

COTTONWOOD HEIGHTS CITY PLANNING COMMISSION MEETING AGENDA



June 5, 2024

Notice is hereby given that the **Cottonwood Heights Planning Commission** will convene on **Wednesday, June 5, 2024**, at **Cottonwood Heights City Hall** (2277 E. Bengal Blvd., Cottonwood Heights, UT 84121) for its **Work Session** and **Business Session** meetings.

1. Work Session – **5:00 p.m.** – City Council Work Room
2. Business Session – **6:00 p.m.** – City Council Chambers

Both sessions will also be broadcast electronically on the city's YouTube channel at <https://www.youtube.com/@CottonwoodHeights/streams>. **Please see the reverse side of this agenda for instructions on how to make public comment.**

5:00 p.m. Work Session

1.0 Review Business Session Agenda

The commission will review and discuss agenda items.

2.0 Old Mill Conceptual Plan (PDD Pre-Application Presentation)

This item is an introduction to the planning commission of conceptual plans for the development of the Old Mill site (6770 S. Big Cottonwood Canyon Rd.). This property is privately-owned, and the property owner desires to pursue future development on site using the Planned Development District (PDD) tool. Prior to submitting a PDD application, property owners are required to introduce concept-level development plans to the planning commission. Please note that this item is scheduled on the June 5, 2024 work session agenda for introduction only. It will not be formally considered or voted on at this meeting. Formal consideration and public hearing for this project will be scheduled subsequently to the property owner submitting a PDD application.

3.0 Adjourn

6:00 p.m. Business Session

1.0 Welcome and Acknowledgements

- 1.1 Ex parte communications or conflicts of interest to disclose

2.0 General Public Comment

This is an opportunity for individuals to make general public comments that do not relate to any projects scheduled for public hearing under the "Business Items" section of this agenda. Please see the Public Comment Policy on the reverse side of this agenda for more information.

3.0 Business Items

3.1 Project ZMA-24-001

A public hearing and possible recommendation to the City Council on a city-initiated request to implement a form-based code along a portion of the Fort Union Blvd. Corridor. Learn more about this project by visiting www.ch.utah.gov/fbc.

4.0 Consent Agenda

- 4.1 Approval of Planning Commission Minutes from March 6, 2024 Meeting
- 4.2 Approval of Planning Commission Minutes from April 3, 2024 Meeting
- 4.3 Approval of Planning Commission Minutes from May 1, 2024 Meeting

5.0 Adjourn

Next Planning Commission Meeting: July 3, 2024

Public Comment Policy

Individuals may provide public comment verbally or via writing.

Verbal comments are accepted in person at the 6:00 p.m. Business Session, but not at the 5:00 p.m. Work Session. At the Business Session, public comment may be given during two intervals:

1. General Public Comment Period – An opportunity for general comments not relating to specific projects on the meeting agenda.
2. Specific Project Public Hearings – An opportunity for comments relating to specific projects on the meeting agenda which were noticed as public hearings.

Please note that verbal comments must be provided by attending the meetings in-person. Verbal comments cannot be provided via the electronic broadcast of planning commission meetings on the city's YouTube channel.

Verbal comment periods are an opportunity for individuals to share comments as they see fit but **are not an opportunity for “question and answer” dialogue**. Questions should be directed to city staff at planning@ch.utah.gov. Verbal comments provided during the public comment period will be limited to three minutes per individual, or five minutes per a spokesperson who has been asked by a group that is present to summarize their concerns.

Alternatively, **written comments** may be submitted to staff via email at planning@ch.utah.gov. For written comments to be entered into the record and distributed to the planning commission prior to the meeting, they must be submitted to staff by 12:00 p.m. MST on Tuesday, June 4, 2024, the day prior to the meeting. Comments received after this deadline will be distributed to the planning commission after the meeting.

Meeting Procedures

Items will generally be considered in the following order: 1. Chair introduction of item, 2. Staff presentation, 3. Applicant presentation, if applicable, 4. Chair opens public hearing, if applicable, 5. Chair closes public hearing, if applicable, 6. Planning commission deliberation, 7. Planning commission motion and vote on item.

Applications may be tabled if additional information is needed in order to act on the item; or if the planning commission feels there are unresolved issues that may need further attention before the commission is ready to make a motion. No agenda item will begin after 9:00 pm without a unanimous vote of the commission. The commission may carry over agenda items, scheduled late in the evening and not heard, to the next regularly scheduled meeting.

Notice of Compliance with the Americans with Disabilities Act (ADA)

In compliance with the Americans with Disabilities Act, individuals needing special accommodations or assistance during this meeting shall notify the City Recorder at (801) 944-7021 at least 24 hours prior to the meeting. TDD number is (801) 270-2425 or call Relay Utah at #711.

Confirmation of Public Notice

On Friday, May 31, 2024, a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Cottonwood Heights City Offices. The agenda was also posted on the City's website at www.cottonwoodheights.utah.gov and the Utah public notice website at <http://pmn.utah.gov>. DATED THIS 31ST DAY OF MAY, 2024, Attest: Paula Melgar, City Recorder

COTTONWOOD HEIGHTS CITY PLANNING COMMISSION STAFF MEMO



June 5, 2024

Old Mill Area Redevelopment – Planned Development District Pre-Application Presentation

Staff has received the attached concept plans and site narrative, previously distributed to the Planning Commission, for the general area encompassing and surrounding the Old Mill Historic Structure. The plans were submitted by Think Architecture, representing Walker Development Partnership, which is the legal owner of the subject property.

It is staff's understanding that the property owner is in the process of preparing a formal application for the city to rezone and redevelop the property following the city's Planned Development District (PDD) ordinance. Applications to utilize the PDD ordinance differ from standard rezone / development applications in terms of submittal and application requirements. One such requirement is to hold a work session discussion with the planning commission prior to being eligible to make a formal application.

Subsequent to this scheduled work session discussion, the property representatives will also be required to hold at least two community workshops to gain pre-application input from the public. The purpose of the June 5th work session is for the project representative to present the concept plan to the planning commission and receive informal feedback from the commission members.

To date, staff has not conducted a formal review of the current concept plan submittal for compliance with the PDD ordinance or other city codes. Staff has previously provided general feedback and input regarding codes, ordinances, and master plans to be mindful of when preparing plans for future submittal.

Planned Development District Ordinance

To assist the commission in understanding the purpose of the PDD zone, the goals of the PDD ordinance (and of projects developing utilizing the PDD zoning tool) are provided from the city code as follows:

19.51.020 Goals and Objectives

A. Creation of the PDD and the possibility of a future PD zone designation are provided to encourage mixed-use development or redevelopment of properties in the vicinity of the Wasatch Boulevard gravel pit (see Tier 1 – Red on Map 19.51); intersection nodes along Fort Union Boulevard at 1300 East and Union Park Avenue, along Highland Drive and 2300 East, and the Old Mill site on Wasatch Boulevard (see Tier 2 – Blue on Map 19.51); and certain areas along Fort Union Boulevard and Union Park Avenue (see Tier 3 – Yellow on Map 19.51).

B. Development within the PDD should be designed to:

- a. Promote employment and activity centers such as shopping, entertainment, cultural arts, recreational and community centers, health care facilities, and public transit;*
- b. Provide for a range of employment uses at appropriate intensities and locations, support the integration of living and working uses, and support public transit services;*

- c. *Promoting more efficient use of land and public services, potentially allowing more concentrated projects in appropriate circumstances;*
- d. *Promote layout, design and construction of development that is sensitive to the natural land form and environmental conditions of the immediate and surrounding area and promote preservation of property with unique features, such as property having historical significance;*
- e. *Ensure the adequacy of public facilities to accommodate population growth;*
- f. *Encourage quality and variety in building and landscape design to create a vibrant pedestrian environment;*
- g. *Encourage the planned development of parcels sufficiently large to permit comprehensive site planning and building design by using master planning tools to achieve the goals of the general plan, project harmony, design consistency and the purposes of this chapter;*
- h. *Encourage opportunities for public transit services that promote multimodal connections at local and regional levels;*
- i. *Encourage a mixture of uses, including complementary high density multi-family residential and loft units, retail services, office, lodging, entertainment and cultural uses, and create a vibrant pedestrian/transit oriented environment to promote pedestrian activity;*
- j. *Ensure that provision is made for public and private open space;*
- k. *Encourage creative approaches to the use of land through variation in siting of buildings and the appropriate mixing of several land uses, activities and dwelling types, including a variety of housing types;*
- l. *Achieve economic development goals concentrated in specific areas of the city by allowing higher intensity and higher quality developments that warrant greater financial investments which, in turn, provide an enhanced economic base for the city;*
- m. *Preserve the health, safety and welfare of the public, and*
- n. *Implement the purposes and intent of this chapter, this title and the city's general plan, as determined by the city.*

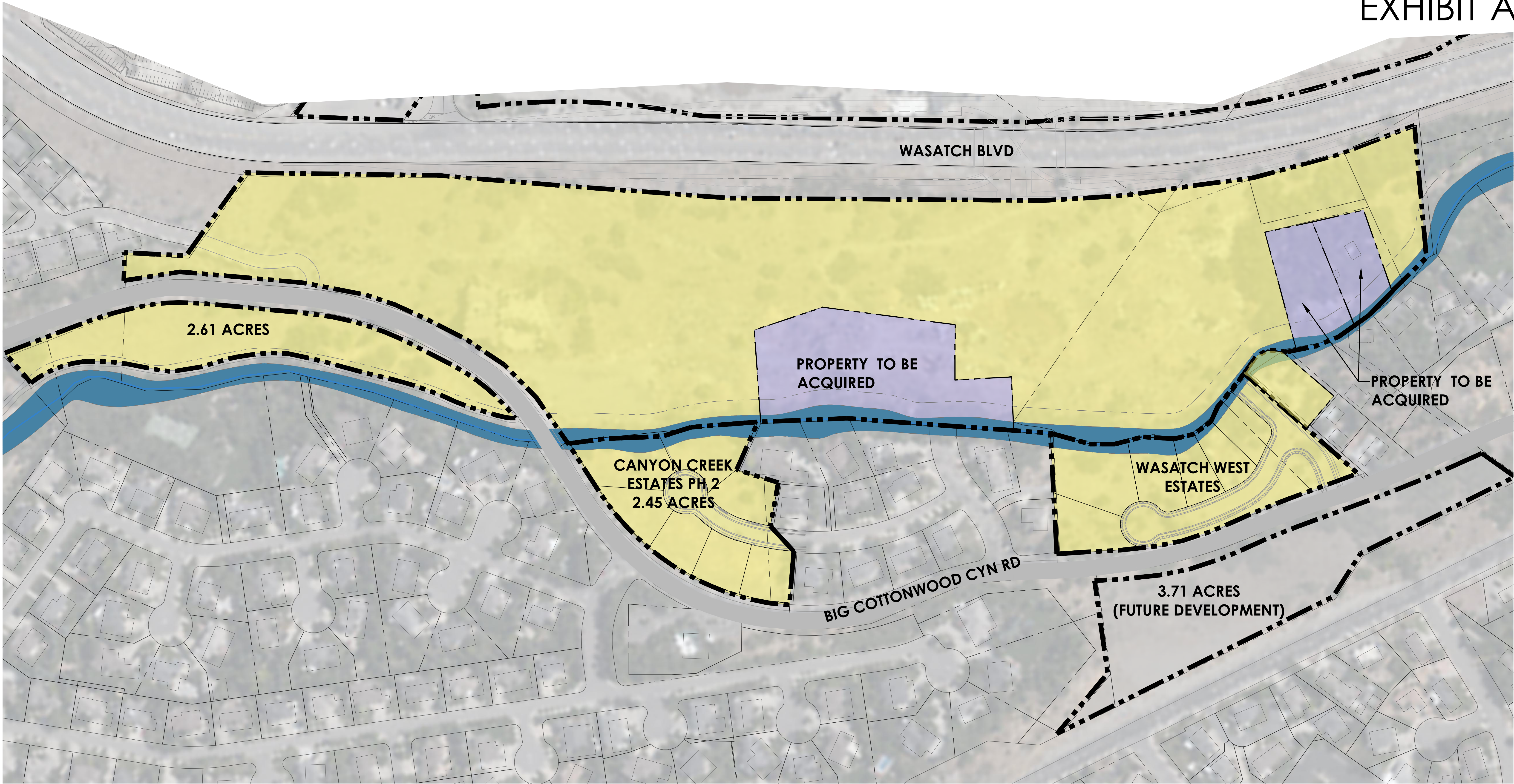
The full PDD ordinance ([available here](#)) includes additional details for application procedures, submittal requirements, development standards, etc.

Findings and Recommendation

Staff recommends that the Planning Commission review the submitted concept plans and narrative, as well as the PDD ordinance, and be prepared to provide informal feedback to the Old Mill property representatives at the June 5, 2024 work session.

Attachments

- Old Mill area concept plan submittal
- Concept plan narrative
- Written feedback from Commissioner Dan Poulson



PROPOSED PROPERTY AND DEVELOPMENT

WASATCH MAIN WEST - PAPER MILL VILLAGE

6900 S Big Cottonwood Canyon Rd, Cottonwood Heights, UT 84121

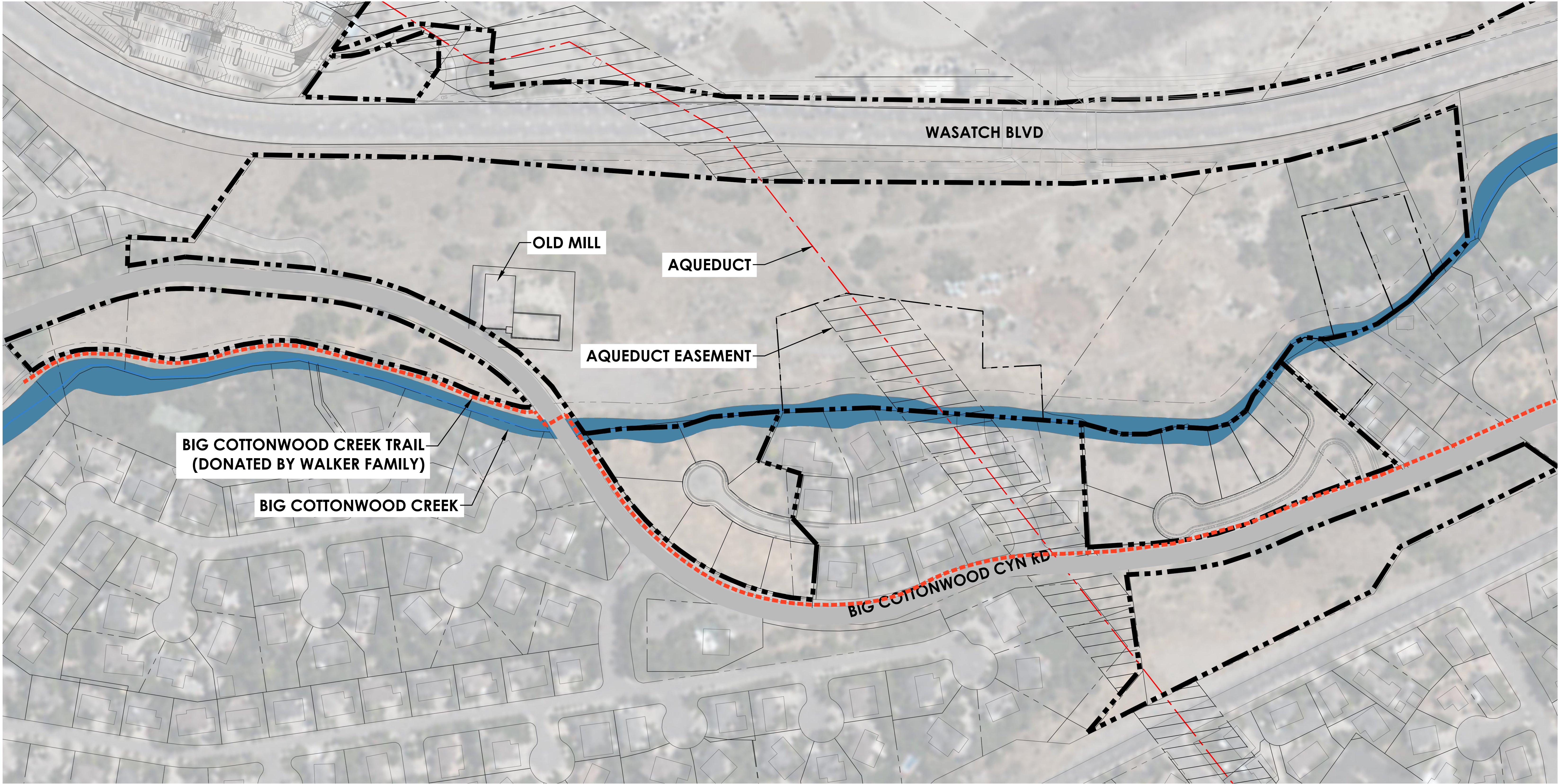


The designs shown and described herein including all technical drawings, graphic representation & models thereof, are the copyrighted work of Think Architecture, Inc. and & cannot be copied, duplicated, or commercially exploited in whole or in part without the sole and express written permission from Think Architecture, Inc.

