she was in opposition to the overlay corridor, which was affecting miles of property.

Rawlings Young (2135 South 1400 East) stated that the point of the corridor was to preserve fish and wildlife and protect them from being used as storm drains. He stated that if the corridor overlay were to be successful than Kentucky Blue Grass should be dealt with as a structure, because it was killing everything in the stream.

Mel Thatcher (1573 Bryan Avenue) stated he was in favor of the corridor, but this was a case of one size does not fit all and individual properties should be given consideration.

Daniel Lee (1373 South 1920 East) stated that it is important to review private property along the corridor and what the owners have already done in the area before passing such a broad ordinance.

Diane Fosnocht (1430 Bryan Avenue) stated she was a member of the Wasatch Hollow Community Council. She stated that she supported this ordinance to ensure clean water for the city and to protect the surrounding habitats, but would like to see clearer boundaries.

David Darley (2019 Aldo Circle) stated he was in opposition to the overlay corridor because it would completely affect his entire property.

Cindy Cromer (816 East 100 South) stated she supported the riparian overlay corridor, she stated that there should be city-wide protections for overlay corridors, as in the city's historic districts, and have specific guidelines for each corridor.

Arthur Morris (1556 South 1600 East) stated he strongly supported protection areas and the riparian corridors in the city. He stated that he believed streams were a public trust and relied heavily on how property owners treated the streams running through their properties.

Melissa Stamp (1052 East Roosevelt Avenue) stated that she was in support of the riparian overlay corridor.

LeRoy Johnson (2008 Sheridan Road) stated he was in opposition of the riparian overlay corridor.

Amy Defreese (Utah Rivers Council) stated that she agreed with the riparian corridor, but it was critical to assemble some sort of study to look at the existing characteristics of the riparian corridors, where existing development occurs set-backs should apply, but there are areas that are not developed and there should be even greater set-backs for future developments.

Lindsey Christensen (1804 Harrison Avenue) stated she was supportive of the riparian corridor. She stated that it was important for the riparian area to have special treatment, but it was impossible for each individual home owner to decide how they want to be responsible for this land.

Susan Whitney (1739 Rosecrest Drive) stated that she was in support of alternative proposals regarding the riparian corridor stated and was in opposition of the riparian corridor as the ordinance was currently written.

Wesley Thompson (3877 West 7925 South, West Jordan) stated he was in opposition to the riparian corridor. He stated that it set a precedent for what ordinances would be accepted further up the canyon.

Ruth Price (1343 Allen Park Drive) stated that she was in opposition of the riparian corridor because it would affect the private property and prices of the property.

John Straley (2016 Aldo Circle) stated he was in opposition to this petition because 90 percent of his house was within the 25 feet from the streambed. He also felt the draft ordinance was incomplete.

Elizabeth Bowman (1539 South 1600 East) stated she was in support of maintaining the current moratorium limit. She stated that preservation may be inconvenient, but it is never going to get any easier, once the corridor is lost it is gone forever.

Michael Guttfredson (1989 Browning Avenue) stated he felt the ordinance was overkill and property owners should be allowed input and flexibility to create a partnership as a community that would the city.

Susan Webster (1248 Yale Avenue) stated she was opposed to the riparian overlay and believed that the Wasatch Hollow Community Council should be dealing with these issues; it should not be a city-wide effort.

Robert Webster (1248 Yale Avenue) stated he strongly opposed the draft ordinance.

Louise Hill (1264 Yale Avenue) stated she opposed the riparian overlay, because the terms were too broad and the issues should be studied by how it pertains to Wasatch Hollow and not a blanketed solution for the city.

Sherman Martin (2065 Harvard Oaks Circle) stated that he was in opposition to the ordinance and it's restrictions because he did not know how it would affect his property.

Jeff Vandel (1538 East Emerson Avenue) stated he was in support of the riparian overlay corridor ordinance, and understood the property owners wanted to work together to resolve some of these issues, but for new development armoring of the creek would probably be necessary.

Becky Larsen (1163 East Charlton Avenue) stated that for the sake of existing neighborhoods and historical landmarks she agreed with the ordinance because the streambeds are irreplaceable.

Ryan Thompson (1465 East Woodland Avenue) stated that he did not want private property taken from its owners by the city.

Laurie Goldner (1709 East Bryan Avenue) stated that preservation of the riparian corridor is of vital importance, both for ecological and social reasons.

Preston Ricmaras (2046 Laird Drive) stated he strongly opposed the ordinance because of the effects on private property.

Shelley McClennen (1144 East 1300 South) stated she strongly opposed the overlay corridor.

Rick Knuth (1446 Downingtown Avenue) stated the proposed ordinance was poorly drafted, unduly restrictive, and would constitute a regulatory taking of private property for public use without due process or just compensation.

William McClenen (1144 East 1300 South) stated he had serious concern for some of the restrictions regarding maintenance of properties.

Dan Duggleby (1650 East Kensington Avenue) stated he fully supported the riparian overlay and wanted to assure property owners that nothing was being taken from them.

Michelle Jensen (1670 East Emerson Avenue) stated she supported the riparian protection effort.

Robin Carbaugh (1428 East Sunnyside Avenue) stated that this issue appeared to have many levels of complexity, which the public did not fully grasp, and she felt it was an effort to better serve the public.

Nancy R. Reisel (1385 South 1900 East) stated it was important to deny personal use of irrigation water and this riparian overlay would support a healthier life.

Jon Dewey(1724 East Princeton Avenue) stated he was in support of protecting the stream corridors and limiting growth encroaching upon the stream including, but not limited to, buildings on stilts that jet out over the streams.

Beth Bowman (1445 Harrison Avenue) stated that riparian corridors have been in place in cities all over the USA and Salt Lake City was behind in passing this ordinance to protect Utah streams as well as neighborhoods and wildlife.

David E. Curtis (1752 Browning Avenue) stated he was opposed to the petition as a property owner with about 335 feet of property bordering Emigration Creek. He stated the goals of the petition may be beneficial, but the means proposed violate any private property rights.

Dawn Curtis (1752 Browning Avenue) stated she was opposed to this petition, while the protection of streams was a good goal this proposed ordinance was far too restrictive.

Kelly Gardner (1990 Browning Avenue) stated that taking away property rights was wrong and this ordinance went to far.

Tim Komlos (1664 Emerson Avenue) stated that he was firmly in favor of the riparian corridor overlay and that all of Utah's waterways belong to all Utahns.

Glen Decker (1082 South 1100 East) stated that private property must be respected at all costs.

Emil Kmet (2509 South Highland Drive) stated he was in support of the riparian corridor overlay.

Chairperson Wirthlin closed the public portion of the hearing.

Ms. Lewis stated that members of the public had expressed concern that structures could not be built between the 50 foot to 100 foot area of the overlay, she stated that this was not correct; the ordinance would only suggested limited structures such as parking lots, leach fields, and storm retention basins, and as far as new development, and requests of expanding existing structures, which already must be reviewed as part of the permitting process anyway and this ordinance would trigger oversight for expansions of existing homes.

Commissioner Muir inquired about the impact on golf courses, specifically the Salt Lake City Country club, and if they would still be able to fertilize those fairways.

Ms. Lewis noted that what was currently existing would be allowed to stay, what the ordinance would cover was new instances.

Mr. Stewart stated that recently there was rebuild of a country club in the city, and there were some sensitivity to set backs in some areas and irrigation processes.

Commissioner Muir inquired if a property owner hade already built too close to a stream and created a hazard because of potential erosion, was the City now assuming responsibility for that.

Ms. Lewis and Mr. Stewart both replied no.

Commissioner Muir inquired if after this ordinance passed and there was damage to the riparian area, would the property owner be responsible to repair the area.

Mr. Stewart noted that there were multiple jurisdictions that play a role in the riparian ordinance. The flood control portion was regulated through the Federal Government/FEMA; open channel water was regulated by Salt Lake County Flood Control; and stream alteration permits were regulated by the State of Utah.

Commissioner McDonough inquired what would happen if a structure existing in the 25 foot portion of the overlay was destroyed, could the property owner rebuild because it had existed before the ordinance.

Ms. Lewis noted that whatever footprints property owners currently had could be rebuilt were damage to occur.

Commissioner Chambless inquired about trees and vegetation that might be interfering with the safety of property owners, and who would take care of such problems.

Mr. Stewart noted that the citizen should relay the problem to the County Flood Control Department, which also would maintain a twenty-foot access corridor along the edges of the creek for maintenance purposes. He noted that the City should also play a role, which was what this ordinance was attempting to do.

Commissioner Chambless inquired about the noticing problems that were expressed by the public.

Ms. Lewis stated that the noticing was done within 150 feet of the center line of the stream, and the information was pulled up on the GIS program from the County records. She stated that there were approximately 2, 000 property owners that were noticed along the corridor.

Mr. Shaw noted that if any member of the public were interested in future noticing, to leave their addresses for staff to use for that purpose.

Commissioner McHugh inquired about the lack of mitigating pollution in the streams, if all existing structures were allowed to stay within the 25 foot range of the streams.

Ms. Lewis noted that there had to be some flexibility to allow fairness for property owners, the goal was not to take away what was already there, though there was a hope that each property owner was responsible when dealing with garden fertilizers etc.

Commissioner McHugh stated that the educational aspect that the community councils were mentioning would be important.

Commissioner Forbis thanked the public for attending the meeting and expressing their opinions and concerns regarding the riparian corridor. He stated this was a classic example of environmental policy that was struggling to find the theoretical principles of a resource protection policy. He stated that the ordinance needed to be balanced with language that recognized the principles of market environmentalism. He suggested that the Commission table this petition to allow for assembly of a working group that would better achieve the objectives of a riparian corridor overlay, and at the same time balance the protection of the environment through maintaining the economic viability of the property owners closest to the streams.

Commissioner McDonough stated that what Commissioner Forbis proposed would require a level of detailed study that was far beyond tabling the petition.

Commissioner Forbis noted that there were departments at the University of Utah that had done extensive studies, and he felt that it was not too far of a stretch to make some inquiries and involve the Community Councils, City Council, and members of the Planning Commission and staff to work together to tighten the ordinance.

Commissioner McDonough inquired if what Commission Forbis was stating was that he would feel comfortable approving this as a type of first layer defense and then working on a more detailed ordinance.

Commissioner Forbis stated that a better approach would be to consider the creeks as small area plans, within the riparian corridors, or that the riparian corridors be treated the same way historic districts are treated.

Commissioner McDonough noted that this type of exercise was warranted, but was it the next step, or should the petition be tabled and taken through a refining process.

Vice Chair Woodhead inquired if there was time for this type of process, considering the expiration date of the moratorium.

Ms. Lewis noted that the County was working on a water quality stewardship plan and were studying all of the different habitats and elements of each corridor, but that report would not be ready until early next year. She noted there was not much time until the moratorium expired, so the Commission would need to make a decision on how they wanted to move forward.

Commissioner Forbis noted that he did try to give the ordinance to the county to be reviewed, but they did not respond back.

Vice Chair Woodhead noted that this petition was on the agenda for the November 28, 2007 meeting and inquired if Ms. Lewis would be able to do make adjustments to the ordinance for that next meeting.

Ms. Lewis stated that adjustments would be possible, but the in-depth community outreach that Commissioner Forbis was suggesting would be impossible in that timeframe.

Vice Chair Woodhead stated she did not feel ready to vote on this petition tonight, without processing the legal and scientific opinions that were presented before the Commission at the meeting.

Mr. Shaw suggested that if the Commission had specific changes they would like to make, that they do it tonight.

Commissioner Chambless inquired if the expiration date of the current moratorium was flexible.

Ms. Lewis noted there was no flexibility; it was set by the City Council

Commissioner Chambless inquired if the date could then be changed by the City Council.

Mr. Lynn Pace stated that the length of the moratorium was set by state law, and a maximum of six months could not be expended without enacting an ordinance because it would freeze the rights of property owners. If the six months expired without a new ordinance, the issues would go back to status quo, which is no regulation or an ordinance could be enacted now and further amended in the future.

Commissioner Muir stated that he felt that the proposed ordinance was close to what was needed, and that in the future specific Community Councils could come forward and craft the ordinance to further benefit their area.

Chairperson Wirthlin agreed with Commissioner Muir and both agreed they would like another open house to take public ideas and comments.

Vice Chair Woodhead stated that given that the Planning Commission started this process, they now had the obligation to be mindful of the timeframe and its consequences.

Mr. Pace noted that the Commission should speak with the Chair and Vice Chair of the City Council to find out what concerns they had regarding the timing of the moratorium, which might influence the decision.

Commissioner Forbis made a motion to table Petition 400-07-18 until the November 29, 2007 Planning Commission meeting.

Commissioner Chambless seconded the motion.

Commissioners Forbis, McHugh, Chambless, McDonough, Muir, and Woodhead voted, "Aye," and the motion carried unanimously.

Ms. Lewis stated that staff still needed clear direction from the Commission as to what they wanted to be accomplished in the next two weeks.

Chairperson Wirthlin stated that the citizen input that was shared tonight should be looked at and possibly a subcommittee organized to review the input.

Vice Chair Woodhead inquired if Ms. Lewis would take emailed comments from the Commissioners after they process some of the comments from tonight.

Commissioner Forbis stated that he recommended that staff look at the unique characteristics in each area and create small area plans along the riparian corridor.

Mr. Pace noted that could not be done in two weeks, it would be possible in a phase two process of the petition, but phase one needed to be something that could be executed by the ending date of the moratorium.

Ms. Lewis stated that could be done in a recommendation that could be forwarded to the City Council.

Chairperson Wirthlin stated that he would recommend more flexibility for landowners along the riparian corridor, for example erosion control, repair and maintenance of existing conditions and vegetation, and finding a way to educate property owners on what they could and could not plant.

Commissioner Forbis also suggested that if those types of flexibilities were not followed by property owners than the City should set up recourses for enforcement.

Vice Chair Woodhead inquired of Mr. Pace if the Commission had the flexibility to determine a less onerous process for property owners' appeals, for example changing fencing materials.

Mr. Pace stated that the Commission could structure the ordinance and there was room for that type of accommodation; however, the current variance process was already well defined and restrictive, meaning that the city did not want a lot of the variances to be accepted.

Commissioner McDonough inquired about the need for the educational outreach and the ability to empower the property owners to be responsible stewards of their property, and how that could actually be implemented, and who would take on the responsibility of this; City, County, Community Councils, etc.

Ms. Lewis stated that the Commission could decide how to incorporate that into the ordinance, but should be aware that there are budget implications.

Commissioner Forbis stated that technically the responsibility fell onto the private property owners to seek out this information, but the ordinance language should somehow assure that the information was obtainable and useable.

Mr. Pace stated that as he listened to the public comment, there were many that were frustrated with the ordinance because it did not deal with bank erosion and water pollution, and he wanted to point out that the draft ordinance was really just dealing with land use and should be viewed as a first step to preserve part of the expiring moratorium, until more people could be involved in the process.

Chairperson Wirthlin announced a five minute break at 9:49 p.m.

Chairperson Wirthlin called the meeting back to order at 9:59 p.m.

(This item was heard at 9:59 p.m.)

Petition 400-07-19, Amend Conditional Use Regulations— a request by the Salt Lake City Council to amend sections of the Salt Lake City Zoning Ordinance relating to Conditional Uses in general and specifically focusing on the Table of Permitted and Conditional Uses, the criteria by which Conditional Uses are reviewed and approved, and the powers and duties of the Planning Commission relating to Conditional Uses. This is an Issues Only hearing to consider and discuss the proposal draft text amendment. Public comment will be taken at this hearing; however, no final decision will be rendered at this meeting by the Planning Commission. On July 17, 2007, the City Council passed Ordinance Number 49 of 2007 which placed a moratorium on all Conditional Uses in residentially zoned districts and those abutting residentially zoned areas throughout the City and this petition is in response to that moratorium.

Chairperson Wirthlin acknowledged Nole Walkingshaw as staff representative.

