

**MINUTES OF THE COTTONWOOD HEIGHTS CITY
PLANNING COMMISSION WORK MEETING**

Wednesday, August 2, 2023

5:00 p.m.

**2277 East Bengal Boulevard
City Council Work Room**

ATTENDANCE

Members Present: Chair Dan Mills, Commissioner Lucy Anderson, Commissioner Jessica Chappell (via Zoom), Commissioner Jonathan Ebbeler (via Zoom), Commissioner Mike Shelton, Commissioner Mike Smith

Staff Present: Community and Economic Development Director Michael Johnson, Associate Planner Ian Harris, Staff Engineer Adam Ginsberg, Senior Planner Samantha DeSeelhorst, Deputy City Recorder Maria Devereux, Systems Administrator Alex Earl.

Excused: Commissioner Sean Steinman

Others: Mike Spainhower, Anne Ziegler, Wendy Ziegler

WORK SESSION

Chair Dan Mills called the Work Meeting to order at 5:01 p.m.

1.0 Transportation Master Plan Discussion.

Staff Engineer, Adam Ginsberg, presented the Transportation Master Plan discussion and stated that it is a unifying document that consolidates previous transportation plans. It will be the first plan encompassing the entire City of Cottonwood Heights since its incorporation. A Transportation Capital Facilities Plan was completed in 2019 and included several Active Transportation Plans, all of which were incorporated into a single document. Community and Economic Development Director, Michael Johnson reported the tentative approach would be to schedule this item for public comment at the next Planning Commission Meeting at which time a recommendation will be made to be forwarded to the City Council.

Mr. Ginsberg reviewed the population data based on the 2050 Census, which includes major roads in the City plus the Gravel Pit Development. It also contained socioeconomic data. The existing roadwork covered the classifications of Urban Core Arterial, Urban Arterial, Urban Collector, and Residential. The Plan includes cross-section updates to residential as well as three-, five-, and seven-lane Urban Arterials. Level of service issues were discussed.

Chair Mills asked if levels of service are considered when certain thresholds are reached and asked if there is a need to expand the road. With the convenience of Google and Apple Maps, he

wondered if they continue creating space if they would also continue to backfill. Mr. Ginsberg reported that there are many ideas when addressing congestion and is up to the Planning Commission and City Council to determine where those lines are met. The existing levels of service on Fort Union Boulevard show 23,900 cars per day, which is an acceptable level. The area between Highland Drive and 2300 East shows 28,000 cars per day, which is nearing an unacceptable level. He noted there are methods a city could use to understand if traffic is passing through or visiting local businesses.

Commissioner Shelton recommended using caution to mitigate making roads larger. He believed the effort was not to accommodate growth but to change behavior. He asked which of the two was being proposed. Mr. Ginsberg explained that the recommended improvement is not to add more lanes. The area from 1300 East to 3000 East is considered an Operational Project and will improve pedestrian safety, walkability, and traffic flow without the additions of lane capacity.

Chair Mills questioned the use of Form-Based Codes having permeated through the Transportation Master Plan. Staff reported that the Form-Based Code does not address roads, specifically, however, where it does address frontage and road improvements they would synchronize with the Plan. Mr. Johnson stated that where the Plan describes the Fort Union Boulevard specific cross sections, the more they are formally adopted to allow the City to have a greater ability to require dedications. Intersections identified in the Plan were reviewed.

Commissioner Steinman believed that as they are shaping the City's transportation, habits will change. He asked if any grants or seasonal Bus Rapid Transit ("BRT") plans are being explored for Fort Union Boulevard specifically. Mr. Ginsberg reported that the Wasatch Front Regional Council ("WFRC") has a long-range plan that includes transit, pedestrian, and road widths. The larger Federal Government Improvement Grants mimic the long-range plan. He noted that the Fort Union Boulevard Project has been identified as a BRT and not a Phase I project, which will take place within the next 10 years. The long-range plan Regional Transportation Plan for transit and the corridor has been identified as a Phase II project.

Mr. Johnson reported that the Utah Transit Authority ("UTA") looks heavily at the demand for transit, which is a function of density in the transit service area. Land Use discussions come when looking at the types of centers being planned as well as the density the City would like to see. The City will generate demand for ridership as well as consideration for the unique aspect of seasonal traffic and resorts with a Record of Decision from the Utah Department of Transportation ("UDOT") reflecting a mobility hub in the gravel pit and eventually a gondola station. Transit grants were discussed.