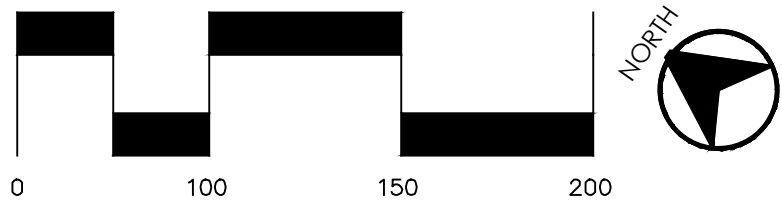
PROPOSED PROPERTY
AND DEVELOPMENT

D002

23 MAY, 2024



EXISTING PHYSICAL CONDITIONS



WASATCH MAIN WEST - PAPER MILL VILLAGE

6900 S Big Cottonwood Canyon Rd, Cottonwood Heights, UT 84121

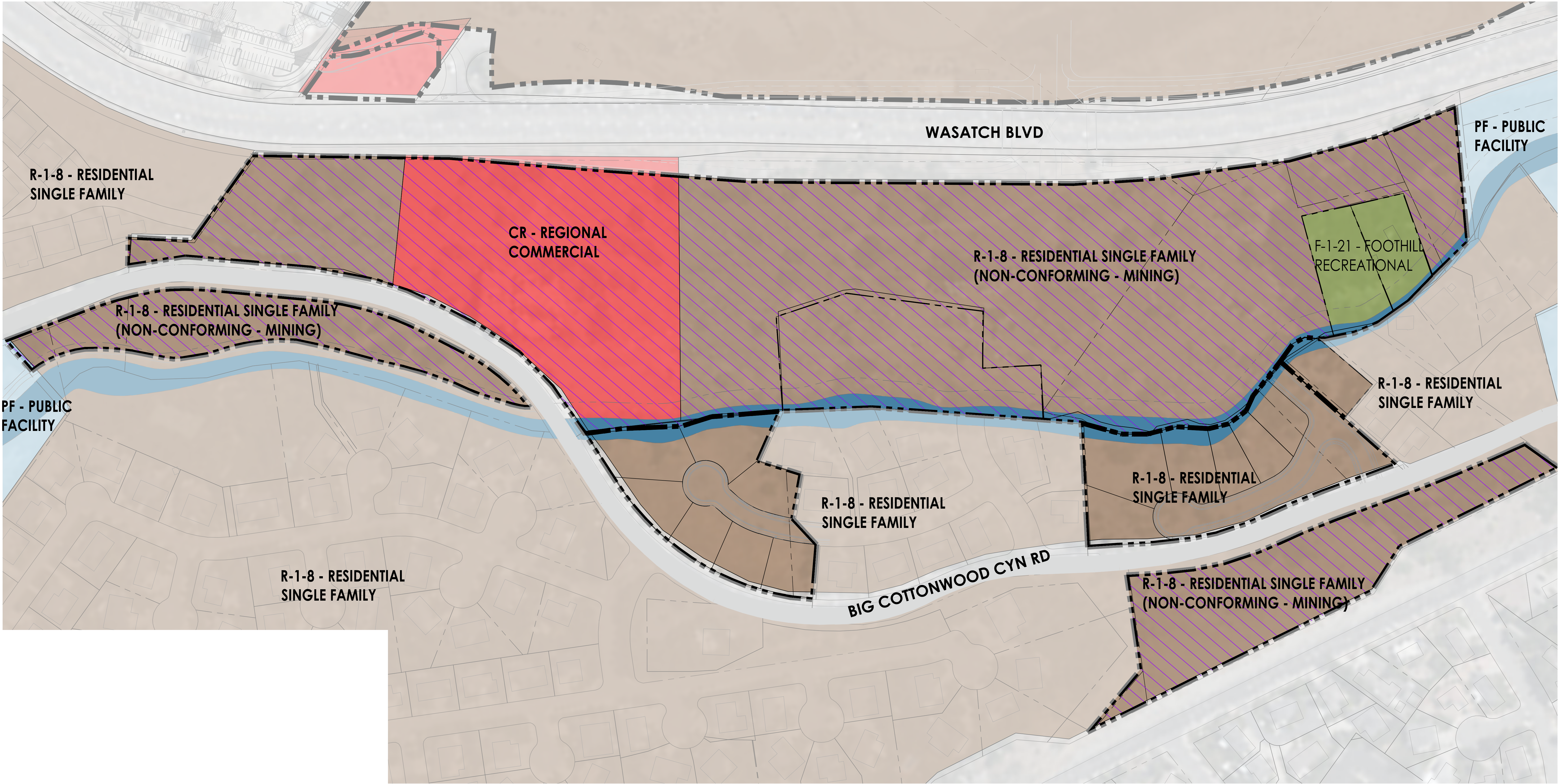


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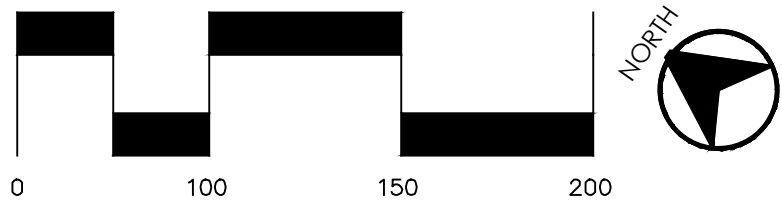
PHYSICAL CONDITIONS

D004

23 MAY, 2024



CURRENT COTTONWOOD HEIGHTS ZONING



WASATCH MAIN WEST - PAPER MILL VILLAGE

6900 S Big Cottonwood Canyon Rd, Cottonwood Heights, UT 84121

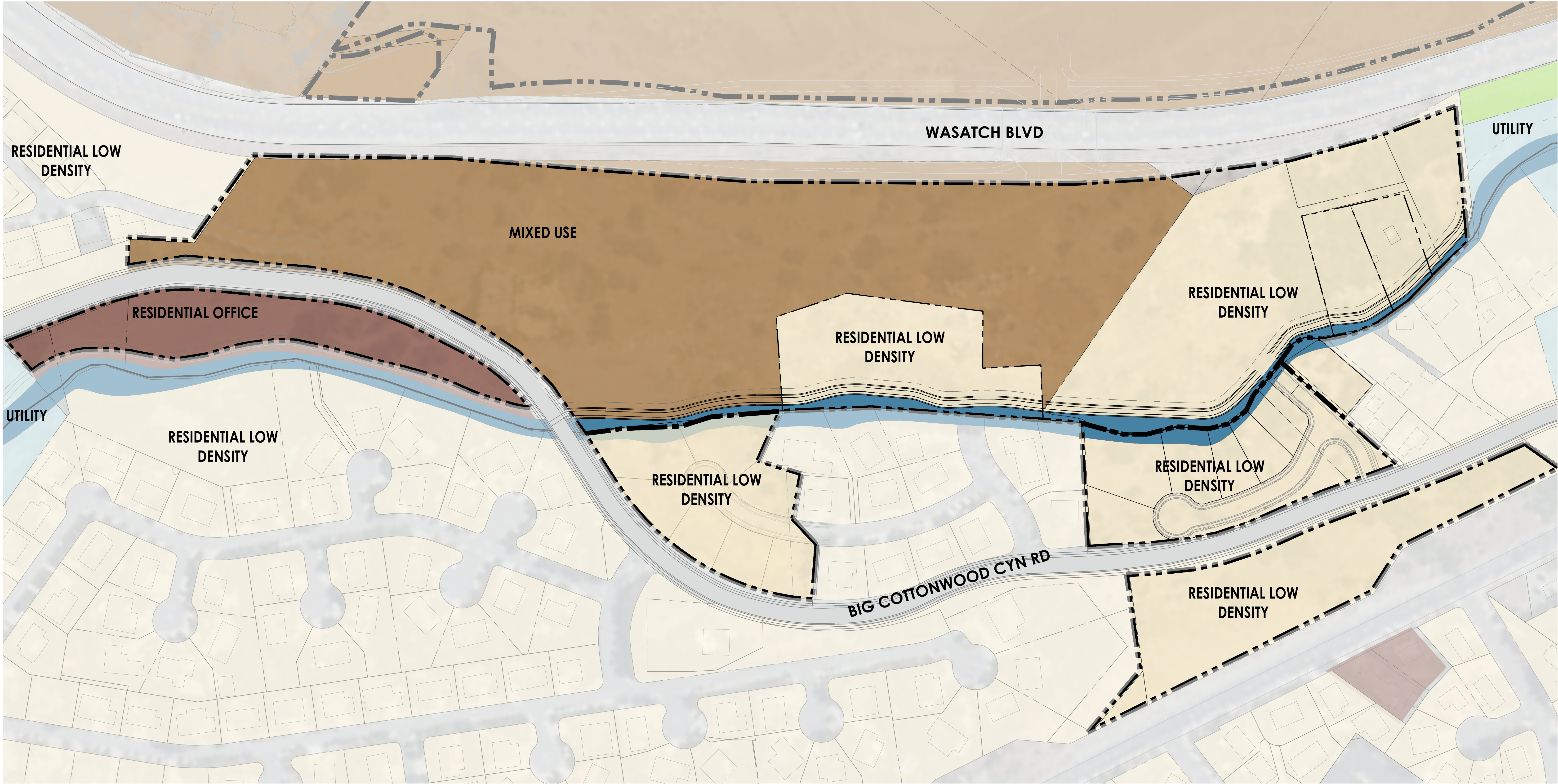


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CURRENT ZONING

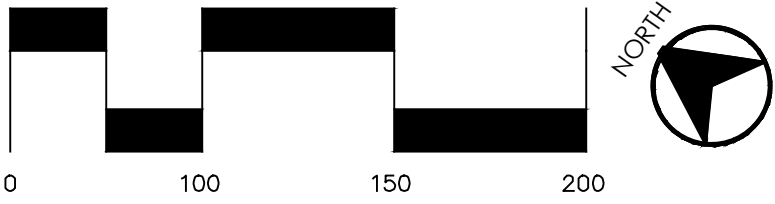
D005

23 MAY, 2024



LAND USES AS SHOWN IN COTTONWOOD HEIGHTS GENERAL PLAN

GENERAL PLAN LAND USE



WASATCH MAIN WEST - PAPER MILL VILLAGE

6900 S Big Cottonwood Canyon Rd, Cottonwood Heights, UT 84121

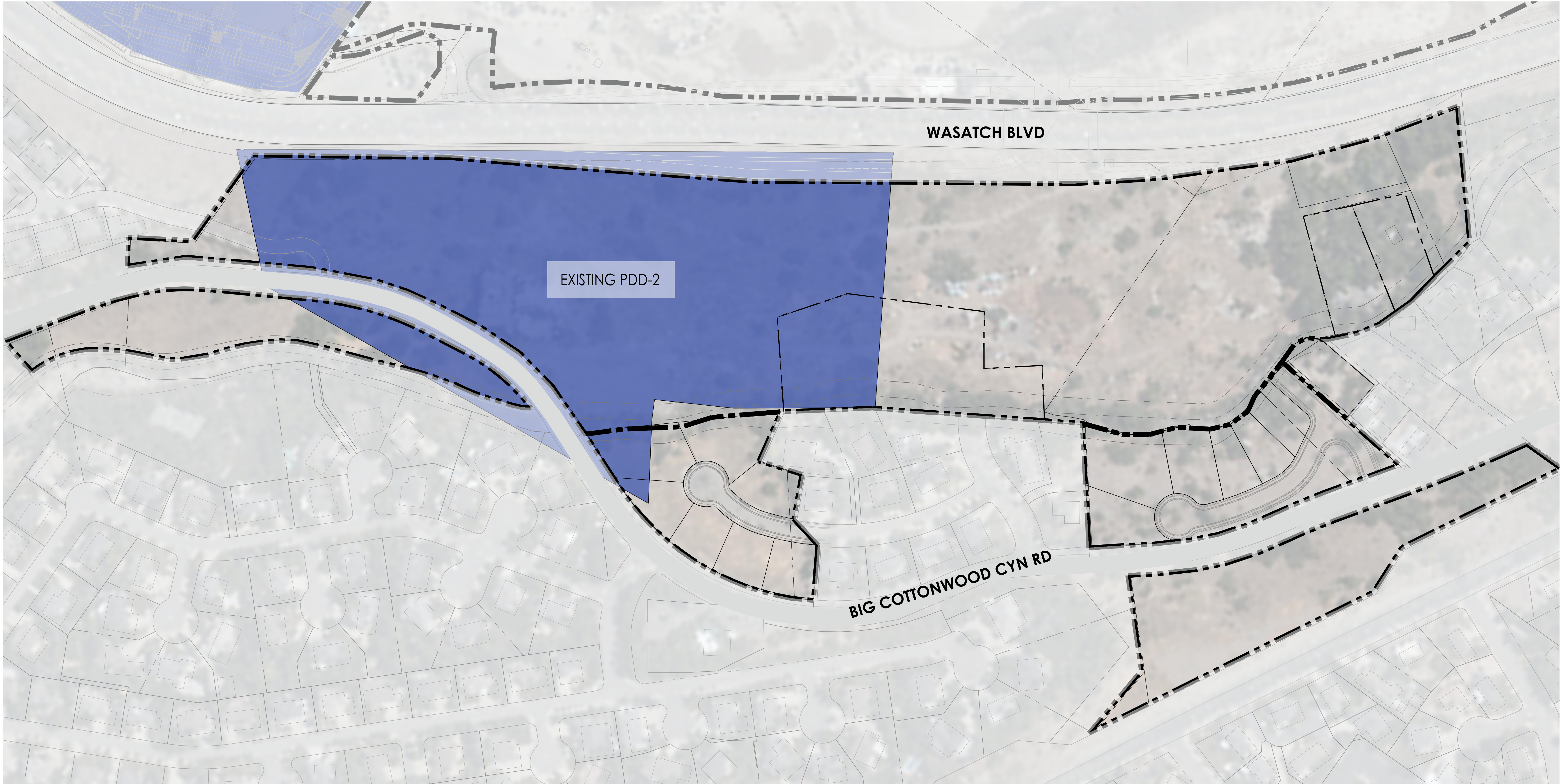


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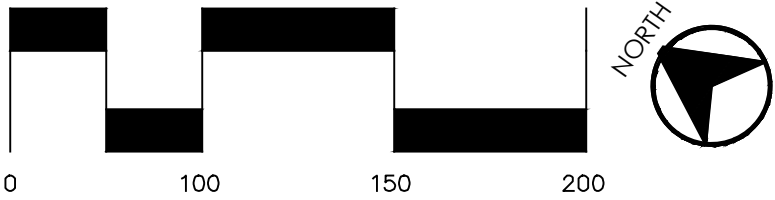
GENERAL PLAN
LAND USE