Mr. Walkingshaw stated that in addition to this petition staff had completed a review of conditional uses and a conditional site design review. One driving factor for the City Council's moratorium was to become more consistent with state law. In the body of the state law, there was a portion of language, which framed what was being restructured, which stated, *a conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of the proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with the applicable standards, the conditional use may be denied.*

Mr. LoPiccolo summarized that initially the Commission reviewed this petition followed by a subcommittee. The coalition also met with staff to discuss issues within East Central/Central City for quite a long time. He noted that staff recognized that there were areas of deficiency within Salt Lake City, which mainly dealt with nonconforming uses. He noted that after the Commission had requested that staff provide data in regards to this petition, he went back as far as the July of 1996 Planning Commission request log. He noted that for the purpose of this request data was excluded which dealt with utilities or any type of telecommunications, planned developments, or anything occurring in abutting properties.

Mr. LoPiccolo stated that primarily all of the zoning layouts were modified, with a little more time spent on the residential areas, and these standards were recreated and would be what staff applied in the future conditional use review, which would allow for a lot more latitude.

Mr. Shaw stated that this redraft would also allow for more concise language to give to the applicant in the future as to why the conditional use was being denied.

Commissioner Muir inquired if the State ordinance distinguished between building a site design review and conditional uses.

Mr. LoPiccolo stated it did not, and the conditional design review had been redesigned and would be called building and site design review.

Mr. Walkingshaw stated that part of the past confusion was that additional height and setbacks fell under conditional uses, but was really dealing with design elements, so staff separated design elements from uses.

Commissioner Muir inquired how this process would differ from the Board of Adjustment, where if an applicant wanted to exceed the ordinance they needed to prove a hardship.

Mr. LoPiccolo stated that it was the same as an applicant not being required to meet every standard when coming before the Planning Commission.

Commissioner Muir inquired that if an applicant exceeded an area of the design element, then it would trigger a site design review by the Commission.

Mr. Shaw noted that was correct.

Commissioner McDonough inquired if the planned development were a type of conditional use.

Mr. LoPiccolo stated that they were, and staff was working on the planned development ordinance to allow the Commission to have more control over large developments coming into the city.

Commissioner McHugh inquired about how square footage of a project was handled under the building site review.

Mr. LoPiccolo stated that unless the underlying zoning ordinance restricted the floor area, then the Commission had no control over that; however, big changes to the ordinance included new regulations for drive throughs, neighborhood commercial zones and proximities for certain uses in relationship to residential areas.

Chairperson Wirthlin opened up the public hearing portion of the meeting.

Cindy Cromer (816 East 100 South) stated she read the moratorium from the City Council, which did not direct the Commission to deal with the dispersal issue, but the Commission had dictated to staff that they wanted to see the concentration of conditional uses. She stated that it was imperative that the standards the Commission did approve addressed the dispersal issues.

Shane Carlson (375 L Street, Greater Avenues Community Council) stated that the distinction between a conditional use and a non-conforming use is functionally the same; and he was suggesting a distinction in documentation, so when these types of projects come forward there will be a record to locate where these types of project already exist to help keep them balance through out the city.

Esther Hunter—stated she agreed with what both Ms. Cromer and Mr. Carlson stated. She noted that there are unique problems in the East Central/Central City, which need to be looked at in greater detail and be provided with more detailed definitions and standards to mitigate these issues.

Vice Chair Woodhead inquired what Ms. Hunter meant by standards.

Ms. Hunter stated that a net cumulative effect was written into the master plan, but how did the Commission define that and how would impacts be proved.

Dave Richards stated that he had seen a lot of conflicts in the area between business and residential zones, and would like to know why the Commission will be considering them as permitted instead of conditional use if this new language is adopted.

Chairperson Wirthlin closed the public portion of the hearing.

Mr. Walkingshaw noted that there were three types of conditional uses: standard conditional uses, planned developments, and administrative consideration of conditional uses, which are specific uses that the Commission delegated administrative decision.

Mr. LoPiccolo stated that the reason restaurants were turned into a permitted use was so they would be subject to the design review, and the Commission would still review the plans if it were a new building.

Commissioner McHugh inquired if a rooming house would not be allowed in an RMF-35, than why was it necessarily allowed in an RMF-45 when the next jump would be an RMF-75—perhaps staff could consider that a rooming house was not a permitted use in the RMF-45.

Mr. Shaw stated that the Commission could change that if they wanted to.

Mr. Pace stated that the challenged faced under the State statute was there was a presumption that if the adverse impacts were mitigated than it was okay.

Vice Chair Woodhead inquired if accumulation was not considered an adverse impact.

Mr. Pace noted that the Commission had the latitude to decide what factors cannot be mitigated.

Commissioner McDonough stated that in on page 7 of the staff report; paragraph D it stated that, *a proposed use could negatively effect property values and or quality of life.*

Mr. Walkingshaw noted that in the proposed text amendment paragraphs C and D had been stricken, he just had not update that portion of the staff report.

Commissioner McDonough inquired of the Commission, if they felt they wanted to address concentrated uses, especially in residential single-family areas.

Chairperson Wirthlin suggested that staff should review these issues and provide additional language to deal with this.

Mr. Pace noted that the Commission could address their issues generically and then deal with the facts as they came forward in the future, but the Commission would still have the authority to address factors that needed to be mitigated depending on what was involved with individual proposals.

Vice Chair Woodhead stated she would like to see language that addressed this in the ordinance.

Mr. Walkingshaw inquired if a qualifying provision would be helpful.

Mr. Pace noted that what the Commission might want to do would be to look at the degree of mitigation, which might be vastly different with each project, so in the language maybe the issues of concentration would not be listed under use compatibility, but under mitigation.

Commissioner Muir stated that regarding concentration the Commission should quantify and set a specific limit.

Mr. Pace noted that would be possible, but how specific does the Commission want to get, because after all the uses were looked at you could start to quantify it becomes much more detailed than the ordinance attempts to provide.

Chairperson Wirthlin inquired if the first step should not be to quantify, but add language that would function as a first step to look at.

Commissioner McDonough inquired where they could integrate this language into the ordinance.

Mr. Pace noted that it could fit into paragraph 2 of the ordinance, which assumes that a new project was compatible with what had already been built, and not necessarily the zoning; however, if the Commission wanted to say a new project was or was not compatible with the base zone, then it would be addressed in the table of uses. Mr. Pace suggested that the additional language be added as a letter paragraph under paragraph 2.

Mr. LoPiccolo stated that when staff redid the standards, the purpose statement of the underlying zones was included, which he felt was always a way out for the Commission to not allow a use because it was inconsistent with that statement.

Chairperson Wirthlin suggested adding to section 2, *concentration of existing non-conforming or conditional uses substantially similar to the use proposed,* which would essentially allow the Commission to take that into consideration when understanding if a structure was compatible.

Mr. Pace stated that was fine, and suggested that the Commission add *detrimental* in front of *concentration.* Then it was not focused on the concentration itself.

Chairperson Wirthlin called for a motion.

Vice Chair Woodhead stated that the agenda stated that this was an Issues Only hearing.

Mr. Pace stated that it could be adopted at the next meeting, and recommended that the Commission postpone consideration of this matter until the November 28, 2007 Planning Commission Meeting—and the agenda be amended to add this reconsideration.

Commissioner Forbis made a motion to postpone the Planning Commissions decision on Petition 400-05-16, until the November 28, Planning Commission Meeting and amended that meeting's agenda to reflect the decision of the Planning Commission.

Commissioner McHugh seconded the motion.

Commissioners Forbis, McHugh, Chambless, McDonough, Muir, and Woodhead voted, "Aye," and the motion carried unanimously.

(This item was heard at 11:05 p.m.)

Petition 400-05-16, Building and Site Design Review—a request by the Salt Lake City Planning Commission, requesting amendments to the zoning ordinance relating to Conditional Building and Site Design Review. In 2005, the City Council Adopted the Conditional Building and Site Design Review Process as part of the Walkable Communities Ordinance. The proposed text amendment will allow for a review of design related requests, which have been previously approved through the Conditional Use process to be reviewed through the Building and Site Design Review Process. Items that are proposed to be reviewed through the Building and Site Design Review Process, rather than the Conditional Use process, include: additional building height, building façade materials, minimum building setbacks and first floor glass requirements. This is an Issues Only hearing to consider and discuss the proposed draft text amendment. Public comment will be taken at this hearing; however, no final decision will be rendered by the Planning Commission at this meeting.

Chairperson Wirthlin recognized Nole Walkingshaw as staff representative.

Mr. Walkingshaw stated that this petition is an attempt to have some clarification between conditional uses and building design site issues.

Chairperson Wirthlin opened up the public portion of the hearing.

Shane Carlson, inquired about the future dimensional question that might be seen by the Commission in the future, and what type would be dealt with on a staff level versus the Commission level. He also inquired about the noticing for the next meeting and requested if staff could give him the most current changes to the text to look over before then.

Chairperson Wirthlin closed the public portion of the hearing.

Mr. Walkingshaw stated that in the D-1 Central Business District there was language changed to help control height levels on corners of streets to 375 feet, and to minimize building mass at higher elevations to preserve scenic views.

Commissioner Forbis made a motion regarding Petition 400-05-16 be continued to the next Planning Commission meeting and that the agenda be amended to reflect that the Planning Commission will be making a decision regarding this petition at the meeting on November 28, 2007.

Commissioner McHugh seconded the motion.

Commissioners Forbis, McHugh, Chambless, McDonough, Muir, and Woodhead voted, "Aye," and the motion carried unanimously.

There was no unfinished business.

The meeting adjourned at 11:11 p.m.

Tami Hansen, Planning Commission Secretary

6. PLANNING COMMISSION-TABLED

d. Additional Community Comments

Received after November 14, 2007

Robert W. Webster

1248 Yale Avenue Salt Lake City, Utah 84105 801-557-5444

November 20, 2007

Ms. Marilynn Lewis
Salt Lake City Planning Commission
451 S. State Street, Rm 406
PO Box 145480
Salt Lake City, Utah 84114-5480

Dear Marilynn,

First, thank you for the time that you spent with me on the phone and for the background materials related to Salt Lake City's Proposed Riparian Overlay Project that you supplied in late September of this year. I know how much hard work it takes to move an initiative of this type forward in a public environment. Secondly, I have now reviewed the materials, spent time talking with neighbors, and have attended the public meeting held at the City and County Building on the evening of November, 14th. I believe that the Commission's decision at that meeting to Table the proposal was most appropriate. I left some comments on a card that night, but choose not to speak as a result of the packed room conditions and the hours of angry testimony provided by residents with views similar to my own. I am writing to expand on my thoughts on the issues to date.

I would like to go on record in strong opposition to the Ordinance as it is currently written. I believe that the proposal as drafted describes: 1) an overly broad "one size fits all" approach that will not provide the anticipated environmental benefits due to substantial flaws; 2) constitutes an illegal "Taking" of private property; and perhaps most importantly, 3) its implementation would not materially improve the water quality or habitat of our Urban Stream System.

Background

When we spoke on the phone, I informed you that our residential property is located at 1248 Yale Avenue and is bisected by Red Butte Creek. We view this property as a "family jewel" that we have every intention of passing on to our children. Therefore, it is certainly in our best interests to care for and preserve the value of the property. My educational and professional background is that of an Environmental Scientist, Geologist and Business Professional involved in the development of natural gas and electric utility infrastructure in the western states for over 25 years.

As a result, I am well versed in the various processes related to the development of easements, permits, rights of ways, and corridors of many kinds. This sort of work generally constitutes the balancing act of performing as a Guardian of the Land, acknowledging the rights of private and public land owners and finding the necessary compromises to work towards constructing facilities necessary for the public benefit. This is essentially the art of consensus building; an important area in which the proposed Riparian Overlay Ordinance is severely deficient at this time.

I am also well aware of the incredible power and emotion that is evoked through the debate over public and legal issues related to the "Not in My Backyard (pronounced nim-bee)"revolts that consistently occur in each of these situations. Often these debates go on for years and cost millions of dollars with no progress ever being made ... unless voluntary cooperation can be enlisted by the affected parties.

Overly Broad

The water quality and habitat issues that exist within the City and along its creeks are numerous, complex in nature and require very site specific solutions. As any implementation efforts are initiated in the future, a "one size fits all" Riparian Overlay will ultimately create more problems than it solves. As has been demonstrated with hundreds of other relevant examples throughout Utah and the rest of the Country, these sorts of political/environmental issues require many years of ecological evaluation, public debate and site specific solutions. Many issues that are relevant to Emigration Creek or other creeks throughout the City are entirely non-applicable to Red Butte Creek. In addition, as the debates proceed, ancillary issues tend to be brought into the fray that overcomplicate the discussions and forestall implementation of any identified partial solutions.

As an example, in our initial telephone conversation you told me that a one of the key issues with the proposal is that it has become overly broad as "Open Space" and "Public Access" issues in Wasatch Hollow have been incorporated into the otherwise city wide Riparian planning process. Having now spent some time reading the materials and participating in the public debate ... I agree with you completely.

It is now obvious to me that a single developer in Wasatch Hollow has area residents "up in arms" about his plan to fill one the last available plots of land along Emigration Creek with "Mc Mansions". Open Space and related Public Access issues in Wasatch Hollow have absolutely nothing to do with water quality and habitat in the Red Butte drainage ... but, they are already an overarching and complicating motivator in the debate. This was extremely clear at the public session this week.

Constitutes an Illegal "Taking"

I have great empathy for those folks in Wasatch Hollow, but it is just bad policy to use a widely applied Riparian Overlay plan, to stop development on a single parcel of private land, that an individual has purchased expressly to build homes on. Don't get me wrong, I would like to see this particular developer stopped from constructing "inappropriate" new homes. He is the same developer that has been allowed to do "tear downs" of historic homes in our neighborhood and replace them with oversized and generally obnoxious Mc Mansions. His general response to neighbors and the City officials who have asked him to stop has been ... you are going to have to pay me damages for lost opportunity. No one has paid him and the work continues.

Unfortunately, the legal way to stop him in Wasatch Hollow is not to "Take" his private property rights away with a Riparian Overlay, but to pay him not to build. As you are well aware, this is a precedent that you might not want to set. If the City attempts to move forward with the current Overlay plan, I am afraid that it will have exactly the same issue with literally hundreds of then very angry and alienated residents along the City's creeks.

In reviewing the letters and listening to the public comments, I can already see the many lawyers that live along the creeks lining up to enter into the legal debate. Private residents will surely join in the battle with them. This is some the most rare and expensive residential property in the City and the folks that have paid big money for it (and continue to pay big property taxes on it) are just not going

to give it up without a fight of epic proportions. I don't believe that his kind of battle is the best use of public or private funds. There are many better uses of this time and money if the City genuinely wants to improve the water quality and habitat along the creeks.

Proposal does not Materially improve Water Quality or Habitat

As we discussed on the phone, if the City genuinely would like to materially improve the quality of the water and habitat along its creeks, it need not look beyond its own contributions to the problem. I have now lived along Red Butte Creek for more than 25 years and I can tell you that during the only times I have ever seen significant amounts of pollution or run off through my backyard ... it has been the direct result of City storm sewers channeling tons of road salt, petroleum based asphalt related chemicals, diesel fuel, gasoline, garbage and "who knows what" other pollutants commonly found on City streets into the creek.

The water flows through Red Butte Creek are very precisely controlled by the dam in Red Butte Canyon. To the extent that stream flows create any significant erosion, it is largely again the result of the City using my backyard, and those of all the other residents along the creek, as a gutter to channel runoff from City streets that are below the Red Butte Dam. Any other impacts to water quality and habitat along the stream potentially created by private property owners are completely dwarfed by problems related to the dumping of City storm sewers into the creek. The frothing, foaming water common during rain and snow storms, adding to the already sterile poisoned waters created from roadway pollution, is a rather dramatic illustration of the City's contribution to the problem.