Commissioner Smith recommended the Commission remain thoughtful when considering what will be built and who they are inviting to come into the area. He recognized the need to be ready to accommodate the influx. A question was raised as to whether the population in the City has increased over the last 10 years. Staff confirmed that according to the last census, the population decreased slightly.

Commissioner Chappell stated that there has been discussion with respect to trolleys and other forms of transportation and understood that all are dependent on UTA. She believed that as a City,

there may be grant programs where Cottonwood Heights could run its own City bus up and down Fort Union Boulevard. She referenced the Bengal Boulevard and 3500 East roundabout and felt it would be a disservice if that were changed. She asked if a pedestrian refuge at the intersection of 3500 East and Creek Road was being considered. She believed there was a safety issue with the school bus stop and a pedestrian hazard with speeding vehicles. Mr. Ginsberg explained that the roundabout on Bengal Boulevard will include pedestrian improvements. He acknowledged the concerns regarding the 3500 East and Creek Road intersection and stated that the concerns would be noted. Staff felt that City-funded transit was possible and was being looked at by UDOT as part of its Environmental Impact Statement (“EIS”). He recommended establishing a vision or priority at the General Plan level to review the feasibility.

Chair Mills appreciated the input received and believed there was an abundance of experience among those present.

2.0 Review Business Session Agenda.

Senior City Planner, Samantha DeSeelhorst reviewed the Business Session Agenda. The first item was Project SUB-23-003, a request for a Subdivision Amendment to combine the two adjacent parcels at 6796 South Manor Circle into a single lot. One of the properties is Lot 11 in the Cottonwood Manor Subdivision. The other property is not part of a subdivision. Because combining the properties alters the outer boundary of an existing subdivision, it is necessary to go through the subdivision amendment process. A property rendering was displayed. One of the properties includes an undeveloped hillside and adjoins Millhollow Park. Combining the two properties does not preclude future construction or complying with the standards for development near a slope. Chair Mills reported that Sunrock was the original gravel company that dug into the hillside creating the U-shape of the subdivision. The slope is steep and was previously vegetated to decrease slides. Ms. DeSeelhorst commented that they believe the property is loose and steep and saw no reason to keep it as a separate lot. Staff conducted a preliminary review of the project and did not find that combining the two parcels would violate City Code. The combination exceeds the minimum lot size, decreases the existing structural lot coverage, and does not impact lot widths or frontage. Staff recommended the following based on their preliminary review:

1. The applicant shall provide consent from affected utility companies for the vacation of the existing public utility easement along the west property line of Lot 11.
2. The applicant shall identify the 30% slope on the plat and add a note that states no development shall occur on the 30% slope.
3. The applicant shall add a note to the final plat that specifies the property is within the Sensitive Lands Overlay Zone.

Ms. DeSeelhorst stated that if the subdivision amendment is approved by the Planning Commission, the project will go through a full technical review. Mr. Johnson reported that the Sensitive Lands Evaluation Development Standards (“SLEDS”) have a lot of requirements for recording and disclosing hazards. There is a note on the plat and often the title documents are recorded against the title of the home referencing back to the City and are inclusive of studies that

have been conducted. Two public comments were received expressing opposition to the request. Ms. DeSeelhorst reviewed the Code provisions. Staff recommended approval with conditions set forth in the Staff Report.

Chair Mills appreciated the opportunity to provide language on the plat. Commissioner Chappell asked if the City could require a permit to remedy non-compliance issues with their deck or if it would be a Code Enforcement issue. Staff believed the impact of combining the two properties would not affect the existing deck. It is not in their purview to remedy construction through a subdivision amendment.

Chair Mills reviewed the Transportation Master Plan discussion and believed that with the progress of the Gondola Project and Wasatch Boulevard, there may be obligations as they continue discussions regarding transportation and the gravel pit. If at some point there is an opportunity to shape what those interfaces will look like, he recommended that a Record of Decision be available. He believed this was a significant body of work that has been completed by UDOT and the implications to the City are also significant. Mr. Johnson offered to provide a high-level overview of the proceedings.

3.0 Additional Discussion Items.

Ms. DeSeelhorst reviewed corrections to the previous Planning Commission Meeting Minutes.

Mr. Johnson reported that the City Council and City Manager appointed New Planning Commissioner, Daniel Poulson, a long-time District 4 resident. Chair Mills has known Mr. Poulson for years and his wife served as a representative in the State Legislature. He looked forward to working with Mr. Poulson.