D005

23 MAY, 2024



PDD DISTRICT AS SHOWN IN COTTONWOOD HEIGHTS CITY CODE 19.51.100 PLANNE DDEVELOPMNET DISTRICT AREAS AND TIERS MAP



CITY PROJECTED PDD DISTRICT

WASATCH MAIN WEST - PAPER MILL VILLAGE

6900 S Big Cottonwood Canyon Rd, Cottonwood Heights, UT 84121

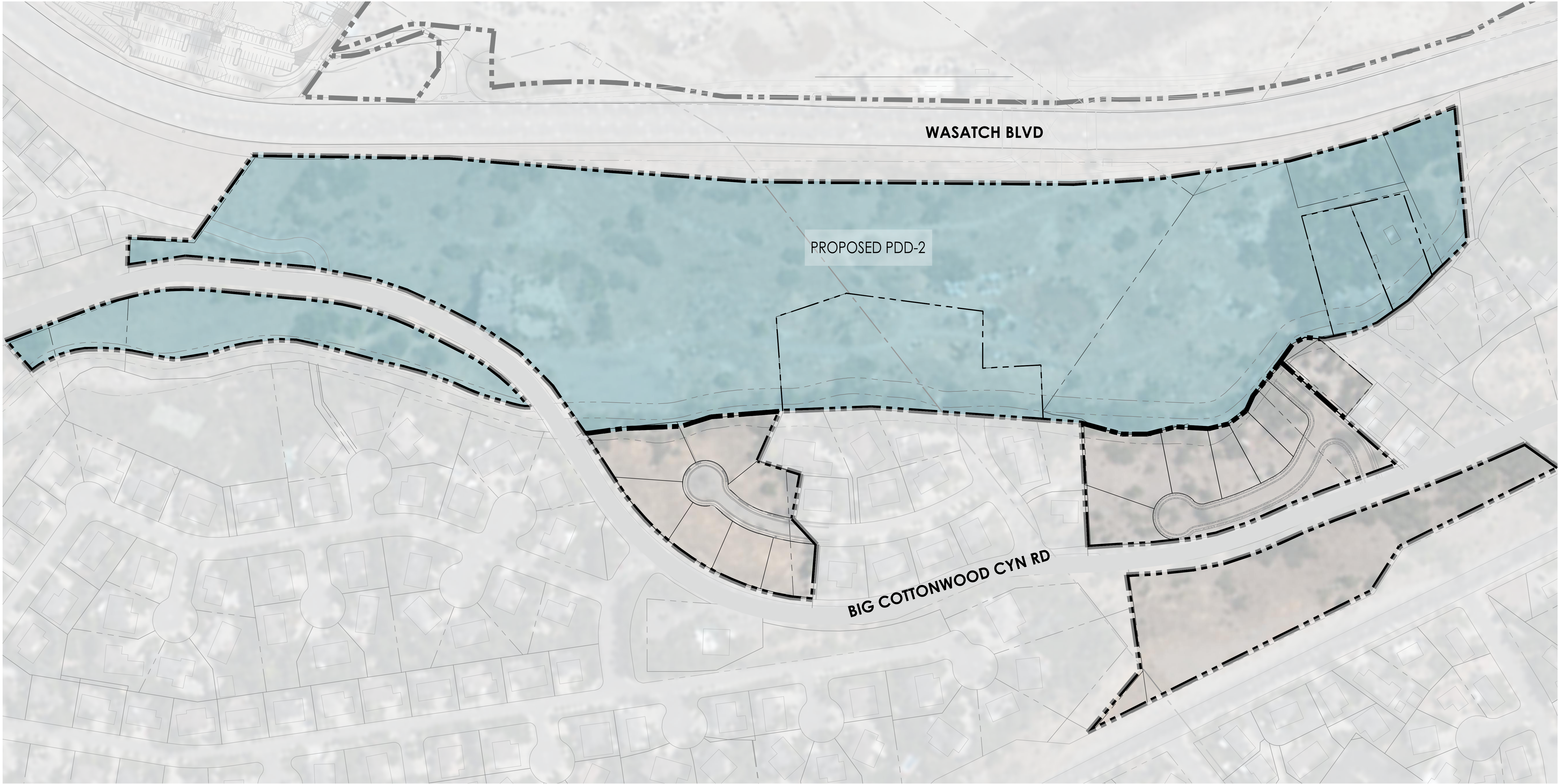


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CURRENT PDD DISTRICT

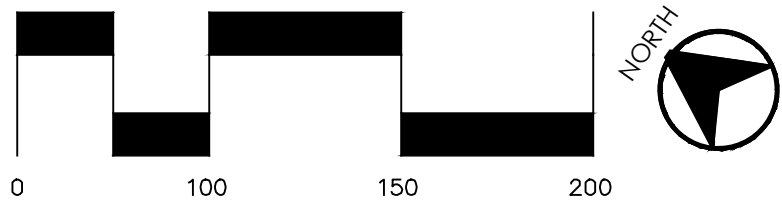
D006

23 MAY, 2024



PROPOSED 30.988 ACRES IN PDD TIER 2

PROPOSED PDD DISTRICT



WASATCH MAIN WEST - PAPER MILL VILLAGE

6900 S Big Cottonwood Canyon Rd, Cottonwood Heights, UT 84121

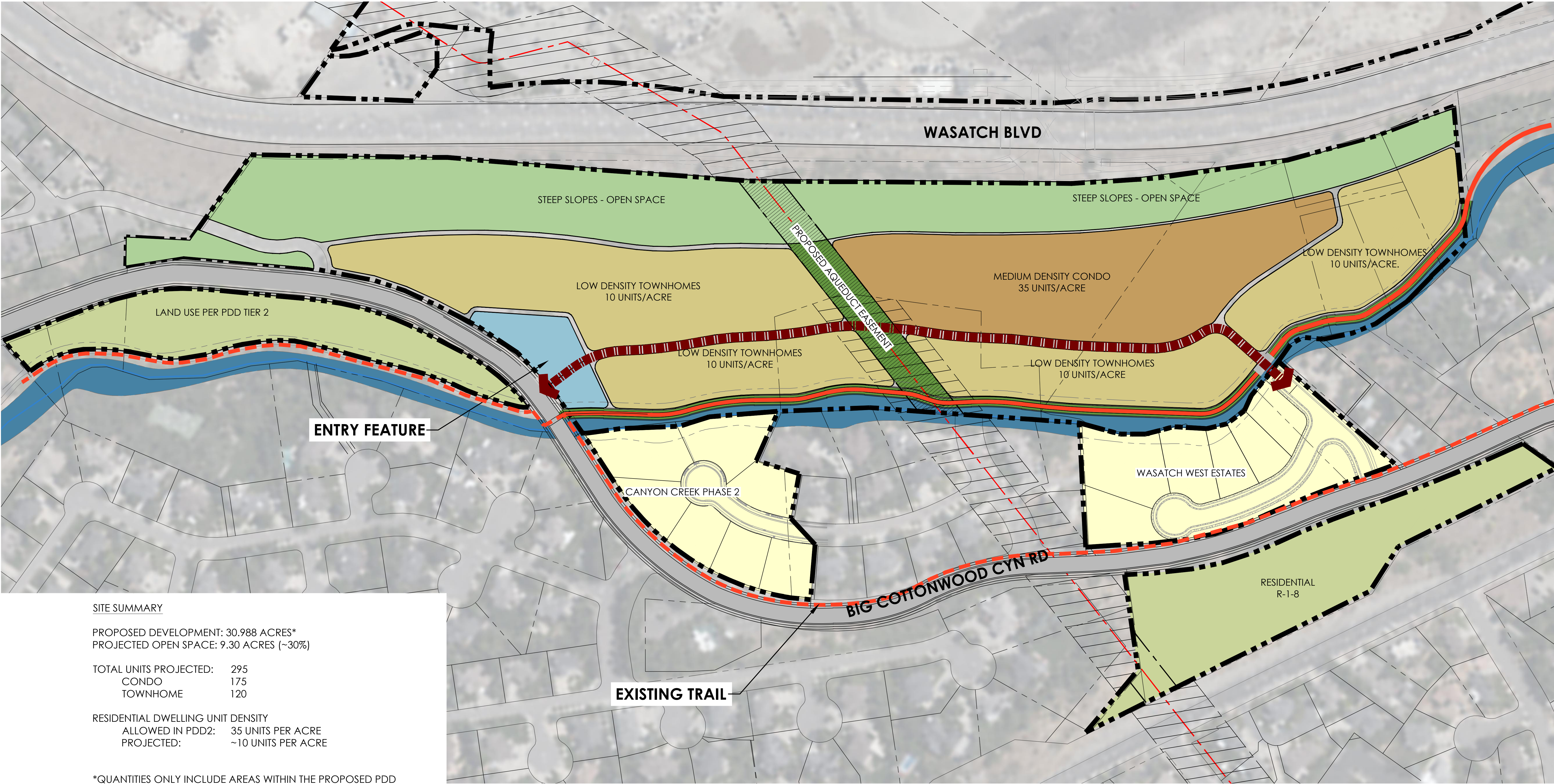


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PROPOSED PDD DISTRICT

D007

23 MAY, 2024



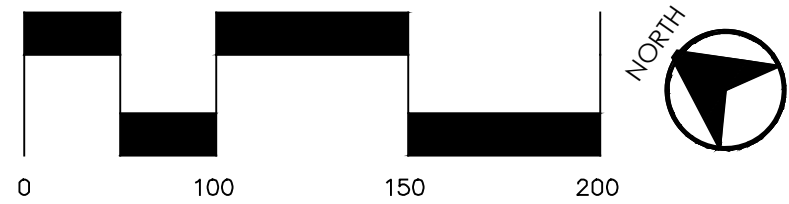
SITE SUMMARY

PROPOSED DEVELOPMENT: 30.988 ACRES*
PROJECTED OPEN SPACE: 9.30 ACRES (~30%)

TOTAL UNITS PROJECTED: 295
CONDO 175
TOWNHOME 120

RESIDENTIAL DWELLING UNIT DENSITY
ALLOWED IN PDD2: 35 UNITS PER ACRE
PROJECTED: ~10 UNITS PER ACRE

*QUANTITIES ONLY INCLUDE AREAS WITHIN THE PROPOSED PDD
TIER 2 DISTRICT AND DO NOT INCLUDE CANYON CREEK PHASE
2 OR WASATCH WEST ESTATES



CONCEPT PLAN

WASATCH MAIN WEST - PAPER MILL VILLAGE

6900 S Big Cottonwood Canyon Rd, Cottonwood Heights, UT 84121

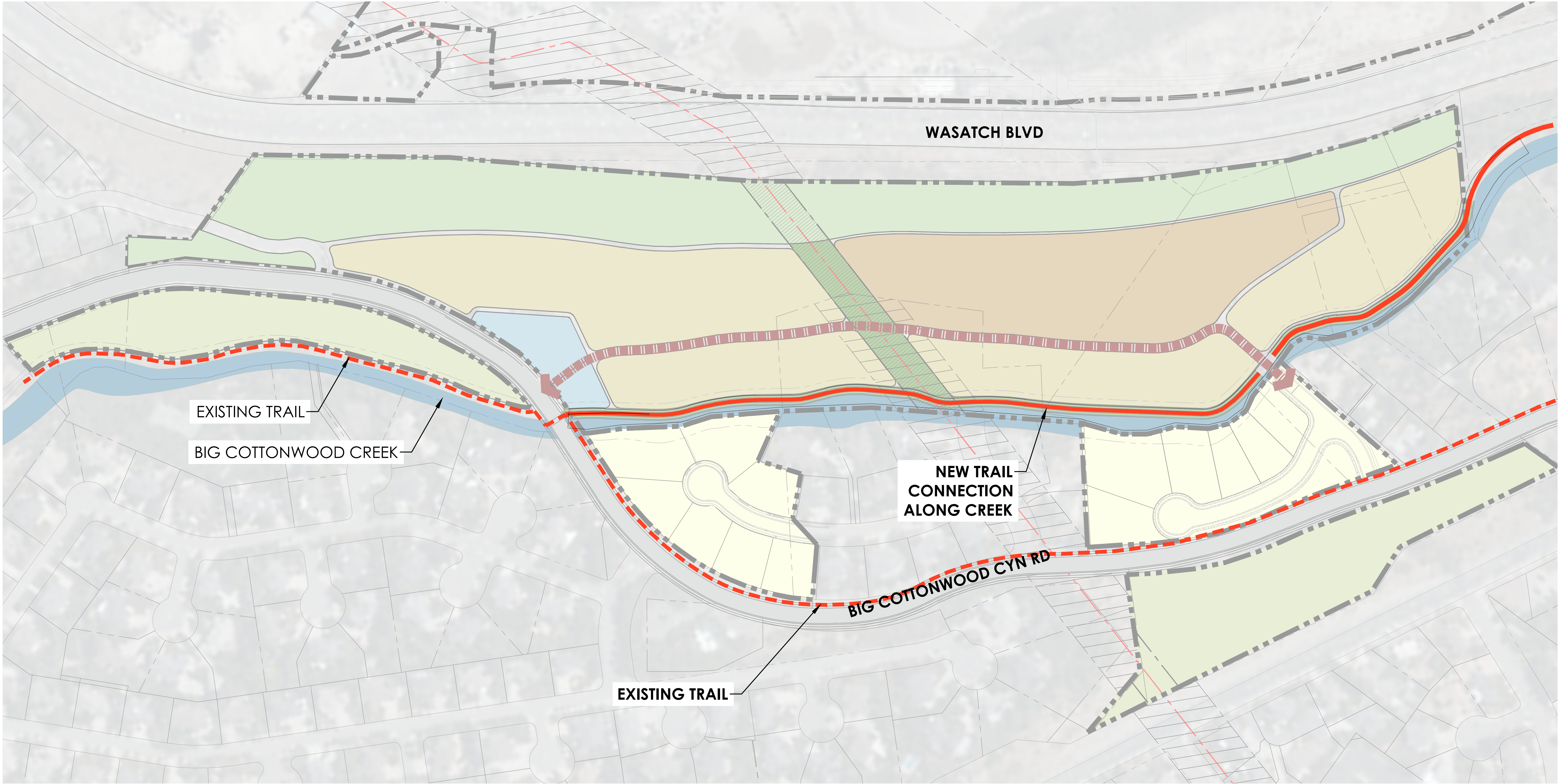


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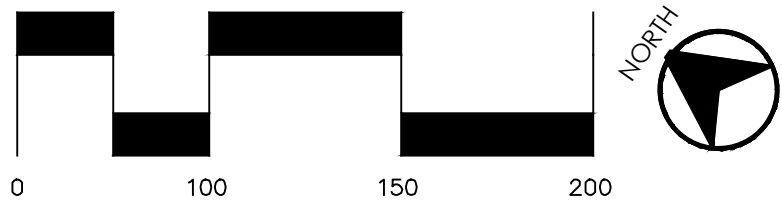
CONCEPT PLAN

D008

23 MAY, 2024



TRAIL PLAN



WASATCH MAIN WEST - PAPER MILL VILLAGE

6900 S Big Cottonwood Canyon Rd, Cottonwood Heights, UT 84121



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TRAIL PLAN

D009

23 MAY, 2024



Paper Mill Village

1. Vision Statement

- The following vision statement outlines the goals and objectives for the Proposed Development associated with the Old Mill District.

As prepared by the Ownership and development team.

"VISION STATEMENT

- Create a Residential Community that provides transition with types of housing, while blending with the existing neighborhoods, and to enhance the historical significance of the area. The areas of transition from natural amenities along with recreation trails, open space, landscaping will enhance the development.

ENVISIONING GOALS

- Preserve the legacy and heritage of the Old Mill Site, through the legacy of design, materials, and historical remembrance.
- A continuation of the existing trail with a creek-side extension through the proposed development.
- Provide a variety of housing products and densities to meet the needs of low to higher income residences. (Attainable to Luxury).
- Reclaim the existing mining site with residential housing types that are sensitive to the existing residences.
 - Single family homes adjoining existing homes.
 - Medium density adjoining Big Cottonwood Road and stream.
 - Higher density abutting busy Wasatch Boulevard.
- Create a consistent architectural theme throughout the development to be compatible and sensitive to the existing neighborhood.