These storm sewer run off events will completely nullify any behavioral modifications by residents that would be required under the Riparian Overlay Regulations. The stream is essentially dead and will stay that way until pollution from City streets is curbed. My son's Advanced Placement Environmental Science class at East High School has even sampled the water and creek beds as part of class work in recent months and has demonstrated this finding. Nothing that residents can do will ever bring Red Butte Creek back to life until the storm sewer related issues are mitigated and those poisons eliminated.

In other words, trying to compel private property owners to comply with overly restrictive new regulations, before the City addresses the storm sewer related issues, will provide essentially zero net benefit. Building and zoning restrictions that are already in place ... have been protecting these properties for over a hundred years. Aside from the storm sewer issues, the demonstrated result is that some of the most environmentally viable and economically valuable properties in the City currently exist along it creeks.

Proposed Solution

I know that the City is genuinely interested in improving the water quality and habitat along its creeks. In my mind, there is a better approach than spending valuable staff time, potentially millions of dollars in wasted legal fees/settlements and entering into years of debate. All this while alienating private land owners by trying to impose an extremely restrictive and conceptually flawed Riparian Overlay that would if ever enacted have very little if any net benefit toward accomplishing its stated goals. I believe that the time and money would be much better spent looking for ways to solve the multitude of issues and serious damage that is created each year by channeling the pollution from the City's streets into the City's creeks. By addressing this problem we might also curb the associated flooding and any major erosion that occurs during storms? If it is deemed that this type of investment by the City is unnecessary, then how can you ask private property owners to give up their rights for no net progress towards a solution? **It just isn't going to happen!**

At the same time, I believe that appropriate new *voluntary guidelines* which fall short of the "Taking" of private property, will provide secondary improvements from citizens that are actively participating as partners with the City in improving water quality and habitat along the streams. Isn't this a better approach than wasting private and public time and money by turning individual property owners and tax payers into adversaries engaged in useless legal battles with the City over "who has the right to do what with private property"?

Thank you for your consideration of my thoughts and position,

Robert Webster

CC: Salt Lake City Planning Commission
Salt Lake City Council

Susan Cain Webster
1248 Yale Avenue
Salt Lake City, UT 84105
susan@bdexpert.net

Ms. Marilyn Lewis
Salt Lake City Corporation
Planning and Zoning Division
451 South State Street, Rm. 406
Salt Lake City, UT 84114

November 20, 2007

Dear Ms. Lewis,

I am writing as a concerned Salt Lake City homeowner residing at 1248 Yale Avenue. My property stretches from Yale Avenue south to Harvard Avenue with Red Butte Creek running through the middle. This property has been in our family since 1936 and we hope to preserve it and all rights currently associated with it for our children and future generations. I attended the November 14th public hearing for the Riparian Corridor Overlay and filled out a comment card but chose not to speak at that time as many were already slated to do so. The comments I heard in the room that night expressed many of the concerns I have over the "one size fits all" approach to the issues being addressed.

I applaud the City's decision to table this issue and to take the time necessary to separate the multiple, complex issues from the "heat" of what appears to be an escalating emotional debate. The issue of what size/type of housing will be allowed on two specific parcels of land in Wasatch Hollow needs to separated from the overriding and exponentially more complex issues associated with restoring the health of the diverse ecosystems surrounding each specific creek in the City system.

The Wasatch Hollow development issues would be more appropriately handled under the existing authority of the Planning and Zoning Commission and the Building Inspector, where the real issues of determining set back requirements, density (house size to open area ratios) and preservation of historic values can be more appropriately addressed on a neighborhood by neighborhood basis.

The "legal" way to address the concerns of the Wasatch Hollow residents is in a zoning change hearing, by allowing them to challenge the issuance of building permits or by allowing them to bring separate suits to enjoin the construction of the "undesirable" proposed development under any of several legal theories – devaluing their property, creating a nuisance that will not adequately protect their property (or the streams) from landslides and erosion, enforcement of local restrictive covenants, etc.

The City must be wise enough to recognize and separate the attempts of a few concerned property owners in Wasatch Hollow to "bootstrap" and "lend weight/credibility" to their opposition to one specific development proposal by dragging ALL City residents into an otherwise entirely "neighborhood" issue that can and should be addressed through the existing planning, zoning and building permit/inspection authorities or through separate court actions.

The issues of restoring the health of the City's diverse creek system are entirely separate, much more complex and will require the participation of multiple public and private interests. Any "solution" based solely on a zoning change is inherently both overbroad and under inclusive. It is overbroad because it necessarily applies a "one size" fits all requirement to the multitude of City creeks, each of which has its own, location specific concerns for protecting head waters, regulating stream flow, identifying contributing sources of pollution and developing desired end goals (plant restoration, fish restoration, public access, erosion control, etc.).

It is under inclusive because it does not address or consider the need for input from and cooperation by other agencies as diverse as street maintenance (control of storm runoff, street salting, road repair methods and debris disposal), city forestry, public health/drinking water safety, wildlife control, pet control, water rights (stream diversion and application to beneficial use) and dam safety, to mention only a few.

As demonstrated by the recent experience with the Legacy Highway, issues requiring the balancing of the "public interest" in development (whether highways or homes) and preservation of the natural environment (whether wetlands or riparian streams) are among the most complex and hotly debated/contested issues any governmental body must consider.

Among the lessons hopefully "learned" from the Legacy highway debacle are that efforts by government to simply "push ahead" without first completing ALL required environmental studies and planning (and more importantly building consensus among the disparate groups) can not only significantly delay construction but result in the unnecessary expenditure of literally millions of dollars of scare governmental resources in litigation defending pre-mature, broad brush "solutions" to one specific issue (transportation) at the expense of other legitimate concerns (preserving environmental and neighborhood values).

The City must now take all the time required for full environmental reviews of the diverse eco-systems associated with each separate city creek drainage area – reviews that deserve the best thinking and input of all affected public and private interests. This is a worthwhile objective, but not one to be undertaken lightly or with any expectation of either a simplistic or quick solution. Undertaking a thorough study of the sensitive, complex issues entailed in restoring the city creek ecosystems does not mean nothing should or can be done in the interim.

The starting point in any study of the creek ecosystems must be an evaluation of the current storm runoff situation that has effectively turned all of the city's streams into sterile open gutters. Unless and until this issue is addressed, no amount of "riparian" protection by private landowners can overcome the continuous infusions of salt, petroleum based chemicals and other garbage constantly flushed down the stream systems.

Once the City has demonstrated its commitment to addressing this run off issue, private citizens can be educated about the need to do their part to assist in the clean-up efforts. Even the most cursory look at the demographics of the residents living next to the City's streams will demonstrate the high aesthetic and financial value they place on preserving the beauty of the stream environments for themselves and future generations. There is absolutely no reason to believe that those who have already made substantial personal and financial investments to live in neighborhoods adjacent to the City's creeks are unwilling to do their part to preserve and even restore the health of those creeks.

A coordinated public/private approach to identifying and mitigating current impacts on the streams, whether from storm runoff, erosion or lack of pet control can go a long way toward developing the required educational programs/materials and enlisting support from all concerned parties to "do their part" in restoring these irreplaceable ecosystems and City treasures.

The creation a public/private partnership with coordinated voluntary actions by all parties to "do their part" will go a long way toward addressing the major sources of pollution impacting the City's streams. Only after public education and voluntary efforts have been given a chance to succeed will the remaining areas requiring government intervention become more clearly defined so that specific, limited regulatory actions with the greatest chance for success can be considered.

Thank you for your time and consideration.

Respectfully,

Susan C. Webster
801-583-0939

cc: Salt Lake City Council
Salt Lake City Planning Commission

Lewis, Marilynn

From: Lewis, Marilynn
Sent: Thursday, November 15, 2007 1:56 PM
To: 'ALAN CONDIE'
Cc: rht@princeyeates.com; srasmussen@scalleyreading.net; john_straley@utb.uscourts.gov; mdlinton@xmission.com; thulbert3@xmission.com; susanwhitney2@msn.com; reddicker@qwest.net; michaelgottfredson@hotmail.com; rvwoodhead@yahoo.com; davebuhler@msn.com; jtmartin@sprynet.com; difosnocht@comcast.net; jtaylor@commercecrg.com; amy@utahrivers.com; Shaw, George
Subject: RE: Nov. 14th Riparian Overlay Meeting
Categories: Program/Policy

Mr. Condie,

I hope you understand that as Planning staff I can only work from the information that is presented to me (the enacted moratorium document). As staff I cannot assume or speculate about motives. I can only deal with the assignment before me. Thank you for your comments. The idea of putting plant information on the web or in some type of mail out brochure is a really good one. Thanks.

Marilynn Lewis
Planning Division
451 S. State Street, Rm 406
PO Box 145480
Salt Lake City, Utah 84114-5480
801-535-6409

From: ALAN CONDIE [mailto:ascondie@msn.com]
Sent: Thursday, November 15, 2007 12:39 PM
To: Lewis, Marilynn
Cc: rht@princeyeates.com; srasmussen@scalleyreading.net; john_straley@utb.uscourts.gov; mdlinton@xmission.com; thulbert3@xmission.com; susanwhitney2@msn.com; reddicker@qwest.net; michaelgottfredson@hotmail.com; rvwoodhead@yahoo.com; davebuhler@msn.com; jtmartin@sprynet.com; difosnocht@comcast.net; jtaylor@commercecrg.com; amy@utahrivers.com
Subject: Nov. 14th Riparian Overlay Meeting

Dear Marilynn Lewis: Last night's meeting was an informative one to see how the zoning process works. I believe that everyone as city planners, environmental enthusiasts, and streambed property owners need to be completely honest with each other to be effective and form a partnership. Dave Buhler, city council six, told our Emigration Creek community with our chair, Ellen Reddick, present that the moratorium was placed to prevent a developer to place a large number of homes on a two acre parcel of land that the city had a verbal agrement to pay the previous owner above fair market value for the land to add to the Wasatch Hollow Park. There was no ordinance prohibiting them to place a retaining wall in the streambed. This matter was then referred to the zoning commission for the development of legal ordinances protecting the riparian habitats. When the city attorney, Lynn Pace, stated at the end of the meeting that he did not know why the moratorium was placed I thought that this statement was incredulous in that Dave Buhler received a legal opinion that the city could not do "spot zoning" for a particular parcel of land and that the ordinance had to be consistent throughout the undeveloped land along all stream corridors. There were statements by people that don't own streambed land that insinuated that the pollution comes from the properties that line the streams. I believe that this is incorrect. The

aggregate average slope of the streambanks between 1900 East and 2100 East is easily a 45 to 50% gradient. There are no vegetable gardens in these areas that receive fertilizer but have natural and non-native plants and in some places dirt cliffs. Most of the pollutants are the chemicals, oil slicks from cars and garbage/debris that come from the numerous storm drains that the city has placed in the streets. Today I noticed that there is a large grey contractor's bucket that was thrown in the Emigration Creek the last couple of days and two lots up was another red one. People from outside our neighborhood use our stream as a trash dump...a ladder and a tent came down the stream this past Spring. Everyone at the meeting last night was exercising their right to state the dictates of their own consciences. There are three types of conscience formation developmentally. The lowest level is the "conscience of coercion" where a person is forced to behave in a certain way. (This is analogous to an ordinance that would constitute a "regulatory takeover" of private property and "functionally take ownership of the land".) The next level is a "conscience of constraint" where a person refrains from doing something wrong for fear of being caught and suffering the natural consequences of their misbehavior. (I doubt that the city could enforce people to comply with unreasonable regulations.) The next level is the "conscience of cooperation" where people form a partnership and solve problems constructively and feel good about what is accomplished. I believe by doing this an enormous amount of stream protection would occur with input from environmental attorneys, real scientific research, and neighbors working together. The reason I stated last night that an urban forester could list on a website the invasive, prohibited plants and then list the desirable, erosion control type plants is that an urban forester could not possibly satisfy even a very minor number of requests for plant approval. By planting from a list of desirable plants a person would already know that they are in compliance. To give you an idea of the importance of a process like this I would like to share with you an experience that the neighbors on Aldo Circle went through. A dead tree slumped down into the middle of the stream thus forcing waterflow sideways in both directions and really eroded the streambank. They contacted the Salt Lake County flood control division who referred them to the urban forester who never responded over more than a two year period...so they did the prudent thing that should have been done in the first place and paid to have the tree and stump removed at their own expense (two years later). Pass an ordinance now that protects future development, which the moratorium was really intended for, and then lets get together next year and implement some regulations with input from everyone concerned about the quality of the watershed. Thank you for allowing people to get involved. Regards, Alan

A Landowner's Suggested Modification to Section (C) to Draft 21A.34.130 RCO Riparian Corridor Overlay

Proposed by M. John Straley

My wife and I own a home that is located adjacent to Emigration Creek. The foundation of our home rests within 10 feet of the streambed. As proposed, Section 21A.34.130 will unnecessarily restrict the use of our land and will constitute a "regulatory taking" which is prohibited under Utah Code Annotated Const. Art. 1, § 22. *See. View Condominium Owners Association v. MSICO, L.L.C.*, 127 P.3d 697, 704-5 (Utah 2005). "A taking is any substantial interference with private property which destroys or materially lessens its value, or by which the owner's right to its use and enjoyment is in any substantial degree abridged or destroyed".

The restrictions contained in this ordinance are not necessary for the goals of the Riparian Corridor to be achieved. I have drafted a revision to Section (C) which provides all of the necessary protections requisite to achieve a viable Riparian Corridor while giving landowners the freedom to use their land in a reasonable and productive manner.

The substantive changes that I suggest to the planning commission's Draft are as follows:

1) The words "the Public Service Director" are deleted from Section (C)(1)(a). By deleting the reference to the Public Service Director, approval to plant native non-invasive vegetation will require only approval from the Urban Forester. The Urban Forester is the expert with respect to vegetation. The city does not need two layers of bureaucracy to monitor the planting of native non-invasive vegetation.

2) A sentence has been added to the end of Section (C)(1)(b). The sentence clarifies an inherent ambiguity between Section (C)(1)(b) and (C)(2).

3) Section (C)(2) has been revised. The original draft provided that new construction within the Structure Limit Line be confined to the "footprint" of the existing structure. Confining use by the landowner to the existing footprint is overly restrictive, and imposes an unacceptable economic burden on the landowner, and is not necessary to achieve the desired result. The stated goals of the riparian corridor can be achieved in a far less restrictive manner. Requiring that a replacement structure be placed no nearer to the AHWL than the existing structure, and subjecting the construction to other proposed safeguards accomplishes the same goals. This modification prevents encroachment upon the waterway and leaves landowners with the freedom to remodel and rebuild as is their right.

Landowner's Proposed Change to Section (C), Draft 21A.34.130
RCO Riparian Corridor Overlay

C. **Minimum Setback for New Construction, Additions and Accessory Structures.** The following minimum setbacks shall be require within the Riparian Corridor:

1. **Riparian Corridor** is a one hundred (100) foot transition buffer measured from the Annual High Water Level ("AHWL") of the adjacent water course and/or wetland. No leach fields, storm water retention ponds, detention basins or commercial parking lots will be located within the Riparian Corridor. Permitted activities and the responsible agency are listed in 21A.34.131 Table Of Permitted Activities Within the Riparian Corridor and 21A.34.132 Illustration - A. No person/organization shall engage in any activity that will disturb, remove, fill, dredge, clear, destroy, armor, terrace or alter this area through manipulation of soil vegetation, or other material except by authorization from: 1) Salt Lake City Public Utilities Director, 2) U.S. Army Corps of Engineers where and when applicable.

a) **No Disturbance Line** is measured twenty-five feet (25) from the AHWL. This is the outermost limit that prohibits disturbance of any kind. No fencing, other than pre-existing fencing, shall be closer than twenty-five (25) feet horizontally to the AHWL. Planting closer than the AHWL must be native non-invasive vegetation must be approved by the Urban Forester.

b) **Structure Limit Line** is measured fifty feet (50) from the AHWL. The Structure Limit Line delineates the limit where any type of construction (landscape walls, additions, accessory structures or new development) can occur. (See sections 21A.34.131 and Illustration - A). New construction which: 1) replaces or rebuilds a pre-existing structure, and 2) complies with the provisions of § 21A.34.130(C)(2) is exempt from this subsection.