2.0 Adjournment.

Commissioner Chappell moved to ADJOURN. Commissioner Smith seconded the motion. The motion passed with the unanimous consent of the Commission.

The Work Meeting adjourned at 6:00 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY
PLANNING COMMISSION BUSINESS MEETING**

Wednesday, August 2, 2023

6:00 p.m.

**2277 East Bengal Boulevard
City Council Chambers**

ATTENDANCE

Members Present: Chair Dan Mills, Commissioner Lucy Anderson, Commissioner Jessica Chappell (via Zoom), Commissioner Jonathan Ebbeler (via Zoom), Commissioner Mike Shelton, Commissioner Mike Smith, Commissioner Sean Steinman

Staff Present: Community and Economic Development Director Michael Johnson, Staff Engineer Adam Ginsberg, Senior City Planner Samantha DeSeelhorst, Deputy City Recorder Maria Devereaux, System Administrator Alex Earl

Others: Anthony Evans, Bob Evans, Brandon Preece, Roger Bland, Shawna Bland, Kim Fisher, Annejanine Etzel, Tom Etzel, Jackie Hibbard, Rick Stevenson, Ed Primosic

BUSINESS SESSION

1.0 Welcome and Acknowledgments.

Chair Dan Mills called the Business Meeting to order at 6:00 p.m.

1.1 ExParte Communications or Conflicts of Interest to Disclose.

There were no disclosures.

2.0 General Public Comment.

There were no public comments.

3.0 Business Items

3.1 Project SUB-23-003 - A Public Hearing and Possible Action on a Subdivision Amendment to Combine the Two Adjacent Parcels at 6796 South Manorly Circle into a Single Lot. This Amendment Represents a Change to the Existing Cottonwood Manor Subdivision, which Requires a Public Hearing and Planning Commission Approval.

Senior City Planner, Samantha DeSeelhorst, presented the Staff Report and stated that the request

is to combine two adjacent parcels that are under the same ownership. Access is off of Manorly Circle. The property shown in blue in the Staff Report is part of the existing Cottonwood Manor Subdivision. The parcel shown in orange is not part of an existing subdivision and is a separate parcel. Because combining the two lots technically alters the outer frame of a subdivision plat, the subdivision amendment process is required by State Code. Otherwise, it would be processed at the staff level as a lot consolidation. Ms. DeSeelhorst reported that the property to the west includes a steep hillside that is undeveloped and slopes into Mill Hollow Park. Combining the two properties will not preclude future construction from having to comply with all standards for building near a hillside. Construction is not reviewed by the Planning Commission and is regulated by the Building Department through the Building Permit process. The scope of what was being presented is limited only to combining the two lots.

Staff analyzed the project and found no violation of City Code by combining the two properties. The lot size becomes larger and exceeds the minimum required. It decreases the current structural lot coverage and does not affect lot width or frontage. Comments from the Technical Review Committee were addressed during the Work Session and focused on ensuring that the updated subdivision plat identifies where that steep slope is located and the no development limitation. If the subdivision amendment is approved by the Planning Commission, the project will then go through a full technical review with City staff and Salt Lake County to ensure that all of the procedural details are addressed before it is finalized.

Written public comments were received in advance of the meeting and forwarded to the Commission Members. Concern was expressed with the combination of the two parcels since the homeowner may decide to rebuild their home with a larger footprint. The desire was expressed that the home not be rebuilt due to the construction impacts on the neighborhood. There were also concerns with the compliance of a future rebuild with Homeowners Association (“HOA”) regulations and a desire for the subdivision amendment to be denied to prevent a future rebuild.

Ms. DeSeelhorst explained that the Commission's purview does not include reviewing or regulating construction. Any future construction project that is pursued will require a permit. State Code specifies that if a subdivision amendment complies with the Code, it is entitled to approval. HOA regulations are private agreements that the City doesn't enforce or regulate. If there is a separate compliance question with the HOA regulations, the homeowner would need to work through them on their own. Staff found that the proposal meets the City Code and recommended approval.

A question was raised about how residents can address concerns about the impact of the proposal on the neighborhood. Ms. DeSeelhorst stated that if the concern pertains to construction, they can work with the Code Enforcement Department. Staff can also provide permit information, which is part of the public record. She stressed that there is currently no pending project request. There are also approved hours of construction governing when construction activity can take place.