+ Architecture

+ Landscape Architecture

+ Land Planning

+ Construction Management

+ Interior Design

7927 High Point Parkway

Suite 300

Sandy, Utah 84094

801-269-0055

www.thinkaec.com

2. History/ Overview

- The existing Land and the surrounding areas have been owned by the same family for almost 100 years.
- The land is currently in a non-conforming (mining) use, which may stay in use.
- The Legacy Families that helped settle and develop the area are key to the history of the area and to the city of Cottonwood Heights.
- Big Cottonwood Creek is an important environmental element.
- See **Exhibit A** for an outline of all the property within the proposal.
- See **Exhibit B** for an outline of the existing physical conditions that exist on the site.

3. Proposed Development

• Overview

- Consideration must be given to what would be the best use for the property.
- The ownership has expended substantial resources to determine the best course of action as it relates to this property.
 - The ownership has engaged the firm of RCLCO to perform market analysis and studies on what type of development would be appropriate and feasible for the area.
 - Ownership has engaged traffic engineers to review traffic patterns within the area to provide insight types of developments that their respective traffic impact.
 - The ownership has engaged geotechnical engineers and seismic studies to verify potential risks and identify areas that may NOT be suitable for construction.
 - The ownership has begun and continues to engage in discussions with all utilities within the area.
 - Land Planning, Architecture, Legal and Civil Engineering have been consulted to assist in the possible designs for the property.

- Several meetings with the neighboring HOA board have been held. It is anticipated that additional meetings will need to be held as the process of rezoning and entitlements is completed.
- There are many components to the proposed development, with several of the key elements. We know that additional items exist and will be identified and discussed during the entitlement process.
- **Existing Zoning**
 - Zoning should be reviewed from existing to proposed to understand what the most appropriate use is for the development.
 - We have reviewed the current Cottonwood Heights city Zoning maps along with the current general plan documents to determine the highest and best use.
 - Current Zoning is a Non-Conforming Use with Mining currently and this could stay Mining for long term use.
 - Allowed uses.
 - Mining and Processing Ore
 - Asphalt Plants
 - Storage of Aggregate
 - See Zoning Exhibit of Cottonwood Heights City Zoning map. **See Exhibit C**
 - Three zones currently exist at the existing west side property.
 - C.R, Regional Commercial 19.40
 - F-1-21 Foothill Residential Zone 19.14
 - R 1-8 Single Family Residential

The following are excerpts from the Cottonwood Heights City zoning code pertaining to the existing zones that currently exist.

(EXCERPT FROM COTTONWOOD CITY HEIGHTS ZONE CODE)

Regional Commercial.

19.40.010 Purpose

The purpose of the CR zone is to establish areas for commercial uses that serve the community, the region and the traveling public by providing for larger scaled commercial uses that are typically land intensive and are not well-suited to being located in neighborhoods, which are designed to (a) encourage

pedestrian and transit access, (b) be compatible with adjacent residential neighborhoods, and (c) be consistent with road and utility capacities.

19.40.020 Permitted Uses

1. **Permitted** uses in the CR zone are as follows:
 1. Antique store;
 2. Artists' studio, art store;
 3. Bakeries, confectionery stores, ice cream, soft drink and coffee shops, for consumption on premises or for takeout;
 4. Barber and beauty shops;
 5. Books, magazines and news-papers;
 6. Clothing, clothing accessories and yard goods;
 7. Computer sales and service;
 8. Dry-cleaning and laundry-collection stations;
 9. Gift, stationery and office supply stores;
 10. Jewelry, opticians, luggage shops;
 11. Print shops, post offices and packing/shipping services;
 12. Shoe and shoe repair;
 13. Video rental shops; and
 14. Tailor and dressmaking shops.
2. Any otherwise permitted use with an individual gross floor area of more than 10,000 square feet shall be a conditional use.

19.40.030 Conditional Uses

1. Any use with an individual gross floor area of more than 10,000 square feet shall be considered a conditional use.
2. **Additional conditional uses in the CR zone are as follows:**
 1. Supermarkets (groceries, meats and baked goods)
 2. Hardware, lawn and garden supply stores
 3. Florists
 4. Offices, administration or professional
 5. Real estate or insurance office
 6. Restaurant, lunchroom
 7. Indoor theatre
 8. Motor vehicle sales agency, including service and repairs indoors, with outdoor sales, display and storage
 9. Shop for making articles sold primarily at retail on the premises
 10. Bowling alley, commercial recreation building
 11. Gasoline stations
 12. Drugstores and sundries
 13. Banks, savings, loan, and finance offices
 14. Appliance stores
 15. Nursery schools and day care centers
 16. Department stores, furniture and variety stores
 17. Liquor stores
 18. Open stands or markets
 19. Garages (public)
 20. Car wash; and
 21. Pawn shop without weapons

■ 19.14 F-1-21 Foothill Residential Zone

(EXCERPT FROM COTTONWOOD CITY HEIGHTS ZONE CODE)

19.14.010 Purpose

The purpose of the F-1-21 zone is to provide residential development opportunities for property owners within areas of steep slopes and hillsides in the city while providing preservation of the natural landscape of hillsides.

19.14.020 Permitted Uses

Permitted uses within the F-1-21 zone are as follows:

- 1. Single-family detached dwellings; and*
- 2. Accessory buildings incidental to permitted use.*

19.14.030 Conditional Uses

Conditional uses in the F-1-21 zone are as follows:

- 1. Agricultural uses, as allowed by the applicable accessory regulations in Chapter 19.76 "Supplementary and Qualifying Regulations."*
- 2. Churches*
- 3. Planned unit development.*
- 4. Public and quasi-public use*
- 5. Radio and/or television tower*
- 6. Temporary structures, as allowed by the applicable accessory regulations in Chapter 19.76, "Supplementary and Qualifying Regulations."*
- 7. Water pumping plant and reservoir*
- 8. Wireless telecommunication tower*
- 9. Utility stations and lines, as allowed by the applicable accessory regulations in Chapter 19.76, "Supplementary and Qualifying Regulations"; and*
- 10. Home occupations*

Proposed Zoning

• **Planned Development District (PDD) Tier 2**

- See **Exhibit D** for the existing General Plan Land Use.
- See **Exhibit E** for the City Projected PDD Districts as outlined within the General Plan.
- As outlined within the General Plan of Cottonwood Heights City, the proposal for this development is to rezone the existing property on the east side of big cottonwood creek as a PDD-Tier 2
- See **Exhibit F** for the proposed area to be included within the PDD zone.

- The existing single-family lots on the west side of big cottonwood creek shall remain as the R-1-8 zone currently in place.
- This proposal for the PDD allows the development team and the city to work closely together to craft a zone \ development agreement that will enhance the property and surrounding neighborhoods.

Old Mill

- Consideration of the legacy of the Old Mill is no small matter.
- Preservation of a legacy of the Old Mill requires a solution that is financially feasible. Any options considered must prove sustainable for all parties involved.
- Prioritizing the Old Mill is essential to success with regards to a legacy. The matter is of the highest importance to the owners. We hope it is important to the city.
- Wisdom dictates that now is the time to draft legacy alternatives of specific scope and function, with achievable goals of size, ownership and funding.
- While many in the public support preservation and / or restoration of the Old Mill, there is little public understanding of engineering reports, the state of the building, and cost predictions for preservation / restoration. All professional findings pertaining to the Old Mill will be the basis for every viable legacy alternative.
- The owners and their entitlement team expect considerations for a historical legacy to be given necessary time beyond and separate from the entitlement process. It is a separate issue. Action must be implemented immediately.

Density

- The density being proposed is considerably less than what could be achieved on the property, and what many developers would want to propose.
- It is our intent to provide a careful and considerate transition between the existing homes west of the Big Cottonwood Canyon Road and the development east of the Big Cottonwood Creek.

- The proposal of density and those areas with varying levels of density are shown on the attached exhibit.
 - The existing R-1-8 single family zoning along Big cottonwood Creek Road shall remain as R-1-8 and will be intended to be single family residential.
 - The areas east of the Big Cottonwood Creek are intended to be developed with townhomes, and condominiums. There is NO intent for apartments to be developed within the community.
 - The townhomes would be clustered in duplex or 3-plex buildings. The smaller the buildings will allow for a smaller footprint and massing for each building. (See site exhibit for location of proposed buildings- **EXHIBIT G**)
 - The townhomes are proposed to be 2 ½ to 3 stories maximum.
 - The condominium building will be located on the south portion of the property diminishing the visibility of the project from those residents from the west. The condominium building is proposed to be no taller than 4 stories from the finish grade. (See site exhibit for location of proposed building- **EXHIBIT G**)
 - The proposed density for the project is as follows:
 - 14 Single Family Homes
 - 120 Townhomes
 - 150- 200 Condominiums.
 - The development of all residential living is a major component for the neighborhood and surrounding areas. The use of the existing zones would allow, and support office building and other uses listed in the zoning ordinances referenced. Residential development is consistent with the surrounding areas in lieu of any type of commercial use.

Traffic

- New traffic studies have been completed by Joe Perrins of A-Trans for the site. The traffic studies have considered the existing conditions and the proposed developments and the impact to big cottonwood

canyon road and the termination at both Fort Union and 3000 East.

- The density proposed above is well below the capacity described in the traffic study.
- The development of residential significantly reduces the number of car trips each day in lieu of the any commercial zoning that would be available under the regional commercial zone.

Trail System

- The development will benefit from the completion of the trail from the north to the south. The trail will be on along the east side of big Cottonwood Creek for pedestrians and cyclists to enjoy.
- Refer to Trail exhibit drawings for additional information- **EXHIBIT-H.**

3. Proposed Schedule Outline

We would propose the following schedule for the approval process for this project. We have only included the first initial meetings up until the formal application has been submitted to staff.

We will work together with the City Staff and City Agencies to develop the final schedule moving forward past the initial work sessions and neighborhood workshops to begin the process of the approval for the subject property.

The proposed schedule is as follows:

West Side. (West of Wasatch Boulevard)

- | | |
|--|---------------|
| 1. Pre- Application meeting with staff | Completed |
| 2. Planning Commission work session meeting #1 | June 5, 2024 |
| 3. Neighborhood workshop Meeting #1 | June 19, 2024 |
| | Or |
| | June 26, 2024 |
| 4. Planning Commission work session meeting #2 | July 17, 2024 |

- | | |
|--|---------------|
| 5. Neighborhood workshop meeting #2 | July 31, 2024 |
| | Or |
| 6. Planning Commission work session meeting #3 | Aug 7, 2024 |
| | Aug 21, 2024 |
| 7. Draft Submittal review meeting with staff | Sept 11, 2024 |
| 8. Final submittal to staff | Sept 30, 2024 |

In addition to the west side, the East side continues to develop with several meetings with UDOT and other agencies.

We would propose an initial meeting with the Planning Commission to review comments on the east side and receive input and feedback from city staff and commission members.

East Side.(East of Wasatch Boulevard)

- | | |
|--|---------------|
| 1. Planning Commission work session meeting #1 | July 17, 2024 |
|--|---------------|

Subsequent meetings to be scheduled after the initial meeting, but would be similar to the outline of schedules listed above.

From: [Dan Poulson](#)
To: [Mike Johnson](#); [Dan Mills](#)
Subject: [EXT:]Planning Commission Meetings June 5th
Date: Wednesday, May 29, 2024 9:00:32 PM

Dear Mike and Dan,

I have reviewed the material sent me regarding the Old Mill proposed development. As fate would have it, I am leaving tomorrow on a cruise we planned over a year ago, tried to change the dates, but found it nearly impossible to do. We are also missing the graduation from high school of our oldest grandchild who is her class Valedictorian as well. This trip came at a bad time for several reasons. I hope that I can join online but I will be about 8 hours ahead of the meeting time in CH and I am not sure what internet service I'll have at the time but I'll give it a try. Please send me the necessary link, pass word, meeting # etc so I can attempt to join.

In the email I received from Mike, it was given the opportunity to make some comments/ask questions regarding the Old Mill development. I have a few:

First, throughout the material submitted by the developer, one of the main goals we to retain the "historical significance" of the area. I took this to mean the building of the Old Mill itself. However, on page 6 under "Old Mill", the fourth bullet point, they stated: "While many in the public support preservation and/or restoration of the Old Mill, there is little public understanding of engineering reports, the state of the building, and cost predictions for preservation/restoration. All professional findings pertaining to the Old Mill will be the basis for every viable legacy alternative." In the second bullet point on this same page they stated that the "...legacy of the Old Mill requires a solution that is FINANCIALLY FEASIBLE for all parties involved".

This being the case, it appears they really don't seem to plan on not taking down the Old Mill itself. I think this will be a great loss for the area and the project if this were to happen. Please quiz them on the costs of restoration to the Old Mill (I'm sure they have the numbers) and then what "financially feasible " means in reality. I get the feeling they talk about keeping the Old Mill building but really can't because of the cost of doing so.

Second, the old mill project is to "reclaim the existing mining site" (page 1 bottom half). I saw no mention of any environment study on the property. Was it used as a mine or a mill? If it was a mine at any time, are their tailings there, slag, etc. What, if any, environmental challenges are associated with this property? Have they been properly addressed?

Third, Traffic impact. They made mention of a traffic engineers "study" (page 2 - bottom 1/3rd) but said that their "traffic study" (page 7 bottom to top of page 8) by Joe Perrins of A-Trans seems to have said on page 8 that "the development of residential significantly reduces the number of car trips each day in lieu of the any commercial zoning that would be available under the regional commercial zone." What I get out of that is that if there were a development of a "commercial zone" in the area, the added trips from their residential development would be much less than those added by a commercial zone. The issue of how many extra "trips" along the one lane road now present (and apparently not to be altered in their development plans) their residences (single family homes, town houses, and condos) will produce was not directly addressed. My recollection is that about 7 trips per household was the number of added trips to this road that will be added by their residential development. If one assumes that 295 new residences will be in their development, that would be an extra 2,000 "trips" a day added to this road. That seems to be a significant amount of "new trips" for that road. Also, there was no mention of any plan to alter the Eastern "exit" onto Fort Union Blvd from this road which is a stop sign. presently. It appears to me that will be a significant problem for all those now living along that road as well as the addes household this new development will bring. Their proposal is significantly lacking in this concern area for me. How do they plan to address this issue of adequate egress from their development and the existing neighborhood?

Fourth, there will need to be significant changes in the zoning for this area. Is this an issue with CH? Will this be a problem for them or CH?

If I were in this meeting, these are some issues/concerns I would bring up. If I am unable to attend, would one of you, or both of you please ask these or similar questions of the developers for me? I would appreciate it. If I cannot attend, I will listen to the recording of the meeting to come "up to speed" regarding how it went and what was discussed.

Thanks for your patience in reading all this.

Dan

COTTONWOOD HEIGHTS CITY PLANNING COMMISSION STAFF MEMO



June 5, 2024

ZMA-24-001 – Fort Union Blvd. Form-Based Code

This application represents a city-initiated request to implement a form-based code for a portion of the Fort Union Blvd. corridor. Please see the attached draft code for the boundary extents of this proposed code. Notably, this project only affects multi-family, mixed-use, or commercial properties, without changing single-family lots. Additionally, existing development is allowed to continue, as the proposed standards will only affect properties who voluntarily redevelop.

This request constitutes a zoning map amendment, to rezone the properties to form-based code, as well as a zoning text amendment, to add a chapter in the zoning ordinance for the form-based code standards.

Form-Based Code Overview

Whereas conventional zoning ordinances regulate development primarily by the use of buildings (for example, what specific type of business is located inside a structure), form-based codes regulate development primarily by the aesthetic form of buildings (for example, what is the massing, pedestrian space, and quality of the building). While use is still a regulated factor in a form-based code, focusing more on regulating the form of development results in predictably high-quality, cohesive, and visually pleasing development that accommodates a wide range of uses as businesses change over time.

In addition to providing predictably high-quality development for the city, form-based codes also provide property owners with greater flexibility for redevelopment options, should they choose to pursue redevelopment in the future.

History

In 2020, the City Council directed staff to begin researching a form-based code for a portion of the Fort Union Blvd. corridor. With the expertise of a consultant, staff has spent several years drafting a form-based code. This draft process has included review and feedback from the Planning Commission and City Council, as well as input from the community via a public open house held in March 2024.