2) **Replacement or Rebuilding of Pre-existing Structure** is permitted within fifty feet of the AHWL only so long as the new construction replaces or rebuilds a new structure that: 1) replaces a pre-existing structure with same type of structure or a structure of lessor impact (a pre-existing single family dwelling may only be replaced by another single family dwelling, a pre-existing duplex may only be replaced by a duplex or a single family dwelling), 2) no portion of the footprint of the new construction is any nearer to the AHWL than the nearest point of the pre-existing structure to the AHWL, and 3) the new construction does not require armoring of the stream bank, there is no instability due to movement of a steep slope, unstable soils or geological activity along a fault has not occurred and caused changes to the ground that are so severe that it will not support the previous structural foot print.

ARMORING OF STREAMS

By

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File: Words, Prop, Emig, Armoring

19 November 2007

To: Salt Lake City Corporation
Planning and Zoning Division
451 S. State Street, Room 406
Salt Lake City, Utah 84111

ATTN: Marilyn Lewis – Principal Planner

There are some Planning Division draft **definitions that are incorrect or only partially correct**:

1. **CORRECT DEFINITION IMPORTANCE:** In this moratorium and ordinance draft there are differences in denotation and several differences in connotation. For example, the **real estate definition of Riparian** is " The owner of the land that borders on a river or stream carries with it the right to use the water in common with the other landowners whose land borders the same water course. The landowner does not have absolute ownership of the water that flows past his land, but he may use it in a reasonable manner" Further, the real estate definition has attached "**fructus naturals**"; that is," trees, cultivated perennial plants, and uncultivated vegetation of any sort are considered part of the land rights". **Webster's definition of riparian**: "Related to or living or located on the bank of a natural water course (as a stream or river or something of a lake or a tidewater course)". **Webster's riparian rights**: " A right (as to access to or use of the shore, bed, and water) of one owning riparian land. However, it appears the **environmentalists have changed this definition** to read, "land area adjacent to rivers, streams, springs, bogs, lakes, and ponds. They are ecosystems composed of plant and animal species highly dependent on water". In this moratorium and draft, only the environmentalist definition is used. Further, the connotations of the definition are used to justify an emergency which does not exist, and to sell and create and act based on half truths. By changing the real estate definition and using police power zone variance we have a government control of land that is the equivalent to "taking" of land without economic responsibility of Eminent Domain. If landowners are forced to have an ordinance and take orders from the state (city), then it is **important that definitions are understood**.

2. **ARMORING – POLITICAL DEFINITION:** Armoring is just one of a lot of important defined applications which must be understood. Armoring, following the same political definition as stated above, ignores the engineering definition as related to function, purpose, and territory. I apologize for taking a page or two to define "armoring", but armoring in Zone A is important whether the ordinance passes or does not pass, and the fast track, political inequity, lack of research and input, and the incomplete data proposed leaves me no choice. I encourage any response to this small article.

3. **ARMORING – DRAFT DEFINITION:** The first part of this definition in the draft is **correct**, "A protective covering of a stream's bed or bank with erosion-resistant materials such as stone, concrete or stone filled gabion baskets." However, the following sentence, in quotes, is only partially correct as it states "armoring increases the stream flow velocity, which causes further damage on opposite downstream banks. Armoring can increase water temperature". It is believed that a negative form of channeling is being confused with armoring. This part could be added to sell or sugar coat the reason for having a moratorium and ordinance. The statement "which affects riparian habitat and water quality " is the environmentalist's definition. Emigration creek already has good habitat and water quality for animals because of the Zoo and natural habitats of Liberty Park. They allow safety and good health condition for animals instead of exposing them to the dangers of a rural city. Another example of the misinformation methods is Miller Park. It real name is Miller Bird and Natural Habitat Park, but because people and their dogs enjoy this park there are few if any other animals. This park has a great trail and the canyon has great "armoring". The terraces and armoring are wood and rock, and the trails and terraces have good deadman support. However, it should be noted that the stream bed is not the original bed, but is a man made channel made by the use of a backhoe and other equipment to create the equivalent to a natural controlled setting. It is a trail for humans and their domestic pets. The concept was sold under this false pretence and this Riparian Corridor Overlay is being sold under false pretences. Natural habitat and water quality is discussed under that subject. City Street water also contaminates this stream. The City has tried to correct the crime in the canyon by restricting hours and having a neighborhood watch (there are no regular patrols). We suspect Wasatch Hollow Park (still a secret, but the landowners will be informed after the fact, of course) will be similar to this using the same justification method(s). Anyway, the park has **great armoring**, paths, bridges, picnic areas, and lots of natural channeling with increase of velocity. **Private landowners should have that same right**.

4. **VELOCITY CONDITIONS.**
   a. **FLUID CONTROL FORMULA**: Q=VA AND V is directly related to VP and inversely related to SP. Temperature increase or decrease as A increases or decreases. V and VP are directly related to a given Q. V and VP are increased or decreased as the SP increases or decreases. Kinetic water flow increases and decreases due to the force of gravity. Static water is subject to the functional temperature of conductivity and radiation. Those of you who understand this ok, those who made this ordinance draft do not. So lets discuss a few things about fluid control.

      1). INCREASING. Velocity (V) increase due to gravity in a cross sectional areas (A). If the area becomes less for the same Q or GPH or CFM (Gallons per Hour or Cubic Feet Per Minute) , then the velocity (V) will increase. This mostly happens in channeling or tunneling which Salt Lake City and land developers are great at creating. Straight channeling (due to gravity); therefore, this part of the above statement is somewhat true. Modern culverts/ tunneling designs create several problems and one of them is high water velocity during flooding. High velocity pressure will also create a negative vacuum (cavitations) at right angles and in Salt Lake Citys culverts causing sink holes (example 1982 flood). Many are under designed causing not only cavitations within the tunnels, but damming and eddy current erosion in the input side, and undercurrents, eddy currents, temperature reduction on the output side. Culverts and tunneling will be covered in a separate discussion. Salt Lake City Culverts are the major cause of velocity and temperature increase and not the riparian home owner, or any armoring that he might have that cause minor velocity changes. The landowners natural, man made, and combination armoring, **should not be the political target** of this ordinance because armoring is the **key functional control** for both ecological and man's stream environment.

      2). DECREASING. However, if the gradient is flat (such as the Jordan River which is really a channeled river) the velocity is slow. When water contacts an obstacle either directly or glancing, the resistance (SP) reduces the Velocity (VP) Pressure and Velocity (V); that is, the water velocity decreases. Diffusion by roots and debris as filters (water going through roots and debris but being resisted) lowers the VP and V and slows down the steam. More is discussed below. There is one good thing Salt Lake City has done to reduce velocity, and that is the grates on the front of their culverts. These grates collect debris and create dams in the spring during flood season. These dams do slow the velocity down, but have great whirlpools, undercurrent, and eddy currents on the inlet side and are dangerous to city crews and citizens alike. However, this slow downed velocity is all lost by the extreme velocity increase going through the tunnels and eroding soil on the outlet side.

5. **ARMORING.** There are **three fundamental types** of armoring; they are, **Man Made Armoring, Natural Armoring , and the Combined Use Armoring.**
   a. **MAN MADE ARMORING.**
      1). MAN MADE CHANNELING - ARMORING. Channeling, such as a "U Shaped Canel" without gates, bends, or other SP (Static Pressure = Resistance) is a major cause of poor velocity control, poor water control, poor material and solution control, etc. Again, what appears to be bad armoring can be good when properly used; for example, a fish hatchery has controls "channeled canal" that very effectively creates a very good environment for fish, water quality, and channeling distribution of both.

      2). BANK ARMORING IMPORTANCE. There are three critical places where bank armoring is essential. The most important are bends which are close to 90 degrees. The next, is the normal stream curves where condition such as debris and rock cause cliffing and/or erosion. The next, has to do with surveyed land lines and stream center lines. Many land deeds state " X number of feet, or the center of the stream" and without armoring the **difference between the surveyed portion of the stream and the center of line portion can get out of control causing law suites**; that is, how far should the Center of Line move and take another persons property before legal settlement needs to take place. High Water Mark usage (as proposed in the Draft) can even cause more problems. Will discussed HWL under the Zone A, B, C discussion.

      3). BANK ARMOR VELOCITY ON 90 DEGREE BENDS. The bank armoring on bends prevent the erosion of hundreds of cubic feet of soil. A large flood can take 20 to 30 ft on a curve that is not armored. This is OK in nature where the mountains and Grand Canyon are formed, but is a disaster in a rural setting with land distribution with recorded survey plat. The loss of 20 ft means the Center Line, High Water Mark and land use are lost by one owner and gained by another. The A Zone and B Zone, discussed later, are flawed in this area because High Water Mark on the eroded or losing side moves more and more inland; thus, A Zone moves into B Zone, eventually C is taken over by B Zone and C Zone may even disappear (along with the house). The "preparation, reaction, recovery, and mitigation" of a flooding plan condition with proper armoring is completely left out of the Moratorium and Drafts in relation to the proposed ordinance. Some Salt Lake City Culverts outlets are already causing problems where the outlet hits a bend.

The velocity of the water in these culverts is very great during flooding. Note, however, that **velocity decreases** with **the armoring on bends.** On a bend with a 6 ft wide stream, and a stream bed (channel) which has flood water at 6ft deep could have a 2ft surge current build up; thus, the Armoring on the bend (of 90 degrees) would need to be 8ft high.

4). BANK ARMOR SLOPE. Straight vertical Armoring on 90 degree in not desirable, but must be used in a steep canyon of 30 degrees. The sloping of armoring and the use of terraces creates an effective and inexpensive means of erosion and flood control.

1). ANGLED ARMORING. Angled armoring increases the area for a given quantity of water flow as the slope goes up hill. This slows down the velocity and velocity pressure against the armoring. Further, "diffusion used by irregular sides and simple gating with rocks, will cause the water velocity to reduce. As the angle goes up and the area increases the velocity does not have carrying capacity because the V and VP are reduced

2). TERRACE ARMORING and DEADMEN. Presently the best results with terraced armoring is about 4 ft with out deadman support (**deadman** is a horizontal support to support, at a right angle, and used to maintain stability of the vertical Armoring. It can be a 2 x 4, 4 x 4 wood, metal, or concrete arm). The deadman goes horizontally about 3 or 4 ft inland and is covered by soil so the weight of the ground forces the armoring inward). It is practical to TERRACE every 4 ft because this allows a maintenance path, a place to plant natural plants or have natural armoring, and the terrace path reduces the velocity (if in the flood plan) even more by increasing the area, for a given volume of water, at flood level. Natural Armoring is discussed later. **We gain every advantage possible by armoring and terracing method** and the city has even done a good job in some places.

5). TYPES OF MAN MADE ARMORING.

a). ROCK STACKING. From the beginning of mankind, stacking rocks, and logs, has been an effective way of armoring.

b). GABION. Gabion is an effective way to armor stream banks. Gabion is a wire basket with small rocks within. In combination with stacking rocks, it is popular because it is inexpensive and many engineers and landscapers do not know of other methods. It is further advantageous because it can be built manually with a backhoe. However, unless done correctly, it can look terrible.

6). STACKED RAIL AND WOODEN WALL. Rail road ties are no longer used because of the creosote in the ties leaching out. However, there are other wood treatment rails used in the Northwest and other places that are very effective in preserving wood and are friendly to the environment. They are use in many armoring conditions as armored wall supports, terracing, etc.; however, they have a life spans of 10 to 20 years which mean they must be replaced or combined (covered with bock or rock).

7). MODERN BLOCK. The earlier "cinderblock" which was replaced by the concrete block (with holes in the center) are effective in creating "Base Armoring". The use of U shaped rebar to hold each block is effective because it can be pounded into ground which has a rock base without trouble. Because of the rebar and block combination, it can be set on the stream bed at low water mark without creating any other base support. The offset stacking of the block allows a tapered wall. The base is set at the low water mark edge, rebarred in, and offset stacked. Small rocks and soil are placed behind each row which make it very stable and build up the soil lost to erosion (repairing after a flood). The top of the block can either be stabilized by heavy caps or concrete caps and deadman can also be used for more stability.

4. NATURAL ARMORING.

a. NATURE'S ARMOR. Rock, rock cliffs, trees, bushes, and even moss create natural armoring for a stream. Debris that collects on the sides or catches in tree roots is also natural armor. Grass and bushes create armoring from rain and wind; thus, preventing the soil from runoff.

b. TREES AND BUSHES. Trees create natural armoring in both soil stabilities and flood control.

c. BIOFILTERING. There are two types of biofiltering systems in nature. The filtering and use of plants will be discussed later. The next is rock beds, sand bed, etc. where surface and ground water filter through. Soil is a natural filter and is very effective in collecting both nature's and man made acids. Man made biofilters are usefull in cleaning water. Biofiltering in stream with slow current can be effective, but in canyons where water runs fast, they do not last and are not effective. The water falling and aerating as it goes down stream is effective in this area where biofilters are not.

d. STREAM BED ARMORING. Plants, especially trees, play a big part in soil stability. Grass is an important stabilizer; however, it is subject to fire. Bushes and small plants also stabilize the soil, but cause debris collection in nature. Rodents, including, mice and rats, and other small animals use this debris collection for shelter and housing. In a rural environment, this can be a health hazard as well as a fire hazard. Moss can create a carpet in stream beds. Much of the moss in Salt Lake City streams is cause from polluted street water drainage; however, it is effective in preventing stream dredging (normal erosion of the stream bed surface). Trees are the best armor control of stream banks because their roots, needing water, cover an area and help hold soil. Tree roots also collect natural and man made debris and effectively control the velocity of a stream by both armoring and diffusion of energy.

e. COMBINATION OF NATURAL AND MAN MADE ARMORING. Plant life in a stream canyon has a hard time surviving during the flooding period. Nature's method is to undercut the roots, the tree falls down and dams the stream, this moves the stream bank , this acts as velocity control, and natural environments are created. In a rural area with surveyed plats and homes, it is a disaster, and property and lives are sometimes lost. The combination of natural armoring and man made armoring is essential for soil and plants; thus, planting vegetation around man made armoring is effective. Example, it is popular to use Gabion (rock filled metal basket) on corners of stream beds to stop the erosion; however, water direct currents, eddy currents, undercut currents etc. tend to erode the side, top, and bottom of a gabion. The gabion then falls over and becomes a dam, or ends up as a island. By effectively using trees and other plants, the gabion armoring remains stable. Any man made armoring whether they are rock, wood, block, or combinations is more effective with natural armoring; however, without man made armoring many natural armoring will not survive floods or droughts.

f. MAINTENANCE. Armoring must be maintained regularly. This means the plants need watering and fertilizer. Trees on the water edge get water and nutrients from the water, but those holding the bank may not. The plant life 25 ft or 100 ft may need mans help to stay alive. In a desert you will see vegetation along a stream, but nowhere else. The assumption that property owners leach fertilizer into the stream is unfounded; however, farm areas do have some leaching; that is, a matter of choice of food or fertilizer. Soil absorbs and filters, but it also releases "salts" and other minerals. This is why we get salt and magnesium in Great Salt Lake. In lower wet basins this can be a problem as it is on the lower part of the Colorado River, but on the upper regions it is not a problem for man or animal. Ground and water drainage in land has been going on for hundreds of years, and land drainage owned by Property Owners in Salt Lake is a political over rated assumption. The salt, toxins, and oils from Salt Lake City Street water are real. Man made watering sprinklers, spray, and drip system are very good at keeping a balance between nature's armor and man's armor maintained. One of the better means of maintaining control of the above, is the use of terraces and gardening paths. These paths can be water paths if not maintained, but garden and recreation paths in a home environment become part of the ecosystem and armoring system. Mainly, it allows man to maintain the armoring and environment. The "No Disturb Zone (A)" would be a disaster if the true meaning of "no disturb" were used. The "No Disturb Zone (A)" has only political reasons for minor usage. The sociological reasons for use by both the public in parks and path in public area good because of good armoring. It sociologically wrong and hypocritical to allow public access and structures to the stream and not private access and structures (decks, paths, terraces) to the stream in the form of structures.

g. STRUCTURES. Structures next to the water's edge such a boat docks, decks, picnic areas, are man's way of getting to the waters edge. If this were not so desirable, then parks would not be needed in cities. Many parks have armoring all around their ponds and stream bed and this maintains the pond and ecosystem. It is man and nature in harmony and not the negative system that is created by extreme ecologists or biologists. There is little if any harm in having paths, swimming beaches, boat ramps and docks, bridges, gazebos, etc. next to water courses as long as they are maintained. To deny private property owners the right the city has is being hypocritical. Private owner's can without damage to the water or environment have decks, stairs, picnic areas, bridges. etc for viewing, parties, and children the same as the city can. In many places where the city has polluted the stream , the stream is virtually dead, but the private owners have created duck ponds, habitats for fish, squirrels, birds, etc. and still should be allowed to do so! Discussion on uncontrolled animals in a rural setting will be discussed under that topic.