Mike Spainhower identified himself and reported that he is assisting the property owner in navigating the process. There is a rear parcel associated with the front parcel and other parcels have been combined in the past. He noted that if the parcels are combined, the existing home will encroach into the rear yard setback and is a non-conforming structure.

Chair Mills opened the public hearing.

Wendy Ziegler identified herself as the daughter of Anne Ziegler and gave her address as 2557 East Valley View Avenue in Holladay. She was present to speak on behalf of her 86-year-old mother. Their concern was that the lines for the two properties were due to the significant drop-off. She walked the slope with an inclinometer and found that the top part of the drop-off measures 37 to 42 degrees. Closer to the park it is about 30 degrees. She believed that the parcels were separated previously because of the steepness. They are concerned that anything extending out further will cause destabilization. Keeping the two lots separated does not allow for that. She suggested that the lots remain separate. She did not want to see a situation similar to what occurred in Suncrest with homes falling off the hillside.

Anne Ziegler gave her address as 6824 South Manorly Circle and stated that she has lived there for 30 years. She asked if a Geological Impact Survey has been performed as she felt it should be required. Her neighbor was required to have one done and to build back a certain distance. If a new building is constructed, it will extend out further. She was concerned about safety, especially after what happened in Draper. She was told that it would take nine months to raze the home and construct the new one. She did not believe that was realistic. She questioned the advice the applicant had been given. The street is narrow and is a dead end with 12 children that play in the street. She was also concerned about the slope of the property.

There were no further public comments. The public hearing was closed.

Commissioner Chappell stated that all requirements pertaining to development on hillsides will have to be complied with. She considered that to be the most important issue discussed.

The comment was made that it will be noted clearly on the plan that the subject property is considered sensitive lands. If construction were to take place, the applicant would have to adhere to those regulations. Ms. DeSeelhorst stated that a note to that effect was included on the plat. She explained that different types of construction require different types of slope stability studies. If a Building Permit is applied for, the right type of study will be required as required by the Sensitive Lands Ordinance. It was clarified that the Planning Commission is charged with looking at land use and not construction.

In response to a question raised, Ms. DeSeelhorst stated that the property was originally platted in the 1970s or 1980s so changes could have been made before the City was incorporated. Chair Mills clarified that this is not a construction decision but is germane to the concerns of residents and proximity to the slope. He explained that the slope limitations are not appreciably changed by combining the two lots. Ms. DeSeelhorst agreed and stated that the standard zoning setbacks are from property lines. When there are slopes present, the Slope Stability Reports will specify the distance required from the slope. Community and Economic Development Director, Michael Johnson explained that the distance depends on various factors including the type of construction and the slope.

Chair Mills clarified that the property was grandfathered in prior to the City's incorporation and is a non-conforming structure. If and when an application is submitted, the applicant will be required to conform to the current Code. Mr. Johnson explained that voluntary additions, remodels, renovations, and rebuilds are required to comply with the current Code. All engineering requirements also need to be met, which may appreciably impact the level of engineering and where the home is built in proximity to the slope. Mr. Johnson explained that that would be addressed as part of a separate analysis.

Commissioner Ebbeler read the public comments and recognized the difference between what is legally allowed and what the Planning Commission will statutorily vote on.

Commissioner Shelton moved to APPROVE Project SUB-23-003 subject to the following:

Conditions:

- 1. The applicant shall provide consent from affected utility companies for the vacation of the existing public utility easement along the west property line of Lot 11.***
- 2. The applicant shall identify the 30% slope on the plat and add a note that states no development shall occur on the 30% slope.***
- 3. The applicant shall add a note to the final plat that specifies the property is within the Sensitive Lands Overlay Zone.***

Commissioner Smith seconded the motion. Vote on motion: Commissioner Chappell-Aye, Commissioner Ebbeler-Aye, Commissioner Anderson-Aye, Commissioner Steinman-Aye, Commissioner Smith-Aye, Commissioner Shelton-Aye, Chair Mills-Aye.

4.0 Consent Agenda

4.1 Approval of Planning Commission Meeting Minutes from June 7, 2023.

Commissioner Anderson moved to ACCEPT the minutes of June 7, 2023, with the changes and edits noted during the Work Session. The motion was not seconded. The motion passed with the unanimous consent of the Commission.

5.0 Adjourn.

Commissioner Anderson moved to ADJOURN. Commissioner Smith seconded the motion. The motion passed with the unanimous consent of the Commission.

The Planning Commission Meeting adjourned at approximately 6:30 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Planning Commission Meeting held Wednesday, August 2, 2023.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: _____