A final draft has been prepared which incorporates this feedback, as well as minor technical edits from staff. This draft is attached to this memo for review and formal consideration by the Planning Commission.

Findings and Recommendation

Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed form-based code. As a legislative item, the City Council will be the final approval authority for this project.

1. A public hearing was held in accordance with 19.90.020 of City Code;
2. Notice of such public hearing was provided to all property owners within the proposed boundary;
3. The proposed form-based code is consistent with the goals of the adopted Fort-Union Blvd. Master Plan and General Plan; and
4. The proposed form-based code is compatible with surrounding neighborhoods, moreso than the existing combination of commercial, multi-family, and mixed-use zoning.

Model Motions

Approval

I move that we forward a recommendation of approval to the City Council for project ZMA-24-001, based on the finding listed in the staff memo and attachments dated June 5, 2024...

- List any other findings or conditions for recommendation of approval...

Denial

I move that we forward a recommendation of denial to the City Council for project ZMA-24-001, based on the following findings...

- List findings for negative recommendation...

Attachments

1. Final Draft of Fort Union Blvd. Form-Based Code

FORT UNION BOULEVARD FORM BASED CODE

COTTONWOOD HEIGHTS, UTAH

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Prepared by VODA Landscape + Planning
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1.0 PLACE TYPE

1. INTRODUCTION

The Fort Union Boulevard corridor is characterized by well-established retail, office, and service uses, primarily in a suburban linear form. It provides the majority of daily goods and service needs for both Cottonwood Heights residents and the local region.

The corridor passes through many residential and commercial neighborhoods, providing access to the local and subregional market while accommodating large volumes of traffic. The Form Based Code (FBC) objectives and policies are intended to evolve the Fort Union corridor areas from “strip commercial” linear business corridors to business neighborhood districts characterized by enhanced site planning, incorporated efficient parking, coordinated access, amenities, a boulevard experience, active transportation, and the integration of public gathering spaces.

The parcels in the three Fort Union corridor areas are all designated as one of four form districts. Each district contains varying concentrations of retail uses, transit stops, and a combination of businesses and residences featuring pedestrian activity and visual interest as a focal point. These areas will be characterized by medium to high intensity levels of

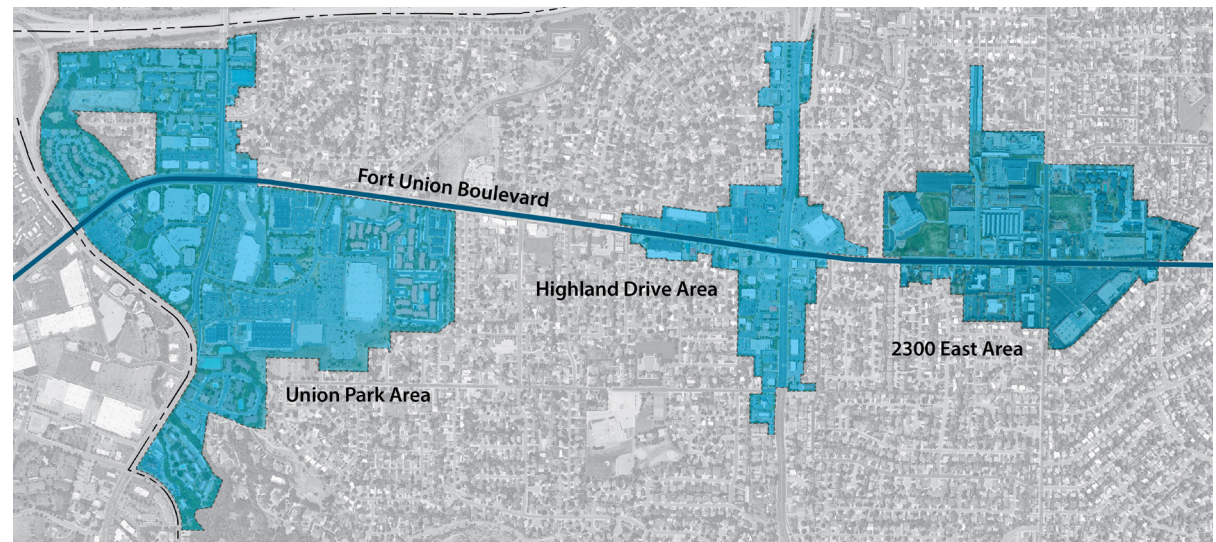


Figure 1.1 - Fort Union Corridor “Boulevard Community” Place Type, FBC Areas Map

activity at various times of the day and night. Intensity levels in these areas will increase gradually over the long term as development and revitalization projects occur. Increasing land values and more efficient land uses make redevelopment feasible. It is important to include pedestrian amenities and opportunities to link adjacent uses and neighborhoods in future planning and development.

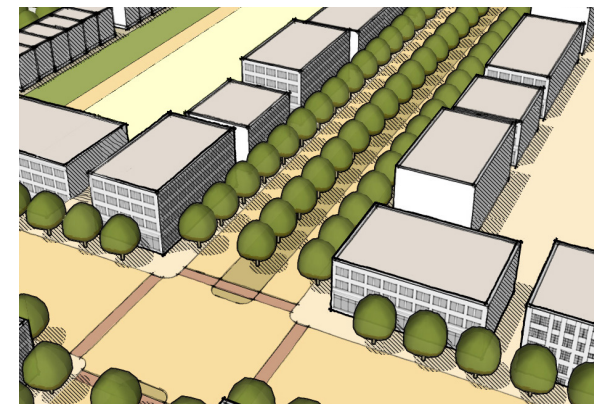


Figure 1.2 - Boulevard Community Place Type example

2. PLANNING FRAMEWORK

Community goals for the future of the city have been developed in previous planning efforts and documents, these include the General Plan, Fort Union Boulevard Master Plan, Parks Trails and Open Space Master Plan, and other area plans. This Form Based Code is one tool for implementing many of those goals.

The FBC is able to meet specific goals by calibrating requirements in the code with the goals for each area.

3. GOALS

The goals listed here highlight intentions established in the Fort Union Boulevard Master Plan from 2017:

Goal 1: Adopt a new land use plan, including zoning map amendments, to promote a more balanced mixture of uses. Promote good transitions between existing neighborhoods and new development, carefully considering uses, heights and massing.

To create a more compact and walkable town center/main street along Fort Union, it will be important to develop a critical mass of buildings that will not be overwhelmed by parking. New urbanist type development where urban design promotes environmentally friendly practices by creating walkable neighborhoods, provide a wide range of housing and job types, and is generally consistent with the “town” feel of Cottonwood Heights.

Goal 2: Improve the aesthetic quality of the area.

Urban design principles can guide this commercial district towards a more aesthetic, human scale by improving the Fort Union frontage with streetscape improvements, and adopting standards for building and landscape improvements. Provide financial support for the improvements of commercial properties using various tools at the City’s disposal.

Goal 3: Create connectivity. Cottonwood Heights needs to improve connectivity for all users and transportation types. A primary component of this objective is to develop a well-connected system of streets, bikeways and sidewalks between the different areas in the FBC. Future connectivity should consider users of all ages and abilities and should emphasize pedestrian, bicycle, and public transit modes.

Goal 4: Ensure a Safe Community. To ensure a safe community is one of the most vital elements of this FBC. For people to be attracted to live, work, shop, and play in the Fort Union corridor, safety and the perception of safety are crucial.

Goal 5: Establish a central public space that will serve as an outdoor gathering place for community events such as holiday celebrations or concerts. Establish the surrounding area for facilities that serve the public. Potential civic uses include a senior center, community recreation center with an auditorium, and a multi-cultural center that serves the regional populace, adding a unique element to the FBC area. This facility could provide education

and training, community services, and space for cultural organizations and events. Civic uses should be located near Fort Union Boulevard, on either side of the street.

Goal 6: Develop a “Main Street” town center-style character of streets, sidewalks, buildings, landscaping, public art, medians and open spaces.

Buildings will face the street and provide a continuous ‘edge’ with on-street parking in front (in certain areas) and surface or deck parking in the rear (i.e., away from view of the public right-of-way). Buildings are designed for smaller retail tenants (rather than large national chains) to enhance the ‘storefront’ character typical of traditional main streets. Street trees and character enhancing landscaping will be planted in specific areas to complement the design and functionality of new development.

Goal 7: The town center/main street should serve the retail needs of area residents, workers and visitors, while also providing a distinctive shopping experience that may draw from a larger area because of its unique merchandise. Types of retail that might be added to this town center include specialized shops, exclusive merchants, a farmers market, a regional marketplace that serves visitors and tourists with different foods, services and goods, and a gourmet grocery store concept.

Goal 8: Establish space for small offices such as boutique professional offices, medical and dental office space, and banks. These specialized uses



Figure 1.3 - Union Park area boundaries

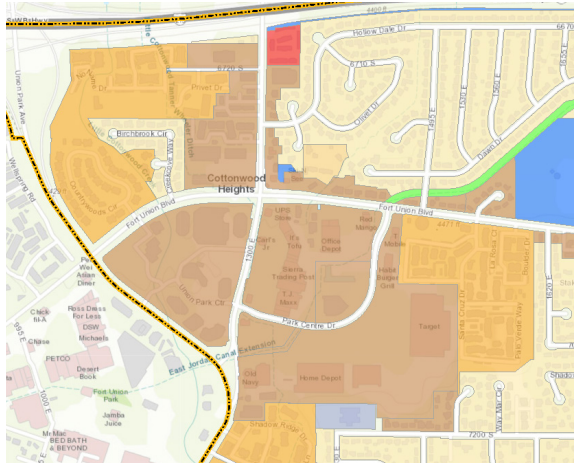


Figure 1.4 - Union Park area existing zoning

should be focused in a range of places along both Fort Union Blvd. and 2300 E.

Goal 9: Develop more housing. Housing should use inclusive design principles and provide a range of housing options to complement the commercial development.

4. AREAS

A. UNION PARK AREA

This area is highly developed, and characterized, almost exclusively, by commercial uses. The value and experience of this area will be improved by transitioning it toward more mixed use, new affordable housing, improved aesthetics, smarter street design, and a transit hub.

B. HIGHLAND DRIVE AREA

New developments are planned so they don't spread buildings far apart between large expanses of parking lots. Furthermore, the overall development program encourages vertical massing (the equivalent of two to four stories) to the extent possible rather than creating a horizontal sea of sprawling one-story buildings.



Figure 1.5 - Highland Drive area boundaries

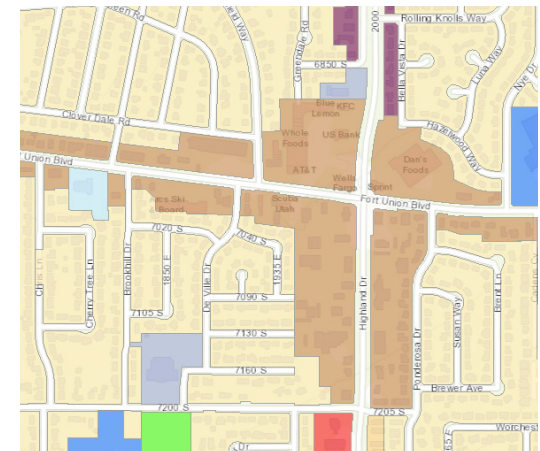


Figure 1.6 - Highland Drive area existing zoning

C. 2300 EAST AREA

The area around 2300 East will become a major gathering place for the city and the symbolic town center/main street of the Fort Union corridor.



Figure 1.7 - 2300 East area boundaries

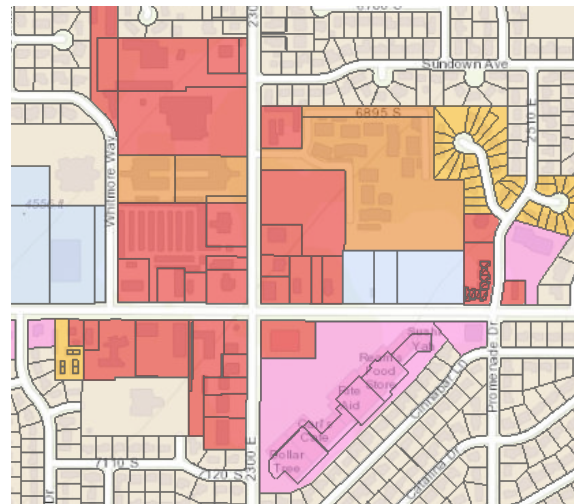


Figure 1.8 - 2300 East area existing zoning

2.0 FORM DISTRICTS

1. INTRODUCTION

A form district is a defined area to which the same set of requirements are applied. Multiple form districts provide a hierarchy of form and use within each area. This FBC describes 4 form districts. The form district configuration for each area within the Fort Union corridor is customized to its unique characteristics and goals.

A. FORM DISTRICT AND CORRELATED FBC SECTIONS

The form district is the central organizing component within the FBC. Figure 2.2 shows the relationships between the major FBC components. These relationships take the form of permissions and limitations for different combinations of the regulating parameters.

B. FORT UNION CORRIDOR FORM DISTRICTS

The following 4 form districts are designed for the three areas in the Fort Union Corridor:

1. Union Park Center (UPC)
2. Town Center (TC)
3. Fort Union Boulevard (FUB)
4. Residential Transition (RT)

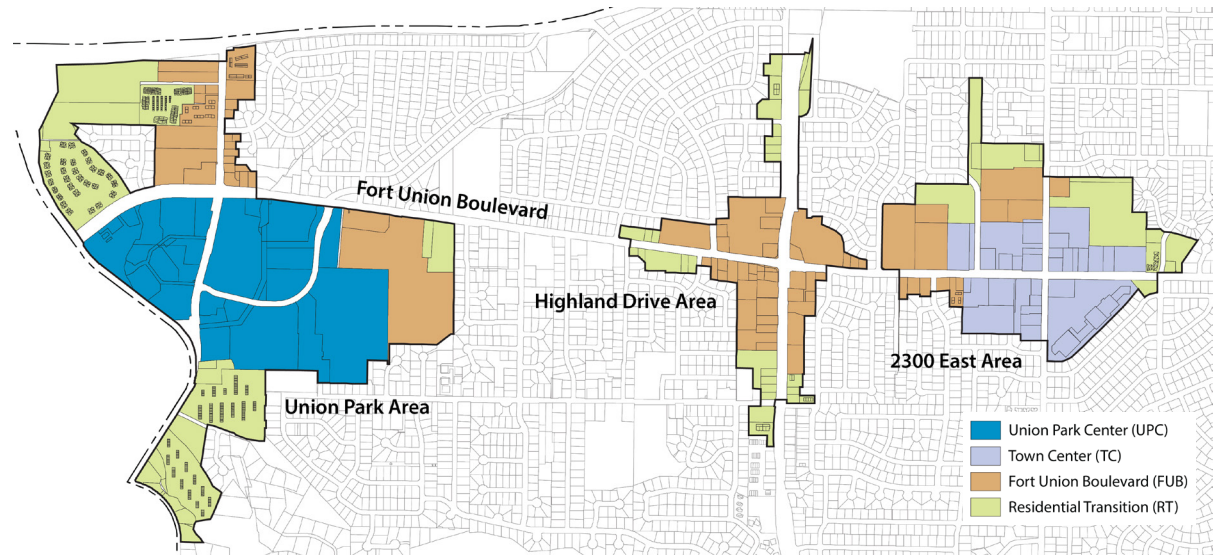


Figure 2.1 - Fort Union corridor areas form districts map

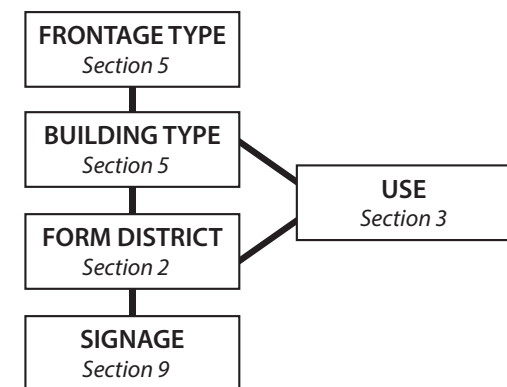


Figure 2.2 - The relationships between the major components of the FBC

2. UNION PARK CENTER (UPC) FORM DISTRICT

The UPC district is applied to the area that is currently a regional-scale center for shopping and employment in the Union Park area. This form district is designed to continue that scale but with a wider mix of uses and forms that are characterized by:

1. Vertical mixed use
2. Increased density
3. Walkable & concentrated

The relationships between building type and use are unique to each form district. The building type/use table is included here as a quick reference and is fully described in other sections of the FBC.