CONCLUSION: If this contrived Ordinance is passed, then Armoring is an **important part of Zone A.** Armoring on bends, places where cliffing is taking place; where surveyed property, center of line, and high water mark lines are no longer are reasonably acceptable; then **armoring will be required whether the ordinance passes or does not pass** to maintain some sort of natural and man made stability of the landscape and legal property lines land along the stream.

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November 14, 2007

COMMENTS ON PETITION 400-07-18
RIPARIAN CORRIDOR OVERLAY DISTRICT

Dear Members of the Planning Commission and Planning Division:

Thank you for your work to develop a proposed "Riparian Corridor Overlay District" ordinance (the "Proposed Ordinance"). Protecting existing streams, riparian areas, and wetlands from further degradation is critical to maintaining a healthy environmental and the natural amenities that we enjoy but often take for granted. Given the legal and regulatory gaps in state and federal environmental laws to protect these resources, a riparian overlay zone is warranted. I also believe that a well-drafted and enforceable riparian overlay zone could prove to be a model for other communities to adopt similar measures, and for Salt Lake City to adopt other overlays zones with environmental protection purposes.

As a practicing environmental lawyer for over twenty years and adjunct environmental law professor at the University of Utah, I understand and appreciate both the need for protecting these important resources, and the controversial nature of limiting development rights. I know that a great deal of thought has been given to the Proposed Ordinance, and drafting such an ordinance is not easy. Notwithstanding good efforts and intentions, I have identified the following deficiencies with the Proposed Ordinance:

1. **Unduly Burdensome.** The Proposed Ordinance is more procedurally burdensome than the requirements of Section 404 of the Clean Water Act, which protects jurisdictional waters of the United States including wetlands. CWA § 404 and its implementing regulations contain exemptions from the requirement to obtain an individual permit from the Army Corps of Engineers (the "Corps") if the proposed activity meets certain conditions. Because no exemptions exist, virtually any work within the 50-foot buffer appears to require a permit application.

2. **Lack of Exemptions.** The Proposed Ordinance contains no commonsense exemptions. If, for example, a home owner must replace tree that has fallen down within Area A (25-foot buffer), she must submit a full permit application and receive a permit prior to any planting. Exemptions do not even exist for emergency flood control measures. The lack of exemptions will unduly burden both the public and the staff of the Urban Forester and Public Utilities Director.

3. **Limitation on Planting Within the 25-foot Buffer.** Tree Utah and other environmental organizations encourage property owners to plant appropriate vegetation in areas near water bodies to protect against erosion, to enhance wildlife habitat, and to cool water

temperatures. The Proposed Ordinance discourages planting within the 25-foot buffer by requiring submission of a Riparian Plan for planting. The Proposed Ordinance should encourage property owners to plant by providing a list of recommended trees, shrubs and ground cover which require little or no maintenance and fertilizers, pesticides or other chemical treatments. If a plant is on the list, the homeowner should be free to plant without limitation or the need to obtain a permit. I question whether any other regulatory scheme is enforceable as a practical matter.

4. **Confusion Over the Role of Army Corps of Engineers.** The Proposed Ordinance purports to require the Corps to delineate wetlands. *See* Definition F(4) ("Wetlands must be delineated by the Army Corps of Engineers"). The Corps typically does not delineate wetlands except in the enforcement context. Rather, the Corps approves wetlands delineations. If the Corps has issued a CWA § 404 individual permit or a nationwide permit applies to an activity, the property owner should not be required to obtain a Riparian Permit from the City given that the Corps' substantive requirements are more stringent than the Proposed Ordinance.

5. **Omission of State Stream Alteration Permit Program.** The Utah State Engineer's office administers a Stream Alteration Program with the purpose of regulating activities affecting the bed or banks of natural streams. *See* Utah Code Ann. § 73-3-29; Utah Admin. Code R655-13. The Corps jointly administers the Stream Alteration Permit Program with the State Engineer. If a person applies for and receives a Stream Alteration Permit for a particular activity, the person should not be required to apply for a Riparian Permit from the City.

6. **Standards for Riparian Plan Approval and Appeal.** Under the Proposed Ordinance, if a Riparian Plan is rejected, the aggrieved person can appeal for a variance to the Board of Adjustment. For convenience, I have attached the standards governing variances. *Salt Lake City Ordinance* 21A.18.60. A cursory review of the variance standards indicates that they are designed to address routine variances unrelated to environmental considerations. They simply should not apply to the approval of Riparian Plans or appeals from denials of Riparian Permits. Rather, the Proposed Ordinance should include a set of appropriate standards based on environmental considerations and site conditions. For example, if a proposed riparian plan demonstrates adequate protection of water quality and existing riparian vegetation through the use of mitigation, best management practices, and other methods in light of existing site conditions, the Riparian Plan should be approved. Furthermore, the standard should expressly state that due consideration should be given to existing site conditions, e.g., some segments of Red Butte Creek have been completely armored or lined with riprap and, thus, no longer function as a natural stream. As such, stream bank erosion is no longer an appropriate consideration.

7. **Failure to Sufficiently Recognize Grandfathered Conditions.** In some segments of streams in Salt Lake City, fences and homes and other structures have been built within the 25-foot buffer area. The Proposed Ordinance only recognizes the right to rebuild within the 25 to 50-foot structure limit. Depending on site conditions and environmental

protection measures, including mitigation, homeowners should be able to submit a Riparian Plan which allows reconstruction if riparian resources can be protected.

Based on the above, I recommend that the Planning Commission table the Proposed Ordinance, appoint a legal and technical review team of professionals to evaluate and submit recommendations to remedy the current deficiencies prior to any further public meetings or deliberations. I would be pleased to assist in that regard if appropriate.

Thank you for your consideration.

Sincerely,

Craig Galli

Craig D. Galli

Lewis, Marilynn

From: Richard H. Thornton [rht@princeyeates.com]
Sent: Monday, November 19, 2007 4:10 PM
To: Lewis, Marilynn
Cc: Morris Linton; Ellen Reddick
Subject: Riparian Corridor
Attachments: 7785-0&1.doc; 7785-001.doc

Hello, Marilynn,

Attached is a revised draft of the riparian corridor ordinance with suggested revisions from a number of residential neighbors (clean: 7785-001 and mark-up showing changes from the draft you sent me: 7785-0&1).

Morris and I look forward to meeting with you Tuesday at 2:30 p.m. and discussing our thoughts behind the revisions.

Thanks for your help.

Rick

Richard H. Thornton
2040 Laird Drive
Salt Lake City, Utah 84108-1902
Home Phone (801) 582-1289
Work Phone (801) 524-1000
Work Fax (801) 524-1098
E-mail rht@princeyeates.com

21A.34.130 RIPARIAN CORRIDOR OVERLAY ("RCO")

A. Purpose Statement. The purpose of the Riparian Corridor Overlay is to minimize erosion and stabilize stream banks, improve water quality, preserve fish and wildlife habitat, moderate stream temperatures, reduce potential for flood damage, as well as preserve the natural aesthetic value of streams and wetland areas of the City. This overlay provides protection for all stream corridors and wetlands east of the Interstate 215 Highway and includes City Creek, Red Butte Creek, Emigration Creek, the Jordan River and Parleys Creek and their tributaries. Canals and irrigation ditches are not included. Many of these streams run through single family residential areas that were already developed on the "Adoption Date" (as defined below). In those areas, the RCO is intended to account for and to achieve a reasonable balance between the dual natures of the areas—natural streams and residential areas. The requirements of the RCO shall supplement other applicable codes and regulations, including State and Federal regulations and the Salt Lake City Floodplain Ordinance. Notwithstanding any provision of this ordinance to the contrary, the RCO shall not apply to Developed Residential Lands (as defined below). Developed Residential Lands may be brought under the ordinance later as small area plans are developed for different neighborhoods within the ROC. In the meantime, Salt Lake City departments are encouraged to develop educational programs for owners of Developed Residential Lands in the care of streams and adjoining properties, e.g., the Urban Forester (as defined below) in the appropriate vegetation of banks and the Public Utilities Director (as defined below) in erosion control.

B. Wetland Delineations:

Boundaries and Delineations for wetlands shall be performed by a licensed professional Civil or Hydraulic Engineer, Landscape Architect, Hydrologist, Fluvial Geomorphologist or equivalent environmental science professionals. All delineations are subject to the approval of the Salt Lake City Public Utilities Director (or designee) (the "Public Utilities Director").

The "Riparian Corridor" (as defined below) shall be delineated from the Annual High Water Level (or the "AHWL," as defined below) on the bank taking into consideration the characteristics of the surrounding area. Where the Annual High Water Level cannot be found, the top of the channel bank may be substituted under the approval of the Public Utilities Director. The U.S. Army Corps of Engineers must approve wetland delineations prior to submittal to the Public Utilities Director. If a wetland occurs within and extends beyond the 100 feet of the Riparian Corridor, the outermost edge of the wetland will determine the outer edge of the Riparian Corridor.

C. Minimum Setbacks for New Construction, Additions and Accessory Structures and Activities within Riparian Corridor. The following minimum setbacks shall be required within the Riparian Corridor:

1. "Riparian Corridor" is a one hundred (100) foot transition buffer measured from the Annual High Water Level of the adjacent water course and/or wetland; this area may be

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extended for wetlands as described in section 21A.34.130(B). No leach fields, storm water retention ponds, detention basins or commercial parking lots shall be located within the Riparian Corridor. Permitted activities and the responsible oversight agency, if applicable, are listed in 21A.34.131 Table Of Permitted Activities Within the Riparian Corridor and 21A.34.132 Illustration - A. No person/organization shall engage in any activity that will disturb, remove, fill, dredge, clear, destroy, armor, terrace or alter the terrain with the Riparian Corridor through manipulation of soil, vegetation, or other material except as allowed by this ordinance or by authorization from (i) Public Utilities Director, (ii) U.S. Army Corps of Engineers where and when applicable, and/or (iii) other governmental authoriti es with jurisdiction over the Riparian Corridors. The following sub-zones are established within each Riparian Corridor:

a. "**No Disturbance Line**" is measured twenty-five feet (25') horizontally from the AHWL, or if stream bank has greater than a 30% slope, then the top edge of that channel bank. This is the outermost limit that prohibits disturbance of any kind except as allowed by this ordinance. No fencing, except fencing for the safety of users of residential structures, shall be closer than twenty-five (25) feet horizontally to the Annual High Water Level.. New planting between the No Disturbance Line and the AHWL must be native non-invasive vegetation and must be approved by the Salt Lake City Urban Forester or designee, including any organization specifically designated by the Urban Forester to preserve and protect Riparian Corridors (collectively the "Urban Forester").

b. "**Structure Limit Line**" is measured fifty feet (50') horizontally from the AHWL. This delineates the limit beyond which any type of construction (landscape walls, additions, accessory structures or new development) can occur. (See section 21A.34.131 and Illustration -A)

2. **Existing Improvements.** Maintenance, repair, restoration, replacement or rebuilding of structures (including fences, retaining walls, erosion control and steps), paths and landscaping existing on Developed Residential Lands and city parks on the Adoption Date (as defined below) is permitted within fifty feet of the AHWL; provided, however, that any replacement or rebuilding of structures within that area must satisfy the following criteria, in addition to any other requirements of applicable law: (a) the new construction replaces or rebuilds a pre-existing structure with the same type of structure or a structure of lesser impact (e.g., a pre-existing single family dwelling may only be replaced by another single family dwelling or a pre-existing residential duplex may be replaced only by a residential duplex or a single family dwelling); (b) no portion of the footprint of the new construction can be any nearer to the AHWL than the nearest point of the pre-existing structure to the AHWL; (c) the footprint of the new construction may be no larger than 120% of the footprint of the pre-existing structure on the Adoption Date; and (d) the new construction may not be placed in any location that requires further armoring of the stream bank, that is unstable due to movement of a steep slope, that is on unstable soils, that is on a site where geological activity along a fault has occurred or where changes to the ground are so severe that it will not support the proposed structure. The provisions of this Section 21A.34.130(C)(2) take precedence over any conflicting provision of this ordinance.

3. **Variance.** If the Riparian Corridor Overlay creates an undue hardship on a property, the property owner may petition the Board of Adjustment for a variance. All variance

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requests must be reviewed by the Public Utilities Director for recommendation to the Board of Adjustment. (See Section 21A.18.010 Variances)

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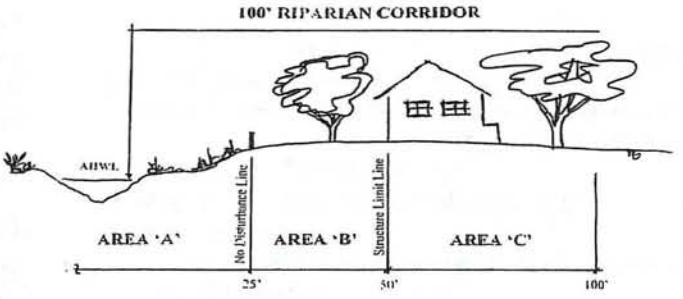
ILLUSTRATION - A



21A.34.130 Table of Permitted Activities Within The Riparian Corridor Overlay District			
Use	Area A	Area B	Area C
All leach fields, storm water retention ponds, detention basins and parking lots			
New principal buildings, additions and accessory structures			X
Walls		X	X
Wooden, metal, chain link or other open fencing	X[4]	X	X
Decks with footings Maximum 18" above grade		X	X
Patios (slab/pavers on grade)	X[4]	X[4]	X
Site grading			X
Minimal grading, surface vegetation and vegetable gardens	X[4]	X	X
Manual removal of storm debris and dead fall (chainsaw permitted)	X[2]	X	X
Pruning or removal of trees along utility easements	X[1]	X	X

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Compost from yard debris		X[2]	X[2]
Removal of invasive plants or dead vegetation and/or re-vegetation projects	X[1]	X	X
Erosion control along stream banks	X[3]	X[3]	
Steps and paths	X[3]	X[3]	

X - indicates a permitted use within the indicated zone; the use is prohibited where no "X" is found

X[1] -

X[2] -

X[3] - with prior approval of the Public Utilities Director, Salt Lake County Flood Control and/or the U.S. Army Corps of Engineers

X[4] - minimal landscaping improvements, including paths, steps and fences, made be made within Area "A" if the improvements: (1) are incidental to residential uses on the parcels; (2) do not occupy more than 20% of Area "A" in total; (3) may be completed with only minimal grading, as reasonably approved by the Public Utilities Director; and (4) are not placed in any location that requires armoring of the stream bank, that is unstable due to movement of a steep slope, that is on unstable soils or that is on a site where geological activity along a fault has occurred; also, fencing is permitted in Area "A" for the safety of users of residential structures

Area A – is located by measuring from the AHWL 25 feet to establish the No Disturbance Line (see section 21A.34.130(C)(1)(a) for full definition) In this area no structures or fencing are allowed except as permitted by this ordinance, and the planting or removal of vegetation must be approved by the Urban Forester (Section 21A.34.130.H Riparian Plan)

Area B – is located between the 50 foot Structure Limit Line and the No Disturbance Line; minimal grading, fencing and surface vegetation is allowed

Area C – is located between the Structure Limit Line and the outermost area of the Riparian Corridor, which is at 100 feet from the AHWL; in this area structures, major site grading and ornamental plants are allowed

D. Steep Slopes and Soil Stability Standards. The Public Utilities Director can require a geotechnical report and impose greater setbacks for structures or buildings beyond the Structure Limit Line to ensure safety. Proposed projects will be reviewed on an individual basis. When unstable soils on a stream bank are suspected regardless of the slope, the Public Utilities Director may require a geotechnical report, increase the No Disturbance Line as well as impose greater setbacks for structures or buildings from the Structure Limit Line to ensure safety. Proposed projects will be reviewed on an individual basis.

