

## 8.6.20

Memo to the Town Council Re: Possible Action on the Last Proposed Zoning Amendment Issue.

In the January 2020 Council meeting, you discussed and came to a consensus on two of the remaining final three issues shown on the attached Memo of 12.31.19 to the Town Council.

The only remaining issue to decide upon is allowing exemption to the 50' waterway setback for non-habitable ski and campground operations such as lift towers, signs, avalanche control devices, snowmaking equipment, picnic tables and fire pits so long as, and only if such structures comply with the requirements of the regulatory bodies having jurisdiction, including the US Forest Service, US Army Corps of Engineers, Salt Lake Valley Health Department and the Salt Lake City Division of Public Utilities.

Our discussion in January got a little off track by questioning what could really be a habitable structure and whether or not the town should be part of the exemption process with the aforementioned entities, such as through the Town Council or the Building Official, in determining whether or not to allow an exemption or if the Town should totally defer to the applicable entities for the decision.

The staff recommends that the Building Official be part of the exemption process along with any other applicable entities on whether or not to exempt a non-habitable structure from the 50' waterway setback.

Staff also recommends that any structure under consideration for exemption to the setback as non-habitable follow the town's definition in the land use regulations section **10-1-6: DEFINITIONS: HABITABLE SPACE**: Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered "habitable space".

Structure is (under proposed definition) **STRUCTURE OR STRUCTURES**: Anything that is constructed, the Use of which requires a fixed location on or in the ground, or attached to something having a fixed location on the ground and which imposes an impervious material on or above the ground. All Buildings are Structures.

After you have come to a consensus on this last proposed amendment to the land use code, you may adopt all of the proposed changes discussed to date as outlined in the attached ordinance.

Here is the proposed language:

(3) Notwithstanding (1) and (2) above, Structures which are not Buildings and are for Commercial Recreation ski area operation or campground operations, such as lift towers, signs, avalanche control devices, snowmaking equipment, picnic tables and fire pits, are exempt from these setbacks so long as and only if, such structures comply with requirements of the regulatory bodies having jurisdiction, including US Forest Service , US Army Corp Engineers, Salt Lake Valley Health Department and the Salt Lake City Division of Public Utilities, **and if approved by the building official.**