SNAPSHOT:

Minimum Height: 3 stories

Maximum Height: 8 stories (114' maximum)

Uses: Office, restaurant, housing, retail

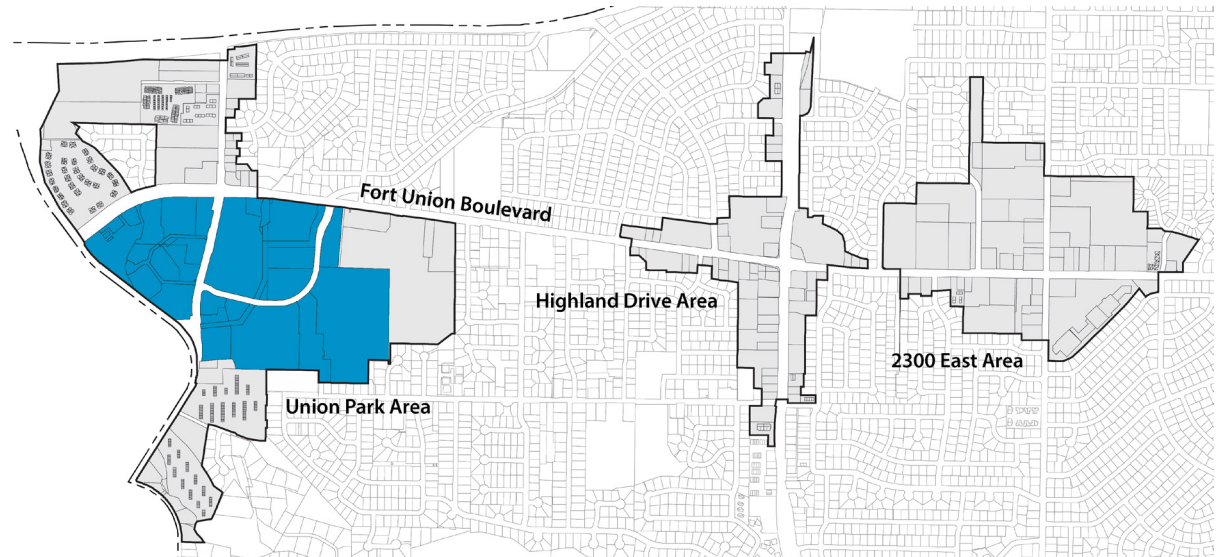


Figure 2.3 - Map of the parcels designated as the UPC form district



Figure 2.4 - General building type example with mixed use ground floor and office use on upper floors



Figure 2.5 - General building type example with mixed use ground floor and residential use on upper floors

3. TOWN CENTER (TC) FORM DISTRICT

The TC form district is applied to all four quadrants at the intersection of Fort Union Blvd. and 2300 East. This form district is designed to create a new town center with civic uses, a public gathering space, and a mix of uses more suitable to a local center. The TC form district is characterized by:

1. Vertical mixed use
2. Community spaces
3. Walkable & concentrated

The relationships between building type and use are unique to each form district. The building type/use table is included here as a quick reference and is fully described in other sections of the FBC.

SNAPSHOT:

Minimum Height: 2 stories

Maximum Height: 4 stories (60' maximum)

Uses: Retail, housing, restaurant, office

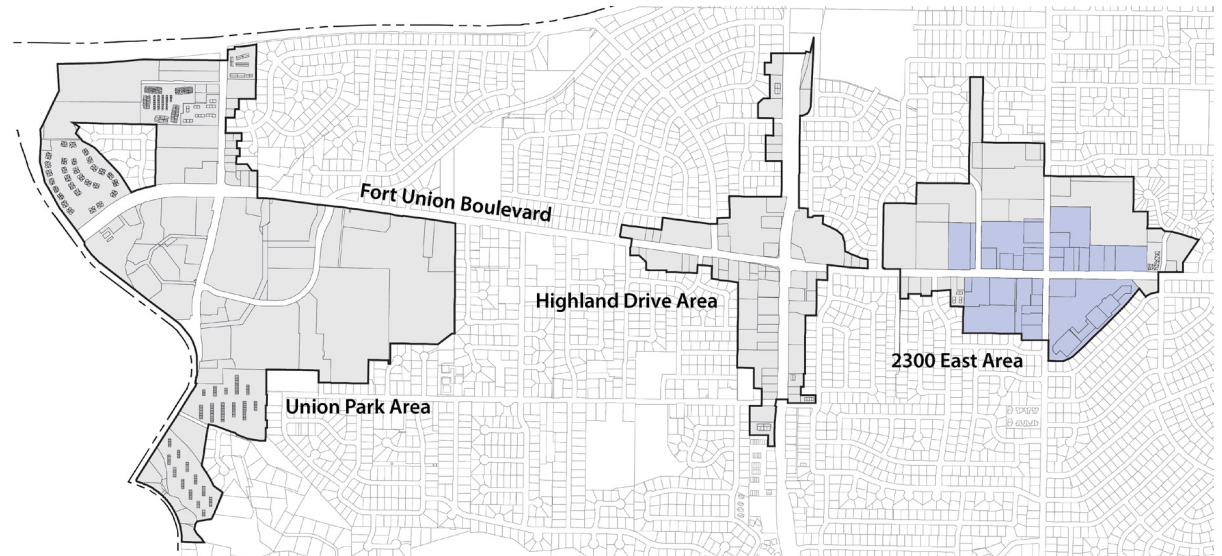


Figure 2.6 - Map of the parcels designated as the TC form district



Figure 2.7 - Town center active streetscape example



Figure 2.8 - Civic building example

4. FORT UNION BOULEVARD (FUB) FORM DISTRICT

The FUB form district is applied to portions of all 3 areas, including the central portion of the Highland Drive area. It serves as the general mixed-use interstitial fabric of the city, connecting the centers with the residential areas. It is characterized by:

1. Horizontal mixed use
2. Consistent street wall
3. Oriented to the street

The relationships between building type and use are unique to each form district. The building type/use table is included here as a quick reference and is fully described in other sections of the FBC.

SNAPSHOT:

Minimum Height: 2 stories

Maximum Height :4 stories (60' maximum)

Uses: office, housing, retail

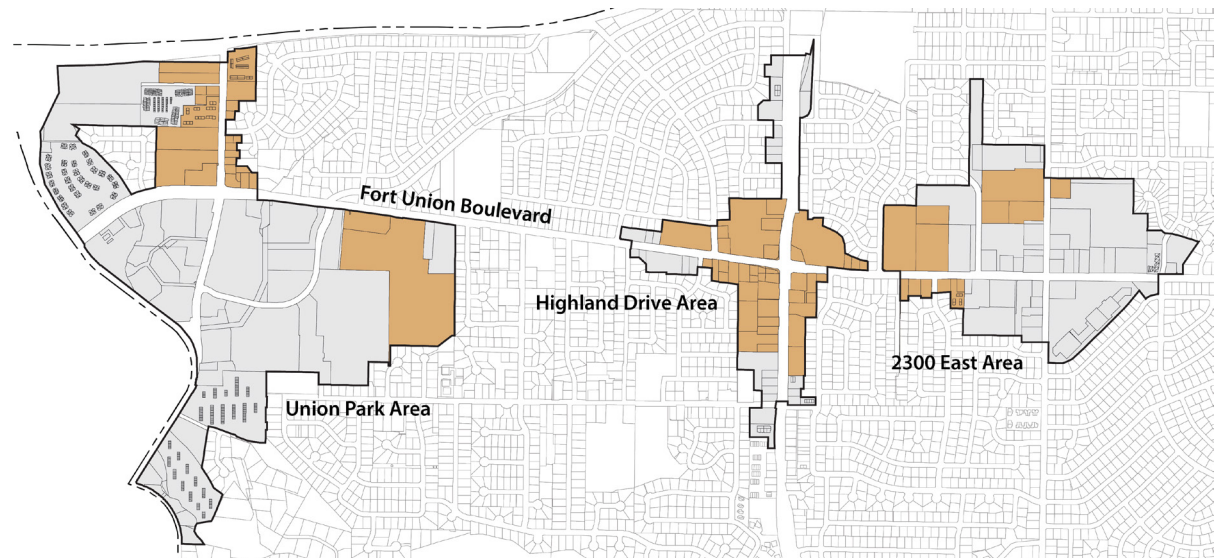


Figure 2.9 - Map of the parcels designated as the FUB form district



Figure 2.10 - Boulevard urban design example



Figure 2.11 - General building type example with mixed use ground floor and residential use on upper floors

5. RESIDENTIAL TRANSITION (RT) FORM DISTRICT

The RT form district is applied around the edges of each FBC area. It is designed to provide a transition of forms and uses between the other form districts and the surrounding areas outside of the FBC area boundaries. The RT form district is characterized by:

1. Step down in density
2. Residential concentration
3. Horizontal mixed densities

The relationships between building type and use are unique to each form district. The building type/use table is included here as a quick reference and is fully described in other sections of the FBC.

SNAPSHOT:

Minimum Height: 2 stories

Maximum Height: 3 stories (38' maximum)

Uses: housing, retail

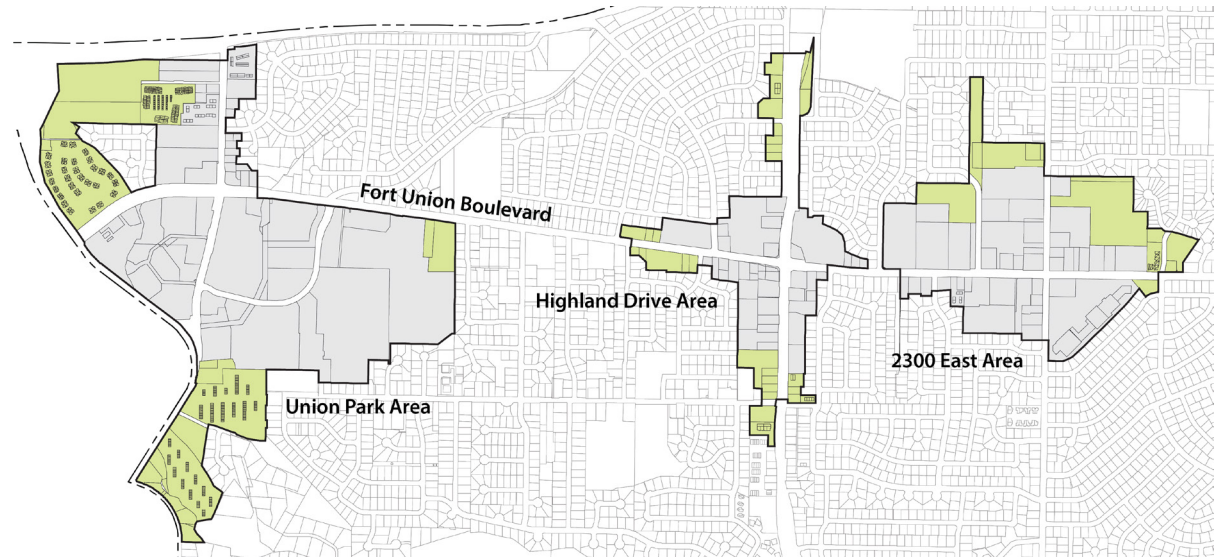


Figure 2.12 - Map of the parcels designated as the RT form district



Figure 2.13 - Row building type example with residential use



Figure 2.14 - Yard building type example

6. AREA MAPS

These more detailed maps show the form district configuration for each area. Form district designations have been made based on the goals for each area, geographic location of each parcel, and the relationships between adjacent parcels, form districts, areas, and streets.

1. The district boundaries are drawn along parcel lines as they existed at the time of FBC adoption.
- (a) Changes to form district designation may only be done according to the existing zoning map amendment process.