E. Riparian Plan Standards. In addition to the standard drawings for permit review, for new principal buildings or additions, an applicant must have a Riparian Development Plan approved by the Public Utilities Director for structures (and the Urban Forester for plant material) before a permit can be issued.

1. Plans shall be at a scale of 1"= 20'minimum. Sections requiring a horizontal and vertical scale shall be equal (example: Horizontal 1"=10', Vertical 1"=10').
2. All site plans shall have existing and proposed grades with two (2) foot contour intervals.
3. Native vegetation should be identified by location, type and size. The proposed removal of invasive vegetation must also be identified.

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4. Cross section drawings showing the Riparian Corridor, building setbacks and location of proposed structures.
5. 100 year flood plain, geological faults, high liquefaction areas and slopes 30% or greater must all be identified.
6. The applicant shall also submit any geotechnical or hydrological reports required as reasonably determined by the Public Utilities Director.
7. Habitat of any threatened or endangered species of aquatic and terrestrial flora or fauna shall be identified on the plan.

F. Definitions.

1. **"Annual High Water Level" (or "AHWL")** - Annual high water level means the highest level water reaches annually, on average, on the stream shore and is identified by: fresh silt or sand deposits, the presence of litter and debris, or other characteristics indicative of high water levels.
2. **Armoring** – A protective covering of a stream's bed or banks with erosion-resistant material such as rock, concrete or stone filled gabion baskets. [Armoring increases the stream flow velocity, which causes further damage on opposite down stream banks. Armoring can increase water temperatures, which affects riparian habitat and water quality.]
3. **Developed Residential Lands** –Parcels within the Riparian Corridor Overlay that are developed with residences as of _____ 2007, the date on which the ordinance was initially adopted (the "Adoption Date"); provided, however, that if a parcel is greater than one acre in size, then only the area on which the residence is developed and one acre surrounding that parcel shall be treated as Developed Residential Lands, i.e., the area greater than one acre shall be covered by the RCO.
4. **Stream** – A flowing body of water confined within a defined bed and banks. Streams may have continuous or periodic flow. [Streams are important as conduits in the water cycle, instruments in aquifer recharge, and corridors for fish and wildlife migration.] Stream is also an umbrella term used in the scientific community for all flowing natural waters, regardless of size (brook, creek, kill, rill, or run). Streams include intermittent or seasonal waterbodies, which exist for long periods, but not all year round They do not include ephemeral creeks, streams, rivers, ponds or lakes that only exists for a few days following precipitation or snowmelt.
5. **Wetland** –Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands must be delineated by the U.S. Army Corps of Engineers (ACOE).

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Lewis, Marilynn

From: ALAN CONDIE [ascondie@msn.com]

Sent: Saturday, November 17, 2007 9:23 PM

To: Lewis, Marilynn; reddicker@qwest.net; jtmartin@sprynet.com

Cc: rht@princeyeates.com; mdlinton@xmission.com; john_straley@utb.uscourts.gov; michaelgottfredson@hotmail.com; vrampton@joneswaldo.com; srasmussen@scalleyreading.net; thulbert3@xmission.com; jondewey@msn.com; ddcbythesea@netscape.net; susanwhitney2@msn.com; danieljensen@comcast.net; gregg.morrow@schoolimprovement.com; jtaylor@commercecrg.com; morrow@schoolimprovement.com; rvwoodhead@yahoo.com; Shaw, George; davebuhler@msn.com; difosnocht@comcast.net

Subject: Riparian Overlay and Urban Forester/Public Utilities

Dear Marilynn Lewis, et al: John Straley has talked with both the urban forester and the public utilities directors who are both overwhelmed with work and "can't possibly get to all the potential requests of the approximately 2,000 private property owners along the creek corridors over a prolonged period of time". I did not know that the urban forester is not primarily an arbitrator nor an enforcer, but is generally out planting trees with other arborists. He welcomes an organization that could volunteer their time in providing consults for residents of properties lining the creek corridors under his direct supervision. John Straley and I will be meeting with these gentlemen relative to setting up a consortium of horticulturists that could do the permitting process and I will be doing a lot of research on erosion control plants and non-invasive grasses (ie: don't propogate by wind blown seeds) during the Winter. The majority of my plants in my 5,000 sq ft xeriscaping plot (that is my biofilter between my fence and my lawn by my house) are plants found at the Jordan River Water Conservation Gardens. It is interesting that many people that don't own property along the streams presume that those who do have property with streams aren't just as enthusiastic about the environment. Many of us donate money to the Nature Conservancy and Audubon, etc. (Does anyone have Amy Defreese's email...she was at my backyard meeting from the Utah Rivers Council and left an email address of Amy@utahrivers.com but my emails are always blocked. I would think that this organization should have some information about this topic). Regards, Alan

Lewis, Marilynn

From: John_Straley@utb.uscourts.gov
Sent: Friday, November 16, 2007 9:56 AM
To: Michael Gottfredson
Cc: ascondie@msn.com; davebuhler@msn.com; jtmartin@sprynet.com; Lewis, Marilynn; mdlinton@xmission.comreddicker; rht@princeyeates.com; rvwoodhead@yahoo.com; srasmussen@scalleyreading.net; thulbert3@xmission.com; vrampton@joneswaldo.com
Subject: Re: Suggestions and a Proposed Ordinance.

I agree entirely with everything that Michael Gottfredson suggests - with one exception. Paragraph #2 of Suggestion 5 must include a provision that allows landowners to demolish their existing home and build a replacement home. Many landowners living adjacent to the stream live in small homes that are at least 50 or 60 years old. They need the ability to demolish and rebuild on their land. A provision that prohibits encroachment of any replacement construction by prohibiting the new construction from being placed any nearer to the stream than the pre-existing home makes sense and protects the riparian corridor.

"Michael Gottfredson" <michaelgottfredson@hotmail.com>
11/15/2007 09:24 PM

To
marilynn.lewis@slcgov.com
cc
ascondie@msn.com, vrampton@joneswaldo.com, rht@princeyeates.com, srasmussen@scalleyreading.net, john_straley@utb.uscourts.gov, mdlinton@xmission.comreddicker@qwest.net, rvwoodhead@yahoo.com, davebuhler@msn.com, jtmartin@sprynet.com, thulbert3@xmission.com Subject Suggestions and a Proposed Ordinance.

Michael and Janice Gottfredson
1989 Browning Ave.
Salt Lake City, Utah 84108
Telephone: (801) 581-1807
Email: michaelgottfredson@hotmail.com

15 November, 2007

Marilynn Lewis
Salt Lake City Planning Commission Staff Member
VIA: marilynn.lewis@slcgov.com

Re: Suggestions for zoning of stream beds and adjacent properties.

Dear Marilynn:

Thank you for all you have done regarding the proposed creek zoning ordinance. Time has been short and much opposition received on the current zoning ordinance draft. There is little time left to comply with the City

Council Moratorium.

This letter is to give you our input on the zoning proposal and a way to meet the City Council Moratorium and also begin to move forward in providing zoning beneficial to the City, the public and owners of land adjacent to the creeks.

Suggestion 1: Simplify and limit the scope of the proposed zoning ordinance to future development adjacent to stream beds.

The City Council Moratorium is specifically limited to future development adjacent to stream beds as stated in the Moratorium itself. The Moratorium specifically focuses and limits your zoning preparation activity as follows:

"Protecting stream bed corridors ... from increasing development pressures constitutes a compelling ...public interest...." (Section 1)

"Any land use application for any subdivision, permit or other land use ...that has not received final approval from the City ... have no right to develop under existing regulations but are instead subject to this temporary land use regulation." (Section 2)

"Any development, modification, alteration or enlargement of any building or structure on property located adjacent to any ...streambed corridor ...shall not be accepted, processed or approved without a minimum 100 foot setback...." (Section 3)

If your proposed zoning ordinance is limited to future development you will be complying with the Moratorium and your task will be much simpler. You will be doing what the City Council has ordered. The present proposed zoning ordinance is a major over reaching.

Suggestion 2: Put in the zoning ordinance a provision for the City, the public, and the owners of land adjacent to the creeks to work together to develop a comprehensive plan in accordance with the purpose:

"as stated in this draft zoning regulation, ... to minimize erosion, stabilize stream banks, protect water quality, preserve fish and wildlife habitats, as well as preserve aesthetic values of natural watercourses...." (Agenda Notice for November 14, 2007 meeting, paragraph 2)

We don't know of a land owner that will disagree with you on the above stated purpose. It is an excellent articulation of what we want for our privately owned stream beds and our properties adjacent to the stream beds.

Suggestion 3: Include in the proposed ordinance guidelines for a cooperative effort between the City, the public and Land owners to meet the purpose stated in suggestion 2 above.

The cooperative effort for the City, the public and the landowners to work together should take into account the reasons the land owners have been so upset and angry. Some of the guidelines (which need not be put in the ordinance itself) for the City dealing with the Land owners should include:

Giving written notice of the meetings to all land owners with a copy of what is being considered.

Giving the land owners adequate time to study the proposed draft ordinance and understand it.

Providing full and complete opportunity for input by the land owners.

Allowing input from the land owners and the public on several occasions.

Giving them time to digest changes, additions and deletions and allow them further input.

Providing an atmosphere of a cooperative partnership between the City, the public and the land owners in a joint effort to preserve, protect, maintain and

beautify the streams.

Suggestion 4: Consider in your dealing with the Land owners, and discuss with them in the future, the provisions of the current law that are so disliked by the land owners.

Examples follow. Current provisions in the draft are unreasonably restrictive. Landowners cannot remove a tree blocking the stream to protect their property either during normal flow conditions or during a flood. The

set backs do not fit the situation of many properties. The no disturbance

zone of either 25 or 50 feet is an over kill both in distance and in the prohibitions imposed.

Make the land owner responsible for what is proper in the set back area. That approach is much more workable and reasonable. The relationship then

becomes a cooperative partnership and not a dictatorship. Give them suggestions of what plants and trees are best for the area and how to preserve, protect, maintain and beautify the stream.

One size fits all according to the current draft. Mr. Forbis recommended a look at small area plans and historic districts. Certainly, there is merit to tailoring the law to areas that have things in common.

There is nothing in the Draft exempting and grand fathering in the present

land owners for anything. The 25 or 50 foot no disturbance zones that are

recommended currently have fences, shrubs, flowers, trees, gardens, steps, sheds, walls, fire pits and bridges.

A variance is an almost prohibited activity that is time consuming and without a time sensitive response.

Specific written approval is needed to do in the future what we have done for years. We are worried about the ability to obtain approval without waiting for a long period of time. We are concerned about "buck passing."

Even at the November 14th hearing we were told that the problem presented is not a city concern but one for the county or the Corp of Army Engineers.

Suggestion 5. An oversimplified zoning ordinance is as follows:

1. The purpose of this zoning ordinance is to provide direction and guidelines for future development adjacent to the stream beds of City Creek, Red Butte Creek, Emigration Creek and Parleys Creek.

2. No building shall be constructed on property located adjacent to any streambed corridor of the above described creeks within a minimum 100 foot

setback unless there are compelling reasons to allow such a building and the adjacent stream bed corridor is not adversely affected but complies with the spirit and letter of Section 3 hereof.

3. It is in the best interest of the City, the public, and land owners of

property adjacent to streambed corridors to minimize erosion, stabilize stream banks, protect water quality, preserve fish and wildlife habitats, as well as preserve aesthetic values of natural watercourses. preserve, protect and beautify the watercourses

4. The Salt Lake City Planning Commission and its planners are directed to work with the public and land owners of property adjacent to streambed corridors to prepare a zoning ordinance that will stabilize, protect, preserve, and beautify the above described watercourses.

We will be pleased to meet with you to discuss our suggestions.

J. Michael Gottfredson
Janice T. Gottfredson

7. PLANNING COMMISSION-BRIEFING

a. Staff Briefing Memorandum

September 26, 2007

MEMORANDUM

451 South State Street, Room 406
Salt Lake City, Utah 84111
(801) 535-7757

Planning and Zoning Division
Department of Community Development

TO: **Planning Commission**

FROM: **Marilynn Lewis, Principal Planner**

DATE: **September 26, 2007**

SUBJECT: **Petition #400-07-18 Riparian Corridor Overlay District**

Planning Commission Input

Background/Introduction
On July 17, 2007 the Salt Lake City Council issued a six month moratorium and an ordinance enacting temporary land use regulations for non-ephemeral above ground stream corridors. The purpose of this legislation is to minimize erosion, stabilize stream banks, protect water quality, preserve fish and wildlife habitat, as well as preserve aesthetic values of natural watercourses and wetland areas.

Included with this memo is a copy of the changes staff is recommending for the proposed zoning district Section 21A.34.130 RC Riparian Corridor Overlay District, which is the draft for the permanent zoning ordinance as directed by the City Council, as well as changes to Section 21A.34.050 LC The Lowland Conservancy Overlay District. While there will be some similarity with the two zoning districts, it is important to avoid conflict between them with regards to the Jordan River. There is also a copy of the original temporary ordinance.

Considerations
Staff is requesting direction from the Planning Commission on the draft zoning text amendments, before finalizing the analysis. Those specific issues are as follows:

> Do you agree with placing the Jordan River under the new Riparian Corridor Overlay District with the other streams in the City, and removing it from the jurisdiction of the existing Lowlands Conservancy Overlay District?
>
> Conditional Uses are listed in the Lowlands Conservancy Overlay District. However, we have determined that condition uses are not appropriate for the Riparian Corridor Overlay District. If you offer conditional uses you will have to accept them if mitigation is possible. Certain types of potential mitigation (for example armoring of stream banks) is undesirable and staff has listed it as a "prohibited activity". Since large sections along each of these streams runs through urban residential areas, it is staff's professional opinion that by not allowing special situations to occur the City can reduce future negative impacts from in-compatible additions and accessory structures placed too close to the banks of streams on smaller lots.

Please review the attached material and come prepared to discuss these issues with Planning staff.

DRAFT

21A.34.130 RCO RIPARIAN CORRIDOR OVERLAY

A. Purpose Statement. The purpose of the Riparian Corridor Overlay is to minimize erosion and stabilize stream banks, improve water quality, preserve fish and wildlife habitat, moderate stream temperatures, reduce potential for flood damage, as well as preserve the natural aesthetic value of streams and wetland areas of the City. This overlay provides protection for all stream corridors and wetlands east of the Interstate 215 Highway and includes City Creek, Red Butte Creek, Emigration Creek, the Jordan River and Parleys Creek and their tributaries. Canals and irrigation ditches are not included. The requirements of this District shall supplement other applicable codes and regulations, including State and Federal regulations and the Salt Lake City Floodplain Ordinance.

B. Delineations:

Boundaries and Delineations shall be performed by a licensed professional Civil or Hydraulic Engineer, Landscape Architect, Hydrologist, Fluvial Geomorphologist or equivalent environmental science professionals. All delineations are subject to the approval of the Public Utilities Director.

The Riparian Corridor shall be delineated at the annual high water level on the bank taking into consideration the characteristics of the surrounding area. Where the annual high water level cannot be found, the top of the channel bank may be substituted under the approval of the SLC Public Utilities Director or his designee. The Army Corps of Engineers must approve wetland delineations prior to submittal to the Public Utilities Director. If a wetland occurs within and extends beyond the 100 feet or the Riparian Corridor, the outermost edge of the wetland will determine the outer edge of the Riparian Corridor.

C. Minimum Setbacks for New Construction, Additions and Accessory Structures.

The following minimum setbacks shall be required within the Riparian Corridor:

1. **Riparian Corridor** is a one hundred (100) foot transition buffer measured from the Annual High Water Level of the adjacent water course and/or wetland. No leach fields, storm water retention ponds, detention basins or commercial parking lots shall be located within the Riparian Corridor. Permitted activities and the responsible agency are listed in 21A.34.131 Table Of Permitted Activities Within the Riparian Corridor and 21A.34.132 Illustration - A. No person/organization shall engage in any activity that will disturb, remove, fill, dredge, clear, destroy, armor, terrace or alter this area through manipulation of soil vegetation, or other material except by authorization from 1) Salt Lake City Public Utilities Director, 2) U.S. Army Corps of Engineers where and when applicable.

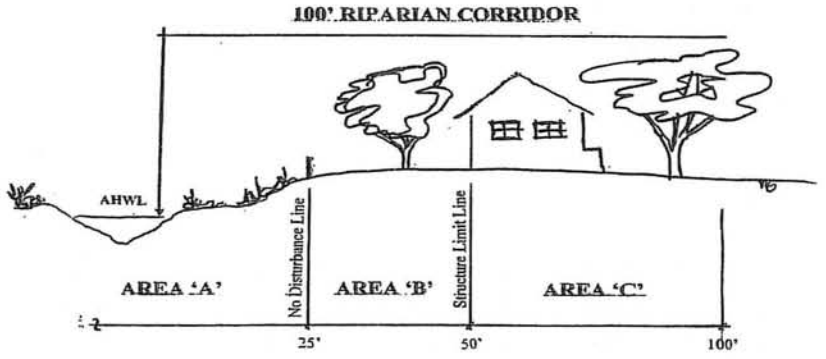
a. **No Disturbance Line** is measured twenty-five feet (25) from the AHWL. This is the outermost limit that prohibits disturbance of any kind. No fencing shall be closer than twenty-five (25) feet horizontally to the annual high water level. Planting beyond this point must be native non-invasive vegetation and must be approved by the Public Utilities Director and the Urban Forester.

b. Structure Limit Line is measured fifty feet (50) from the AHWL. This delineates the limit where any type of construction (landscape walls, additions, accessory structures or new development) can occur. (See sections 21A.34.131 and Illustration -A)

2. The foot print of any existing structure can be retained for new construction, as long as armoring of the stream bank is not required, there is no instability due to movement of a steep slope, unstable soils or geological activity along a fault has not occurred and caused changes to the ground that are so severe it will not support the previous structural foot print. (Section 21A.34.130.D – Prohibited Activities)

3. If the Riparian Corridor Overlay District creates an undue hardship on a property due to unforeseen application of this title, the property owner may go before the Board of Adjustment for a Variance. All variance requests must be reviewed by the Director of Public Utilities for recommendation to the Board of Adjustment. (See Section 21A.18.010 Variances)

ILLUSTRATION - A



21A.34.131 Table of Permitted Activities Within The Riparian Corridor Overlay District			
Use	Area A	Area B	Area C
All leach fields, storm water retention ponds, detention basins and parking lots			
New principal buildings, additions and accessory structures			X
Walls			X
Wooden or metal chain link fencing		X	X
Decks with footings Maximum 18" above grade		X	X

Patios (slab/pavers on grade)			X
Site grading			X
Minimal grading, surface vegetation, vegetable gardens		X	X
Manual removal of storm debris by property owner	X[2]	X	X
Pruning or removal of trees along utility easements	X[1]	X	X
Compost from yard debris		X[2]	X[2]
Removal of invasive plants or re-vegetation projects	X[1]		

Area A – is located by measuring from the AHWL 25 feet to establish the No Disturbance Line. In this area no structures or fencing are allowed and the planting or removal of vegetation must be approved by the Urban Forester and Public Utilities. (Section 21A.34.130 H Riparian Plan);

Area B – is located between the 50 foot Structure Limit Line and the 25 foot No Disturbance Line, minimal grading, fencing and surface vegetation is allowed;

Area C – the outermost area of the Riparian Corridor at 100 feet from the 50 foot Structure Limit Line. In this area structures, major site grading and ornamental plants are allowed.

D. Steep Slopes and Soil Stability Standards. The Public Utilities Director can require a geotechnical report and impose greater setbacks for structures or buildings from the Structure Limit Line to ensure safety. Proposed projects will be reviewed on an individual basis. When unstable soils are suspected regardless of the slope, the Public Utilities Director may require a geotechnical report, increase the No Disturbance Line as well as impose greater setbacks for structures or buildings from the Structure Limit Line to ensure safety. Proposed projects will be reviewed on an individual basis.

E. Riparian Plan Standards. In addition to the standard drawings for permit review, a Riparian plan shall also be submitted for review by the Public Utilities Department. An applicant must have a Development Plan approved by the Public Utilities Department (and the Urban Forester for plant material) before a permit can be issued.

1. Plans shall be at a scale of 1"= 20'minimum. Sections requiring a horizontal and vertical scale shall be equal (example: Horizontal 1"=10', Vertical 1"=10').
2. All site plans shall have existing and proposed grades with two (2) foot contour intervals.
3. Native vegetation should be identified by location, type and size. The proposed removal of invasive vegetation must also be identified.
4. Cross section drawings showing the riparian corridor, building setbacks and location of proposed structures.
5. 100 year flood plain, geological faults, high liquefaction areas and slopes 30% or greater must all be identified.

6. The applicant shall also submit any geotechnical or hydrological reports required as determined by the Public Utilities Department.
7. Habitat of any threatened or endangered species of aquatic and terrestrial flora or fauna shall be identified on the plan.

F. Definitions.

1. **Annual High Water Level (AHWL)** - Annual high water level means the highest level water reaches annually, on average on the shore and is identified by: fresh silt or sand deposits, the presence of litter and debris, or other characteristics indicative of high water levels.
2. **Armoring** – A protective covering of a stream's bed or banks with erosion-resistant material such as rock, concrete or stone filled gabion baskets. Armoring increases the stream flow velocity, which causes further damage on opposite down stream banks. Armoring can increase water temperatures, which affects riparian habitat and water quality.
3. **Stream** – A flowing body of water confined within a defined bed and banks. Streams may have continuous or periodic flow. Streams are important as conduits in the water cycle, instruments in aquifer recharge, and corridors for fish and wildlife migration. Stream is also an umbrella term used in the scientific community for all flowing natural waters, regardless of size (brook, creek, kill, rill, or run). Streams include intermittent or seasonal waterbodies, which exist for long periods, but not all year round They do not include Ephemeral creeks, streams, rivers, ponds or lakes that only exists for a few days following precipitation or snowmelt.
4. **Wetland** –Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands must be delineated by the Army Corps of Engineers (ACOE).

DRAFT CHANGES

21A.34.050 LC Lowland Conservancy Overlay District:

A. Purpose Statement: It is the purpose of this District to promote the public health, safety and general welfare of the present and future residents of the City and downstream drainage areas by providing for the protection, preservation, proper maintenance, and use of the City's watercourses, lakes, ponds, floodplain and wetland areas. The requirements of this District shall supplement other applicable codes and regulations, including State and Federal regulations and the Salt Lake City Floodplain Ordinance.

B. Lowland Protection Areas: Areas protected by the LC Lowland Conservancy Overlay District encompass areas consisting of waterbodies such as streams, lakes, ponds and wetlands west of Interstate 215, as identified on the Zoning Map, and also ~~the Jordan River and~~ the Surplus Canal. These areas are referred to herein as lowland protection areas.

C. Lowland Protection Area Standards:

1. Setback Required: A nonbuildable setback area around the waterbodies described in subsection B of this Section above shall be required. The nonbuildable setback shall be fifty feet (50') for nonresidential uses and twenty five feet (25') for residential uses from the boundary line of the LC Lowland Conservancy Overlay District as identified on the Zoning Map, or from the banks of the ~~Jordan River or~~ Surplus Canal.

2. Permitted Uses: No development or improvement to land shall be permitted within the limits of a waterbody. Within the setback area identified in subsection C1 of this Section, permitted uses shall be limited to the following, subject to the other requirements of this District.

a. Agricultural uses, provided such uses are permitted in the underlying district and do not involve any grading, earthmoving, modification of site hydrology, removal of wetland vegetation or construction of permanent buildings/structures;

b. Open space and recreational uses that do not involve any grading, earthmoving, modification of site hydrology, removal of wetland vegetation or construction of permanent buildings/structures.

3. Conditional Uses: Within the limits of a waterbody, conditional uses shall be limited to those involving only limited filling, excavating or modification of existing hydrology, as listed below:

a. Boat launching ramps;

b. Swimming beaches;

c. Public and private parks including wildlife and game preserves, fish and wildlife improvement projects, and nature interpretive centers;

d. Boat docks and piers;

e. Roads and bridges;

f. Observation decks and walkways within wetlands;

g. Repair or replacement of existing utility poles, lines and towers; and

h. Watercourse relocation and minor modifications.

Within the setback area, conditional uses shall be limited to the following.

a. All uses listed above;

b. Stormwater drainage and detention facilities;

c. Pedestrian paths and trails; and

d. Public and private open space that requires grading or modification of site hydrology.
4. Natural Vegetation Buffer Strip: A natural vegetation strip shall be maintained along the edge of the stream, lake, pond or wetland to minimize erosion, stabilize the streambank, protect water quality, maintain water temperature at natural levels, preserve fish and wildlife habitat, to screen manmade structures, and also to preserve aesthetic values of the natural watercourse and wetland areas. Within the twenty five foot (25') natural vegetation strip, no buildings or structures (including paving) may be erected, except as allowed by conditional use. However, normal repair and maintenance of existing buildings and structures shall be permitted. The natural vegetation strip shall extend landward a minimum of twenty five feet (25') from the ordinary high water mark of a perennial or intermittent stream, lake or pond and the edge of a wetland. The natural vegetation strip may be interrupted to provide limited access to the waterbody.
Within the natural vegetation strip, trees and shrubs may be selectively pruned or removed for harvest of merchantable timber, to achieve a filtered view of the waterbody from the principal structure and for reasonable private access to the stream, lake, pond or wetland. Said pruning and removal activities shall ensure that a live root system stays intact to provide for streambank stabilization and erosion control.
5. Landscape Plan Required: A landscape plan shall be submitted with each conditional use permit application for development activity within the LC Lowland Conservancy Overlay District and contain the following:
a. A plan describing the existing vegetative cover of the property and showing those areas where the vegetation will be removed as part of the proposed construction;
b. A plan describing the proposed revegetation of disturbed areas specifying the materials to be used. The vegetation must be planned in such a way that access for stream maintenance purposes shall not be prevented and should be reviewed by the Urban Forester; and
c. Such a plan shall be in conformance with the requirements of Part IV, Chapter 21A.48 of this Title.
D. State And Federal Permits Required: A conditional use shall not be granted unless the applicant has first obtained a section 404 permit from the Army Corps of Engineers and a stream alteration permit from the Utah State Department of Natural Resources, Water Rights Division, as applicable.
E. Conditional Use Standards: In addition to demonstrating conformance with the conditional use standards contained in Part V, Chapter 21A.54 of this Title, each applicant for a conditional use within the LC Lowland Conservancy Overlay District must demonstrate conformance with the following standards:
1. The development will not detrimentally affect or destroy natural features such as ponds, streams, wetlands, and forested areas, nor impair their natural functions, but will preserve and incorporate such features into the development's site;
2. The location of natural features and the site's topography have been considered in the designing and siting of all physical improvements;
3. Adequate assurances have been received that the clearing of the site topsoil, trees, and other natural features will not occur before the commencement of building operations; only those areas approved for the placement of physical improvements may be cleared;

4. The development will not reduce the natural retention storage capacity of any watercourse, nor increase the magnitude and volume of flooding at other locations; and that in addition, the development will not increase stream velocities;
5. The soil and subsoil conditions are suitable for excavation and site preparation, and the drainage is designed to prevent erosion and environmentally deleterious surface runoff;
6. The proposed development activity will not endanger health and safety, including danger from the obstruction or diversion of flood flow;
7. The proposed development activity will not destroy valuable habitat for aquatic or other flora and fauna, adversely affect water quality or groundwater resources, increase storm water runoff velocity so that water levels from flooding increased, or adversely impact any other natural stream, floodplain, or wetland functions, and is otherwise consistent with the intent of this Title;
8. The proposed water supply and sanitation systems are adequate to prevent disease, contamination and unsanitary conditions; and
9. The availability of alternative locations not subject to flooding for the proposed use.
(Ord. 26-95 § 2(17-4), 1995)

7. PLANNING COMMISSION- BRIEFING

b. Minutes

SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, September 26, 2007

Present for the Planning Commission meeting were Acting Chair Mary Woodhead and Commissioners Peggy McDonough, Babs De Lay, Susie McHugh, Prescott Muir, Kathy Scott, Tim Chambless, and Robert Forbis. Chair Matthew Wirthlin and Commissioner Frank Algarin were excused from the meeting.

Present from the Planning Division were George Shaw, Planning Director; Doug Wheelwright, Deputy Planning Director; Nick Norris, Principal Planner; Nick Britton, Principal Planner; Lex Traughber; Principal Planner; Marilynn Lewis, Principal Planner and Tami Hansen, Senior Secretary. Also present were: Kevin Young, Transportation Planning Engineer.

A roll is being kept of all who attended the Planning Commission Meeting. Acting Chair Woodhead called the meeting to order at 5:45 p.m. Audio recordings of Planning Commission meetings are retained in the Planning Office for an indefinite period of time.

A field trip was held prior to the meeting. Planning Commissioners present were: Tim Chambless, Susie McHugh, Kathy Scott, and Mary Woodhead. Planning Staff present were: Doug Wheelwright, Nick Britton, and Lex Traughber.

APPROVAL OF THE MINUTES from Wednesday, September 12, 2007.
(This item was heard at 5:46 p.m.)

Commissioner McHugh made a motion to approve the minutes with noted changes. Commissioner Forbis seconded the motion.

Acting Chair Woodhead called for the question, Commissioners McDonough and McHugh abstained from the vote.

Acting Chair Woodhead stated that the motion would then need to be made by a Commissioner that was present at the September 12, 2007 meeting.

Commissioner Forbis made a motion to approve the minutes with noted changes. Commissioner Chambless seconded the motion. All in favor voted, "Aye", Commissioner McDonough and Commissioner McHugh abstained from the vote. The minutes were approved.

REPORT OF THE DIRECTOR
(This item was heard at 5:49 p.m.)

Mr. George Shaw noted that staff was in the process of rewriting and updating the Downtown Master Plan and would like to present the changes made to the Planning Commission during the October 10, 2007 meeting. He inquired how the Commission would like to give input on that plan and noted that one option would be to have a subcommittee look at the document before the meeting, or staff could give each Commissioner a copy and they could make individual comments.

Commissioners Chambless, De Lay, Woodhead, and Scott stated that they would like to volunteer for a subcommittee.

that issue tonight, but staff would be presenting additional information on the alignment at a later date and tonight's meeting would be used to gather additional public comment.