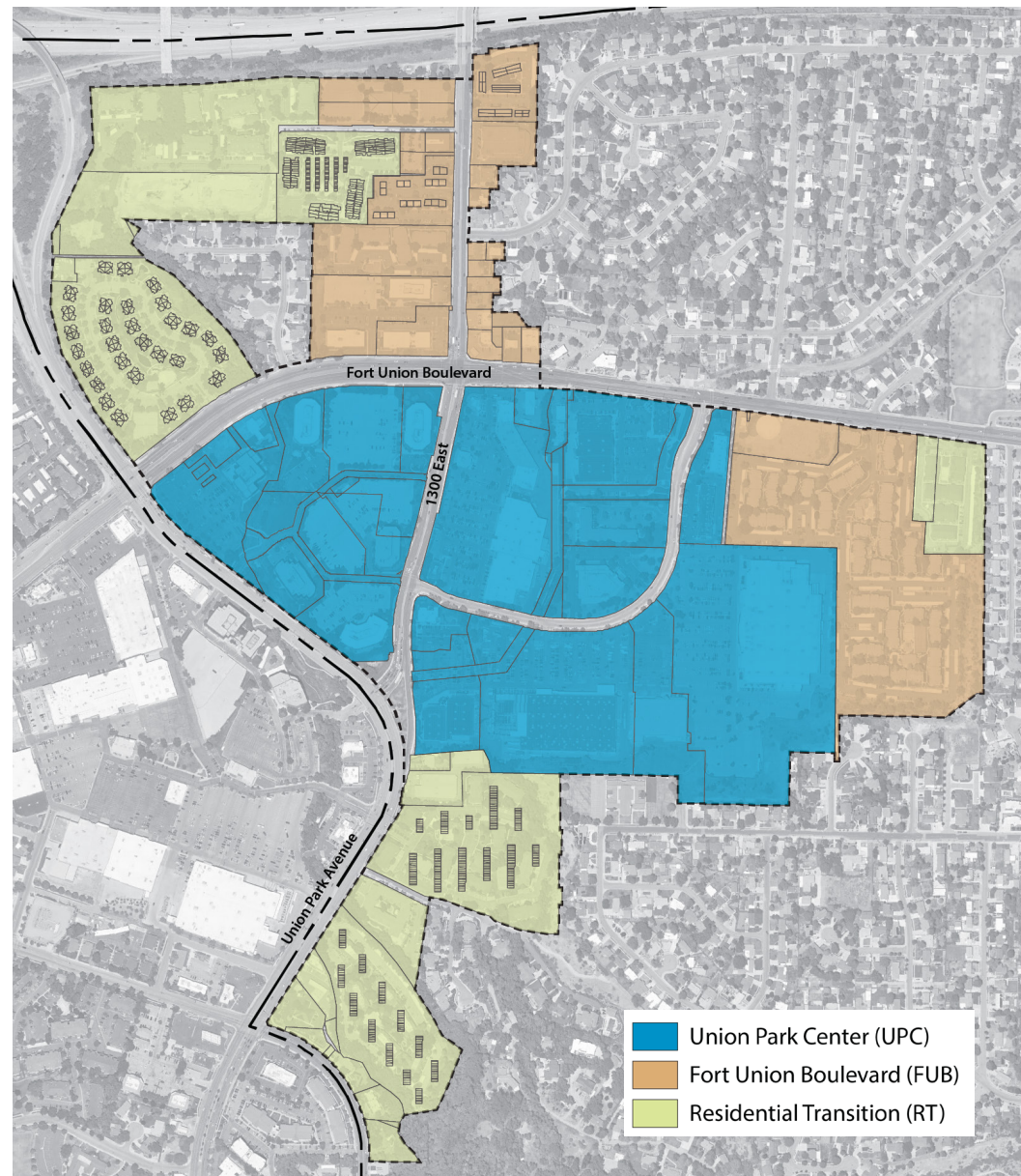


Figure 2.15 - Union Park area form districts map

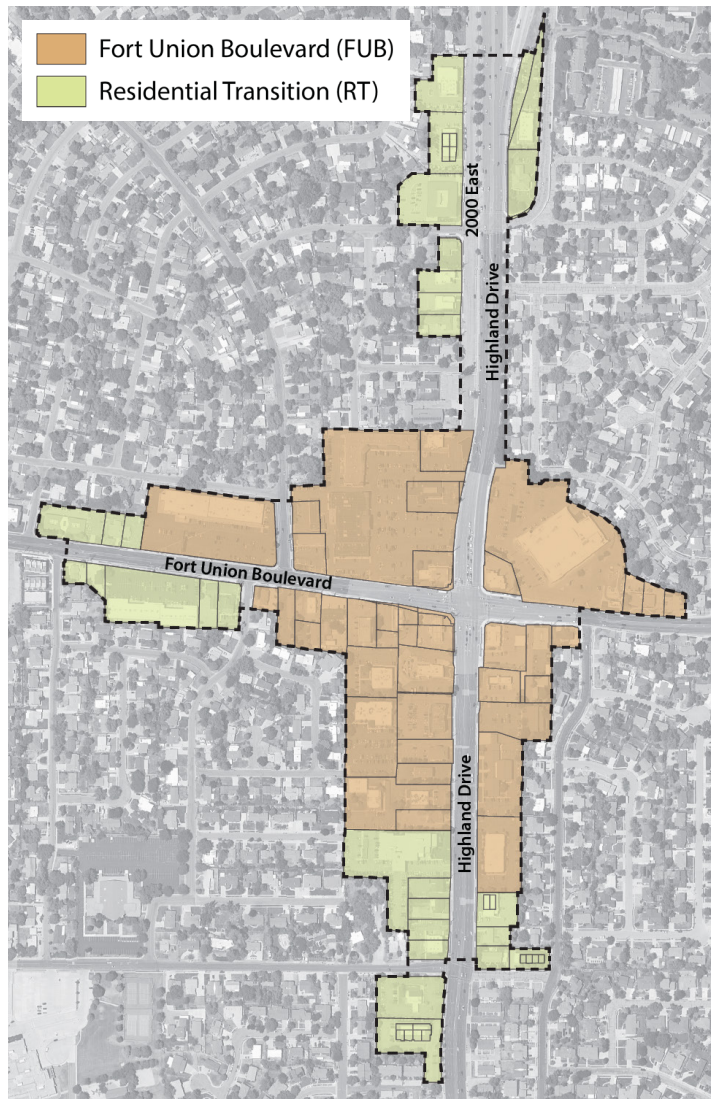


Figure 2.16 - Highland Drive area form districts map

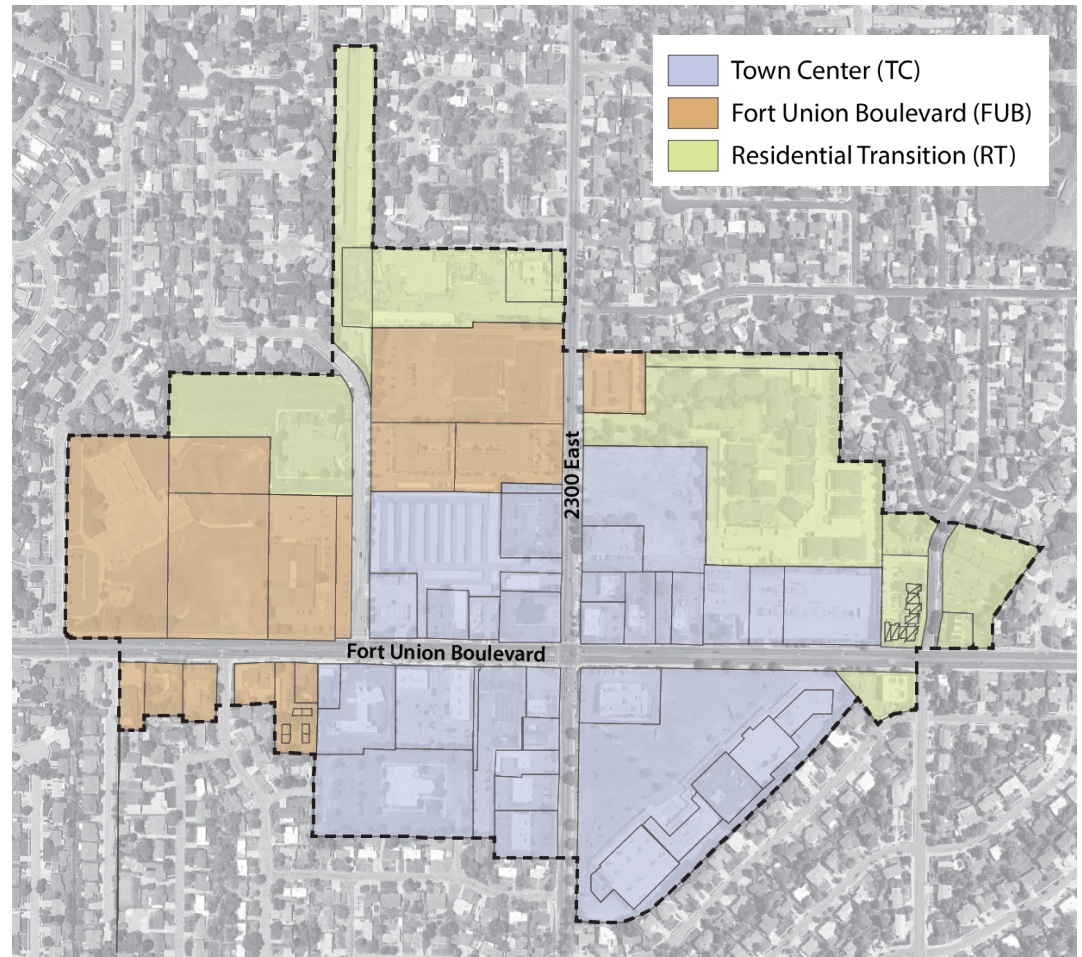


Figure 2.17 - 2300 East area form districts map

3.0 USE

1. GENERAL REQUIREMENTS

A. GENERAL PROVISIONS

The following provisions apply to the uses outlined in this section:

1. Permitted Mixed-Uses. Individual buildings may contain more than one use. Use can vary between ground and upper floors of a building.
2. Form District Permissions. Within each form district, each use is either permitted by right (with some uses limited to upper floors only) or is not permitted.
3. Building Type Permissions. Each use shall be located within a permitted building type on a permitted floor. See Section 5.0
4. Indoor/Outdoor. Each use may have both indoor and outdoor facilities, unless otherwise specified.

B. ORGANIZATION

Uses are grouped into general categories and subcategories.

If a proposed use is not listed in the use tables, the following shall apply:

1. Unlisted Similar Use. If a use is not listed but is similar in nature and impact to a use permitted

within a form district, the city may, through written determination, interpret the use as permitted.

- (a) The city may require traffic studies, impact studies, or other such inquiries as part of the unlisted similar use determination process.
 - (b) The unlisted use will be subject to any development standards applicable to the similar permitted use.
2. Unlisted Dissimilar Use. If a use is not listed and cannot be interpreted as similar in nature and impact to a permitted use within a form district, the use is not permitted and may only be approved through an amendment of this code.

C. USE TABLE

Table 3.1 outlines the uses in each form district as permitted by one of the following three designations:

1. Permitted. These uses are permitted by right and indicated with a "P" in the table.
2. Permitted in Upper Stories Only. These uses are permitted by right, but only in upper stories of a building, i.e. not in the ground floor. They are indicated with a "U" in the table.
3. Not Permitted. These uses are not permitted and are indicated by an "N" in the table.



Figure 3.1 - Lodging use example

Table 3.1 - Fort Union Corridor: Use by Form District				
USE CATEGORY	FORM DISTRICT			
	UPC	TC	FUB	RT
RESIDENTIAL & LODGING				
1. Residential	U	U	P	P
2. Hotel & Inn	P	P	P	N
3. Residential Care	U	U	N	N
CIVIC & INSTITUTIONAL				
4. Assembly (Public & Private)	P	P	P	P
5. Transit Station	P	N	N	N
6. Medical/Dental Clinic	P	P	P	N
7. Library/Museum/Post Office	P	P	P	N
8. Public Safety	N	P	P	N
9. Education	U	U	U	P
RETAIL				
10. General Retail	P	P	P	P
11. Neighborhood Retail	P	P	P	P
12. Drive Through	N	N	N	N
13. Medical Cannabis* or Specialty Tobacco**	P	P	P	P
14. Itinerant Merchants	P	P	P	P

P = Permitted | U = Permitted in Upper Stories Only | N = Not Permitted

*Pursuant to Utah Code 4-41a **Pursuant to Utah Code 10-8-1-41.6

Table 3.1 cont. - Fort Union Corridor: Use by Form District				
USE CATEGORY	FORM DISTRICT			
	UPC	TC	FUB	RT
SERVICE				
15. General Service	P	P	P	N
16. Neighborhood Service	P	P	P	P
OFFICE & CRAFTSMAN				
17. Office/Professional	U	U	P	N
18. Craftsman	N	P	N	N
ACCESSORY USES				
19. Home Occupation	P	P	P	P
20. Attached Parking Structure	P	P	P	P
21. Storage Building/Carport	N	N	P	P
SITE USES				
22. Utility/Infrastructure	P	P	P	P
23. Parking Lot	P	P	P	P
24. Detached Parking Structure	P	P	P	P
25. Open Space	P	P	P	P

P = Permitted | U = Permitted in Upper Stories Only | N = Not Permitted

Table 3.2 - Neighborhood Service Uses

1. Arcade	2. Bank or other Financial Service
3. Barber Shop, Beauty Salon, & Spa	4. Billiard Hall
5. Catering	6. Artist/Musician Studio
7. Day Care, Adult or Child	8. Dry Cleaning & Laundry
9. Emergency Care Clinic	10. Fitness, Dance Studio, & Gym
11. Framing	12. Home Furniture & Equipment
13. Repair	14. Locksmith
15. Mailing Services	16. Microbrewery
17. Pet Grooming	18. Photocopying & Printing
19. Photography Studio & Supplies (on-site processing permitted)	20. Restaurants (refer to state law for alcoholic beverage requests)
21. Shoe Repair	22. Tailor & Seamstress
23. Tanning Salon	24. Tattoo/Piercing Parlor
25. Training Center	26. Travel Agency & Tour Operator
27. Veterinarian	

Table 3.3 - General Service Uses

1. All Neighborhood Service Uses	2. Animal Boarding (interior only)
3. Aquatic Facilities	4. Batting Cages
5. Bowling Alley	6. Concert Hall
7. Exterminating & Disinfecting Service	8. Funeral Home
9. Miniature Golf Course	10. Recreation, Commercial Indoor
11. Repair of Small Goods & Electronics	12. Shooting & Archery Ranges (indoor only)
13. Skating Rink	14. Movie Theater
15. Performance Theater	16. Medical Clinic
17. Dental Clinic	

Table 3.4 - Neighborhood Retail Uses

1. Alcohol & Liquor Sales	2. Antique Shop
3. Apparel & Accessory Store	4. Art & Education Supplies
5. Bakery, Retail	6. Bicycle Sales & Repair
7. Book, Magazine, & Newspaper Store	8. Building Materials, Hardware, and Garden Supply
9. Camera & Photo Supply Store	10. China & Glassware Shop
11. Convenience Store	12. Drug Store/Pharmacy
13. Fabric & Craft Store	14. Florist
15. Gift, Novelty, & Souvenir Shop	16. Grocery Store
17. Hardware Store	18. Hobby Shop
19. Jewelry Sales & Repair	20. Luggage & Leather Goods
21. Music Store	22. Musical Instrument Repair & Sales
23. Office Supply	24. Optical Goods
25. Paint & Wallpaper	26. Party Supply Shop
27. Pawn Shop	28. Pets/Pet Supplies
29. Smoke Shop	30. Specialty Food Market (Butcher, Candy, Fish Market, Produce, etc.)
31. Sporting Goods Sales & Rental	32. Stationary & Paper Store
33. Toy Shop	34. Video/Game Sales & Rental
35. Wine & Liquor Shop	

Table 3.5 - General Retail Uses

1. All Neighborhood Retail Uses	2. Motorcycle & Motor Scooter Sales
3. Home Furnishings & Accessories Sales & Rentals	4. Heating, Air Conditioning & Plumbing Supplies, Sales, & Service
5. Automotive Supply (no service)	6. Cabinet Supply (display only)
7. Computer Software Sales & Leasing	8. Machine Sales and Rental
9. Department Store	10. Agriculture Equipment & Supply
11. Gun Shop	12. Electrical Supplies
13. Appliance & Electronic Sales & Service	14. Merchandise Vending Machine Operators
15. Medical Supply Store & Rental	16. Medical Supply Store & Sales

2. SPECIFIC USE RESTRICTIONS

A. ITINERANT MERCHANTS

1. GENERAL REQUIREMENTS

Itinerant uses shall not be permitted unless the following general and applicable specific criteria are demonstrated as part of the business license application:

1. **Location on Private Property.** The business and any activity associated therewith must be located on private property and only as a secondary use to another primary commercial use. The business shall not be located on public property (including public sidewalks, public streets, public parking areas or other public places as defined by the city) or on vacant or residentially used property, regardless of the zoning district.
2. **Impervious Surface.** The business must be located on a hard surface with no portion of the business located in a landscaped or unimproved area.
3. **Setbacks.** The business must be located a minimum of 5'-0" from combustible walls, roof eave lines, awnings, etc.; 10'-0" from any building openings (i.e., doors, windows, vents, etc.); and 5'-0" from any fire hydrant, driveway, ADA accessible parking space and loading area. Space for queueing shall be provided on private property.
4. **Lease.** There must be a valid lease or written permission from the private property owner

expressly allowing the use of property for the business that is the subject of this section. The merchant shall demonstrate the ability to utilize an existing rest room facility on or nearby the property.

5. **Traffic Safety.** The business location shall not impede auto and/or pedestrian traffic or create auto/pedestrian conflicts. Private sidewalk clear widths shall not be reduced below 5'-0" and the itinerant business shall not interfere with the internal parking lot circulation.
6. **Power.** All electrical wiring must be in compliance with the National Electrical Code and approved by the Cottonwood Heights City Building Department. Generators and extension cords are permitted.
7. **Temporary Only.** All aspects of the business shall be temporary in nature with no permanent facilities constructed on site, with the exception of the required permanent power source.
8. **Maintenance.** The area around the business shall be kept clean and orderly. A trash receptacle shall be provided for patrons. The merchant is responsible to clean up all trash, litter, spills, etc., within a minimum 20'-0" radius of the business.
9. **Business Conduct.** The business may not solicit or conduct business with persons in motor vehicles or use any flashing lights, noise, sound or other motion-producing devices to attract attention to its operation.

10. **Regulatory Compliance.** All applicable local and state regulations (i.e., food permit, tax numbers, registration, etc.) shall be met.
11. **Business License.** All requirements of Chapter 5.14 of the Cottonwood Heights Municipal Code shall be met.
12. **Site Plan.** A site plan, drawn to scale, showing the exact location of the itinerant merchant (including all components of the business) with setbacks to buildings, sidewalks, roadways, driveways, parking, fire hydrants, and other important features shall be provided. A photograph or illustration showing components of the business, including cart and awning dimensions, trash receptacles, coolers, signage, electrical plans, etc., shall be provided, as well as other information required to show compliance with the applicable requirements contained herein.

2. SPECIFIC REQUIREMENTS

Each business license application for a vending cart must comply with the following:

1. There shall be a minimum separation of 200'-0" between all vending cart locations. This separation shall be measured as a radius in all directions, with the vending cart location being the center point.
2. The vending cart must be located no closer than 30'-0" from a single family residential zone.