Mr. Shaw noted that initially it was thought that staff would be ready for a recommendation, which is why the petition was set as a public hearing; however, since that time based on the information gathered at the last meeting and other information submitted by UTA, the timeline was pushed back. He mentioned that on October 18, 2007 an open house for the public had been scheduled at the Fair Park regarding this issue.

Petition 400-07-18, Riparian Corridor Overlay—on July 17 the City Council enacted a moratorium and Temporary Land Use Regulations for Non-ephemeral Above Ground Streambed Corridors. Staff is working on drafts for the ordinance changes and seeks direction from the Planning Commission. No final recommendations will be made on this project at this meeting.

(This item was heard at 6:11 p.m.)

Acting Chair Woodhead introduced Marilynn Lewis as staff representative.

Ms. Lewis stated that staff would like direction regarding this petition, and copies of the draft ordinances had been given to the Commission in their packets prior to this meeting. She noted that staff had gathered comments from the public via an open house, and had made note of the conditions and opportunities that they would like to have included through either conditional uses or variances.

Commissioner Forbis noted that he did agree with this petition; however, would like some clarification in regards to the ordinance draft changes. He inquired about what the difference was between leaving in the language concerning the surplus canal and striking out the Jordan River.

Ms. Lewis noted that currently the Low Land Conservancy dealt with all of the surplus canals and a lot of lower areas west of I-215 and the Jordan River, so what staff wanted to do was include the Jordan River in with the new ordinance and take it out of the old ordinance, so that there were not conflicting district zoning issues.

Commissioner Forbis read from page 2 of the ordinance regarding adequate assurances that had been received, in section E part 3.

Ms. Lewis noted that the Low Land Conservancy was as it exists right now, and the only thing staff was proposing to do to that was to take out the Jordan River.

Commissioner Forbis noted that in the suggested final copy of the ordinance the arborist's involvement in the ordinance was non-existent.

Ms. Lewis noted that its exists in the ordinance currently involved conditional uses that allowed different activities to happen in that area, therefore staff was not proposing that the arborist take on that load.

Commissioner Forbis stated that he suggested that staff should involve the arborist.

Commissioner Scott noted that she would like Commissioner Forbis to further explain his suggestion.

Commissioner Forbis stated that in the draft there was an approval process for the City's arborist regarding trees and other landscaping features, but the draft changes to the Low Land Conservancy Overlay did not include that language, therefore he was suggesting that staff make that consideration in the document. He also noted that in both documents there was not language in regards to developments facing the river, and he felt that would help create a sense of

ownership, which tends to proliferate. He stated that if the businesses rear faced the river it would be more likely to throw waste into the back of the property that might bleed into the river; however, if there was a development that faced the river there was a tendency to take ownership of what was in front of them.

Ms. Lewis noted that there were not specific projects that were being reviewed at this time.

Commissioner Forbis stated that he was only suggesting language that would encompass a development accepting ownership of their placement along the river.

Commissioner Scott inquired about the public input that was received at the open house.

Ms. Lewis noted that many comments received involved people wanting to be able to remove debris without going through a process. They wanted to be able to pull debris out of the river and be able to expand their outdoor living areas; for example, decks and gardens. They also wanted some formal process that they could go through if they could not meet the requirements.

Commissioner Scott inquired about what would constitute an accessory structure in the area, and if this language would be followed up in the final ordinance.

Ms. Lewis noted that there would be a follow up of the language, and asked if the Commission would be okay with allowing decks in the non-buildable area.

Commissioner Scott inquired if a deck would be allowed in the 25-50 foot area from the river.

Ms. Lewis stated that it would not be because any building structure would be allowed only in the 50-100 foot area.

Commissioner McHugh inquired if staff was asking if a deck could go in that 25-50 foot area.

Ms. Lewis noted that was correct.

Commissioner McHugh noted that her thought was no, because than there would be an encroachment upon the non-buildable area.

Commissioner De Lay noted that this ordinance could be used to rethink building along the Jordan River. She inquired how this applied to State and Federal law.

Ms. Lewis noted that currently if you were going to do something in the stream itself, you would have to deal with the State.

Commissioner De Lay inquired, for example, if an applicant wanted to put in a mooring area for canoes; would that be allowed.

Ms. Lewis stated that would not be allowed.

Commissioner De Lay inquired if staff was working with State and/or Federal riparian laws.

Ms. Lewis noted that staff was making sure to not come into conflict with both of those, but the City did not have any regulation in regards to the other streams.

Commissioner Muir inquired of staff, what exactly they expected of the Commission tonight.

Ms. Lewis noted that staff wanted to know what the Commission would like to see included in the ordinance before it comes before them.

Commissioner Muir noted that he supported staffs two concerns. He stated that he did not think that conditional use should be part of the criteria, since there is no mechanism in managing them, and he agreed with the exclusion of the Jordan River.

Commissioner McDonough agreed with Commissioner Muir along with Acting Chair Woodhead.

Ms. Lewis noted that staff would take the information the Commission had given and do an analysis and before it was brought back before them for a hearing process. She noted that this was a moratorium so it was being moved at a very fast pace.

Commissioner McDonough inquired about background information more than just text and the ordinance in terms of studies conducted in the past or existing master plans.

Ms. Lewis noted that riparian, erosion, and storm water management issues have been briefly mentioned in different master plans and that this would involve different zones, which is why it is being considered as an overlay.

Commissioner De Lay noted that she would like a map of the area affected by this moratorium.

Commissioner Muir noted that the map should reflect the existing structures along with the underlying zones so the Commission could get a feel for how many non-compliant structures would be created.

Ms. Lewis noted that she was not sure how a map could be created, due to the size of the area.

Commissioner Muir noted that an aerial overlay would help to see the magnitude of impact on adjourning neighborhoods.

Acting Chair Woodhead noted that she did have one comment card from the public and invited Cindy Cromer to the table.

Ms. Cromer suggested different options regarding the Riparian Corridor Overlay for the Commission to review.

Anne Cannon (1647 Kensington Avenue) stated that she was in favor of this petition.

Mr. Shaw stated that obviously if this ordinance was passed it would affect a lot of private property, but it was not geared toward a specific property, and allowed the City to protect all of its private waterways.

ISSUES ONLY HEARING

Petition 430-07-01, Conditional Building and Site Design Review— a request by Red Mountain Retail Group for the general redevelopment of the western portion of the Granite Furniture Block in Sugar House located at approximately 2100 South and McClelland Street. This is an Issues Only hearing to consider and discuss the proposed mixed-use redevelopment. Public comment will be taken at this hearing; however no final decision will be rendered by the Planning Commission as a result of the discussion and public comment.

Petition 430-07-04, Conditional Building and Site Design Review—a request by Craig Mecham for the general redevelopment of the eastern portion of the Granite Furniture Block in Sugar House located at approximately 2100 South and 1100 East/Highland Drive. This is an Issues Only hearing to consider and discuss the proposed mixed-use redevelopment. Public comment will be taken at this hearing; however no final decision will be rendered by the Planning Commission as a result of the discussion and public comment.

NOTE: Field trip scheduled to leave at 4:00 p.m.

AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, September 26, 2007 at 5:45 p.m.

Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m., in Room 126. This portion of the meeting is open to the public for observation.

1. **APPROVAL OF MINUTES FROM WEDNESDAY, SEPTEMBER 12, 2007**

2. **REPORT OF THE CHAIR AND VICE CHAIR**

3. **REPORT OF THE DIRECTOR**

4. **OTHER BUSINESS**

   a. **City Creek Center**— Clarification of subsurface parking structures and subsurface structural pedestals for future buildings.

   b. **Petition 400-07-18, Riparian Corridor Overlay**—on July 17 the City Council enacted a moratorium and Temporary Land Use Regulations for Non-ephemeral Above Ground Streambed Corridors. Staff is working on drafts for the ordinance changes and seeks direction from the Planning Commission. No final recommendations will be made on this project at this meeting (Staff—Marilynn Lewis at 535-6409 or marilynn.lewis@slcgov.com).

5. **ISSUES ONLY HEARING**

   a. **Petition 430-07-01, Conditional Building and Site Design Review**— a request by Red Mountain Retail Group for the general redevelopment of the western portion of the Granite Furniture Block in Sugar House located at approximately 2100 South and McClelland Street. This is an Issues Only hearing to consider and discuss the proposed mixed-use redevelopment. Public comment will be taken at this hearing, however no final decision will be rendered by the Planning Commission as a result of the discussion and public comment (Staff—Lex Traughber at 535-6184 or lex.traughber@slcgov.com).

   b. **Petition 430-07-04, Conditional Building and Site Design Review**—a request by Craig Mecham for the general redevelopment of the eastern portion of the Granite Furniture Block in Sugar House located at approximately 2100 South and 1100 East/Highland Drive. This is an Issues Only hearing to consider and discuss the proposed mixed-use redevelopment. Public comment will be taken at this hearing, however no final decision will be rendered by the Planning Commission as a result of the discussion and public comment (Staff—Lex Traughber at 535-6184 or lex.traughber@slcgov.com).

6. **PUBLIC HEARING**

   a. **Petition 400-06-50, Utah Metal Works Street Closure**— a request by Utah Metal Works, at 805 West Everett Avenue, is requesting the city close segments of two roads: a) Everett Avenue from Hot Springs Street to Dexter Street; and b) 800 West from 1500 North to Everett Avenue. The closure will occur in two phases, with the first including only half of the requested Everett Avenue segment and half of the 800 west segment. The second phase will include the remainder of the request. The subject rights-of-way are in the M-2 (Heavy Manufacturing) Zoning District (Staff—Nick Britton at 535-7932 or nick.britton@slcgov.com).

   b. **Petitions 410-07-23, Belmont Downtown Phase II**— a request by Brent Hilton for approval of a 30 unit residential conditional use planned development located at approximately 994 South 200 East. The subject property is located in the Moderate Density Multi Family Residential (RMF-35) Zoning District (Staff—Nick Norris at 535-6173 or nick.norris@slcgov.com).

   c. **Airport Light Rail Transit Line**—UTA is requesting that the Planning Commission forward a positive recommendation to the City Council concerning a proposal by the Utah Transit Authority to build an Airport Light Rail Transit line; including potential track alignment and station locations (Staff—Doug Dansie at 535-6182 or doug.dansie@slcgov.com).

Visit the Planning and Zoning Enforcement Division's website at www.slcgov.com/CED/planning.com for copies of the Planning Commission agendas, staff reports, and minutes. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission.

MEETING GUIDELINES

1. Fill out registration card and indicate if you wish to speak and which agenda item you will address.
2. After the staff and petitioner presentations, hearing swill be opened for public comment. Community Councils will present their comments at the beginning of the hearing.
3. In order to be considerate of everyone attending the meeting, public comments are limited to two (2) minutes per person, per item. A spokesperson who has already been asked by a group to summarize their concerns will be allowed five (5) minutes to speak. Written comments are welcome and will be provided to the Planning Commission in advance of the meeting if they are submitted to the Planning Division prior to noon the day before the meeting. Written comments should be sent to: *Salt Lake City Planning Commission*
   451 South State Street, Room 406
   PO Box 145480
   Salt Lake City UT 84111
4. Speakers will be called by the Chair.
5. Please state your name and your affiliation to the petition or whom you represent at the beginning of your comments.
6. Speakers should address their comments to the Chair. Planning Commission members may have questions for the speaker. Speakers may not debate with other meeting attendees.
7. Speakers should focus their comments on the agenda item. Extraneous and repetitive comments should be avoided.
8. After those registered have spoken, the Chair will invite other comments. Prior speakers may be allowed to supplement their previous comments at this time.
9. After the hearing is closed, the discussion will be limited among Planning Commissioners and Staff. Under unique circumstances, the Planning Commission may choose to reopen the hearing to obtain additional information.
10. Salt Lake City Corporation complies will all ADA guidelines. People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this meeting. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the Planning Office at 535-7757; TDD 535-6220.

On Thursday, September 13, 2007, I personally posted copies of the foregoing notice within the City and County Building at 451 South State Street at the following locations: Planning Division, Room 406; City Council Bulletin Board, Room 315; and Community Affairs, Room 345. A copy of the agenda has also been faxed/e-mailed to all Salt Lake City Public Libraries for posting and to the Salt Lake Tribune and Deseret News.

*Signed*_____
Tami Hansen

STATE OF UTAH)
:SS
COUNTY OF SALT LAKE)

SUBSCRIBED AND SWORN to before me this day September 13, 2007

_____

NOTARY PUBLIC residing in Salt Lake County, Utah

PETITION NO. 400-07-18

Doug, was out ill so I did not have him sign

CTITION CHECKLIST

Date	Planner Initials				Action Required
2007 7/25	[illegible]	[illegible]		→	Petition Delivered to Planning
7/26	M	14	MW	GS	Petition Assigned to Marilynn Lewis
11/20	M	14		GS	Planning Staff or Planning Commission Action Date Nov. 28, 2007
12/6	M	14		GS	Transmittal Cover Letter Followed Template (margins, headings, returns etc)
12/6	M	14		GS	Table of Contents
12/6	M	14		GS	Chronology
12/6	M	14		GS	Ordinance Prepared by the Attorney's Office Include general purpose statement of petition (top of ordinance) Include Strike and Bold –(Legislative Copy) (where applicable) Include Clean Copy (Ensure stamped by Attorney) Include Sidwell Numbers (where applicable) Include Legal Description-review, date and initial (where applicable) Ensure most recent ordinance used Ensure Exhibits (tables etc) are attached
12/6	M	14		GS	Council Hearing Notice Include Purpose of Request Include zones affected (where applicable) Include address of property (where applicable) Include TDD Language
12/6	M	14		GS	Mailing List of Petition and Labels, (include appropriate Community Councils, applicant and project planner) (include photocopy of labels)
12/6	M	14		GS	Planning Commission Notice Mailing Postmark Date Verification (on agenda) Newspaper Notice for Rezonings and Master Plan Amendments (proof of publication or actual publication)
12/6	M	14		GS	Planning Commission Staff Report
12/6	M	14		GS	Planning Commission Minutes and Agenda
12/6	M	14		GS	Yellow Petition Cover and Paperwork Initiating Petition (Include application, Legislative Intent memo from Council, PC memo and minutes or Mayor's Letter initiating petition.)
					Date Set for City Council Action: Jan 15, 08 Petition filed with City Recorder's Office

REMARKS

Petition No. 400-07-18

By SLC Planning Division

An ordinance enacting temporary land use rgulations for non-ephemeral above ground streambed corridors.

Date Filed 07/25/2007

Address

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is considering a Zoning Text Amendment to Title 21A Zoning Ordinance. On July 17, 2007 the Council enacted a six month moratorium and the Temporary Land Use Regulations for Non-Ephemeral Above Ground Streambeds. The purpose of this legislation, as stated, was to minimize erosion, stabilize stream banks, protect water quality, preserve fish and wildlife habitat, as well as preserve aesthetic values of natural watercourses and wetland areas.

Pursuant to Petition No. 400-07-18 (Streambed Corridors) the ordinances that will be considered by the City Council relating to this issue will amend the adopted Salt Lake City Zoning Ordinance and Zoning Maps as follows:

A. Create a Riparian Corridor Overlay Zoning District (Sec. 21A.34.130)
B. Apply the Riparian Corridor Overlay Zoning District to all properties within one hundred feet (100') of the annual high water level of non-ephemeral above ground streambed corridors
C. Amend the existing Lowland Conservancy Overlay Zoning District (Sec. 21A.34.050)

The City Council will hold a public hearing to receive comments regarding the petition. During this hearing, the Planning staff may present information on the petition and anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

DATE: **January 15, 2008**

TIME: **7:00 p.m.**

PLACE: Room 315
City and County Building
451 South State Street
Salt Lake City, Utah

Salt Lake City complies with all ADA guidelines. People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this hearing. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the ADA Coordinator at 535-7971; TDD 535-6021.

If you have any questions relating to this proposal, please attend the meeting or contact Marilynn Lewis at 535-6409 or via e-mail Marilynn.lewis@slcgov.com .