3. Any vending cart selling food items shall not be located within 200'-0" of the primary public entrance of an existing restaurant use. The exception to this is an existing restaurant is allowed to operate a vending cart within this area, provided all other provisions of this section are satisfied.
4. The vending cart shall be constructed of surface materials that are primarily stainless steel and in accordance with the Salt Lake Valley Health Department regulations. Transparent, plastic sides may be extended above the cart's preparation/counter surface, provided these sides do not extend beyond the width or length of the cart and 3'-0" above the preparation counter/surface, if it is kept clean, and is free of signage and other attachments. The vending cart shall not exceed a width of 4'-0" and a length of 6'-0" (a hitch may extend a maximum of 2'-0" beyond the length of the cart). The maximum height of the vending cart, excluding canopies or umbrellas, shall be 5'-0". A vending cart may include a built in canopy provided it does not extend more than 3'-0" beyond the width of the cart on each side and any extension beyond the cart width is a minimum of 7'-0" above the surrounding pavement. This canopy shall be an earth tone color or be finished stainless steel.
5. The vendor shall be limited to three stacked coolers (the footprint of each cooler shall not exceed 3.75 sq. ft. in size), one trash receptacle,

one chair, and a freestanding umbrella (not to exceed a 6'-0" diameter) external to the vending cart. All other freestanding devices, i.e., signs, propane tanks, tables, racks, customer seating, overhead structures (i.e., tarps, enclosures, canopy extensions), etc., are prohibited. The freestanding umbrella shall be an earthtone color, and, if extending beyond the front and side edges of the cart, must be a minimum of 7'-0" above the ground surface.

6. Signage shall be attached to the vending cart and occupy no more than 4 sq. ft. on the street facing side of the cart. Signs shall not be internally illuminated or make use of flashing or intermittent lighting or animation devices. Pennants, streamers, lawn banners and other temporary signs are prohibited.
7. A portable fire extinguisher, Type 2A-10 BC minimum, must be mounted within easy reach on the vending cart.
8. All aspects of the business shall be moved on and off the premises each day of operation. No overnight parking or outdoor storage is allowed. Any vending cart selling food items must be cleaned and stored at a commissary approved by the Salt Lake Valley health department.
 - (a) Merchants at seasonal markets/events may be temporarily exempted from this requirement.
9. The vending cart and all related business items shall be maintained in good condition and repair at all times.



Figure 3.2 - Retail use example

10. The business shall be conducted only between the hours of 6 a.m. and 10 p.m.

B. MEDICAL CANNABIS

Medical Cannabis Pharmacies are permitted uses in all form districts with the following conditions:

1. Medical Cannabis Pharmacies must comply with Utah Code 4-41a: Cannabis Production Establishments and Pharmacies.
2. Where allowed by State law, signage is subject to the applicable form district signage requirements.

C. RETAIL TOBACCO SPECIALTY BUSINESSES

Retail tobacco specialty related uses are permitted in all form districts with the following conditions:



Figure 3.3 - Civic use example

1. Retail tobacco specialty businesses must comply with Utah Code 10-8-1-41.6 Regulation of Retail Tobacco Specialty Business.
2. Where allowed by State law, signage is subject to the applicable form district signage requirements.

D. OUTDOOR DINING

Each application for an outdoor dining use shall comply with the following:

1. The dining area shall be located on private property or leased public property and shall not diminish parking or landscaping.
2. The dining area shall not impede pedestrian circulation.
3. The dining area shall not impede emergency access or circulation.

4. The outdoor furnishings shall be compatible with the streetscape and associated building.
5. No music or noise shall be in excess of the city noise ordinance, Title 8.01.070.
6. No use after 10:30 p.m. and before 7:00 a.m.
7. No part of the outdoor dining area shall be located within 100'-0" of any existing residential use (measured from the edge of the outdoor dining area to the closest property line of the residential use), unless the residential use is part of a mixed use building or the outdoor dining area is separated from the residential use by a commercial building.
8. Cooking facilities shall be located within the primary building. No cooking facilities, including grills, shall be permitted in the outdoor dining area.
9. The outdoor dining area shall be kept in a clean condition and free of litter and food items which constitute a nuisance to public health, safety and welfare.

E. PAWN SHOPS

Display areas are limited to those shown on the approved site plan and may not exceed a combined 100 sq. ft. in size.

F. TELECOMMUNICATION FACILITIES

Telecommunication facility uses shall comply with Cottonwood Heights Municipal Code 19.83 Wireless Telecommunications Facilities.

G. HOME OCCUPATION

Home occupation uses shall comply with Cottonwood Heights Municipal Code 19.76 Supplementary And Qualifying Rules And Regulations.

H. PROHIBITED USES

The following uses are prohibited throughout all form districts:

1. Sexually Oriented Businesses
2. Auto-Related Uses
3. Medical Cannabis Production Establishment
4. Outdoor Storage
5. Check Cashing Businesses

4.0 STREET TYPES

1. GENERAL REQUIREMENTS

A. INTENT

The standards outlined in this section are intended to:

1. Create complete streets that address all modes of travel, including pedestrian traffic, bicycle traffic, transit, and vehicular traffic.
2. Address all features of the street right-of-way, including sidewalks, parkways, traffic lanes, bicycle lanes, and medians.
3. Provide adequate access to all lots for vehicles and pedestrians.
4. Create streets that are appropriate for their context in each of the form districts and are designed to encourage travel at appropriate volumes and speeds.
5. Create streets and public rights-of-way that aid in the safe and efficient management of stormwater runoff.

B. APPLICABILITY

This section is to further refine what is allowed on a property, and to stipulate pedestrian realm requirements, but not to regulate the vehicular realm. Cross-sections for any vehicular realm changes are determined by the Public Works department.

C. GENERAL REQUIREMENTS

All proposed streets, landscape or furnishings zones, and sidewalks shall be located in dedicated vehicular rights-of-way.

1. All new vehicular rights-of-way shall match one of the street types as described in Section 4.4 Street Types, whether publicly dedicated or privately held.

D. STREET CONSTRUCTION SPECIFICATIONS

1. All construction in the right-of-way shall follow specifications defined by the City.
2. The street standards within this section are intended to be minimum requirements. The City may use alternative designs when reconstructing streets provided the general intent of street construction specifications of the neighborhood is maintained.

2. GENERAL STREET TYPE STANDARDS

A. STREET TYPES

Street types defined in this section describe the acceptable street configurations for the FBC district.

The street type maps for the Fort Union FBC areas are shown in Figures 4.1 to 4.3.

1. Street type configurations are to be implemented when reconstructing existing streets or building new streets.
 - (a) The city may require changes to the right-of-way, pavement width, or additional street elements depending on unique site characteristics.
 - (b) The city may permit modifications to street widths and required improvements. Any modifications shall be approved by the relevant city departments and personnel.
2. The hierarchy of street types, from the most major to the most minor street type is:
 - (a) Fort Union Boulevard
 - (b) Neighborhood Street
 - (c) Lane

B. GRAPHICS

The graphics in this section are illustrative examples. Exact street sections are subject to city review and approval. When applying the described standards to actual streets other configurations are possible.

C. TYPICAL STREET ELEMENTS

Typical elements of a right-of-way are divided into vehicular and pedestrian realms. Generally, the vehicular realm will be designed and controlled by the city. The pedestrian realm will be designed and improved by property owners, in coordination with the city.

1. The vehicular realm is the space between the curbs on both sides of a street. It may include features like travel lanes, parking lanes, turn lanes, transit stopping areas, bike lanes, and medians, per the city's transportation master plan.
2. The pedestrian realm is the space between the back of a street curb and the property line of the adjacent parcel. It is typically subdivided into two spaces, the park strip and the sidewalk. Some street sections may only have enough space for a sidewalk.
 - (a) The sidewalk is the paved area along the edge of the right-of-way. Sidewalks are designed for the movement of pedestrian traffic along the street and pedestrian access to buildings.
 - (b) The park strip is the space between the sidewalk and the curb. It acts as a buffer area between the sidewalk and street. Park strips can be used in two different ways, described as two use zones, the landscape zone and furnishings zone. These two use zones are intermixed along the length of each street based on the street type requirements.

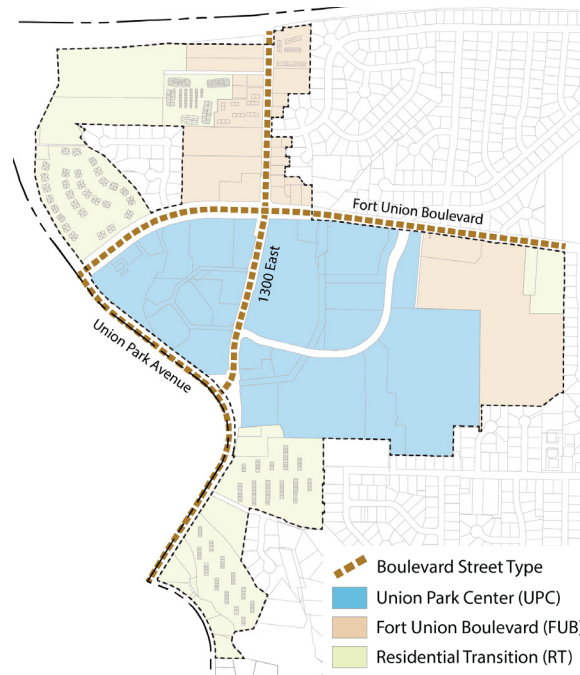


Figure 4.1 - Union Park area Boulevard street type map

- (i) The landscape zone is where the park strip is unpaved and landscaped with ornamental plants, mulch, and/or street trees. It may also include swales, lighting, public art, and signage.
- (ii) The furnishings zone is a paved portion of the pedestrian realm. It is designed for the pedestrian uses that would block the movement of pedestrian traffic in the sidewalk, such as sitting and gathering. Furnishings zones may include street trees

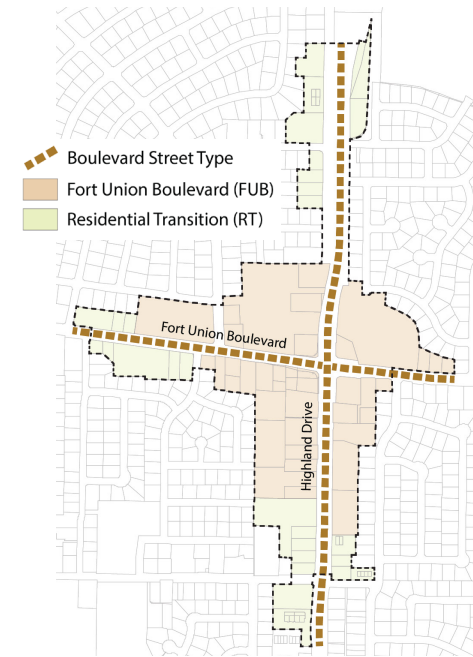


Figure 4.2 - Highland Drive area Boulevard street type map

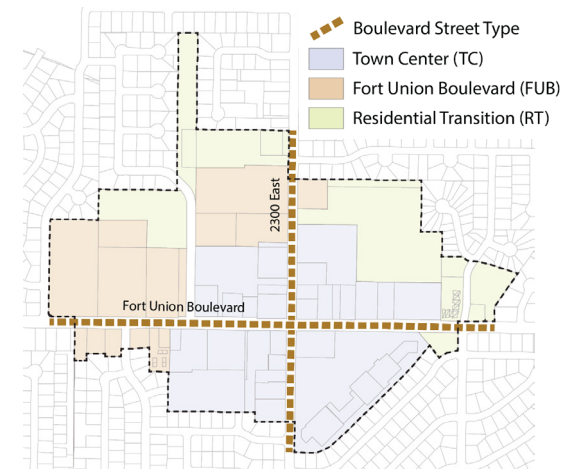


Figure 4.3 - 2300 East area Boulevard street type map

in grates, street furniture, lighting, signage, bicycle parking, bollards, public art, and transit stops.

D. VEHICULAR TRAVEL LANES

The number and width of vehicular travel lanes, parking lanes, and bike lanes are described here by street type, but are ultimately determined by the city's Public Works Department.

E. BICYCLE LANES

Bicycle lanes and paths shall be constructed in accordance with existing plans, such as the city's Parks, Trails, and Open Space Master Plan, the Midvalley Active Transportation Plan, and be coordinated with the city's Public Works plans and requirements.

F. TRANSPORTATION FACILITIES

Transportation facilities include those for public transit and delivery trucks.

1. Public transit facilities should be included at each transit stop according to the following criteria:
 - (a) Public transit facilities are located in the furnishings zone of the park strip and may include loading areas, landings, ramps, transit shelters, benches, lighting, pedestrian clear zones, and all other reasonable accommodations.
 - (b) All public transit facilities shall be coordinated with the Utah Transit Authority.

2. Truck loading spaces (TLS) provide on-street short term loading spaces for delivery trucks to prevent them from parking in travel lanes and pedestrian areas.
 - (a) Each TLS must be located in and fit within the width of an on-street parking lane. Street types without on-street parking lanes may not have any TLSs.
 - (b) TLS pavement markings should clearly define the size of the TLS and be adequate to accommodate the length of a typical delivery vehicle. This may require a longer space than the standard on-street parking space.
 - (c) Each TLS shall include signage that:
 - (i) Clearly posts the maximum time that a delivery vehicle may occupy the space and the times of day and days of the week when the TLS is reserved for delivery vehicle loading activities.
 - (ii) Indicate that regular on-street parking is allowed during non-loading times.
 - (iii) Include language about idling vehicles that complies with Cottonwood Heights Municipal Code 9.62 Idling Vehicles.
 - (d) The quantity and location of each TLS shall be determined by the DRC and based on the demand for loading space adjacent to existing buildings and uses. The specific location of each TLS shall be indicated on the street and/or streetscape plans for each street.

G. ON-STREET PARKING

On-street parking requirements and permissions are determined by street type.

H. STREETSCAPE LANDSCAPING

1. Streetscape designs shall be prepared for each street as part of a new or reconstructed street.
 - (a) Streetscape plans shall meet the requirements in the pedestrian realm section of the applicable street type requirements table.
 - (i) The streetscape plan shall define the size and spacing of the landscape and furnishings zones.
 - (ii) Planting plans shall be included for all landscape zones and planted medians.
2. Street trees are required along all street fronts. See section 7 for street tree species lists.
 - (a) Street trees shall be located in the park strip or bulb-out.
 - (i) In furnishings zones, trees shall be located in tree wells, covered by tree grates, and planted in either structural soil or soil cells.
 - (ii) In landscape zones, trees shall be planted with the ground plane vegetation.
 - (iii) Where the park strip has a width of 4'-0" or less, street trees may be planted in the adjacent property along the ROW line.
 - (b) Street trees shall be regularly spaced at 25'-0" on center and, where possible, coordinated

with the location of light poles and utility poles in order to maintain consistent street tree spacing.

- (c) In the Fort Union Boulevard form district, city planning staff may conditionally approve a modification to street tree location if the 25'-0" requirement impedes building facade visibility.

I. STORMWATER MANAGEMENT

Low Impact Development (LID) is encouraged. This includes incorporating stormwater management best practices. Park strip features that help with stormwater management include drainage swales and slotted curbs in the landscape zones and permeable pavement in the furnishings zones. All stormwater management structures and LID practices shall be coordinated with the city's Public Works Department standards.

J. FIRE ACCESS

Street configurations have been calculated to provide emergency vehicle access. Plans for the construction or reconstruction of streets shall be reviewed by the Fire Department.

3. GENERAL STREET LAYOUT REQUIREMENTS

A. GENERAL LAYOUT STANDARDS

The following standards apply to new streets or newly platted vehicular rights-of-way.

1. Streets shall be designed to respect natural features, such as slopes, by following rather than being interrupted by or dead-ending at the feature.
2. The street network shall form an interconnected pattern with multiple intersections.
3. The arrangement of new or reconstructed streets shall provide for the continuation of existing streets from adjoining areas into new subdivisions.

B. INTERSECTIONS

1. Marked crosswalks are required at all intersections and mid-block pedestrian crossings.
 - (a) Crosswalk dimensions and markings shall meet the requirements of the Manual on Uniform Traffic Control Devices (MUTCD)/APWA standards, per approval of the Public Works department.
 - (b) Crosswalk markings shall be clearly located on the finished street surface and where required in parking and access areas. Crosswalks shall be marked with textured or colored pavement, thermoplastic applications, or another marking approved by the city.
 - (c) Crosswalks with creative markings are allowed as a form of public art, with approval from the city.
 - (d) Crosswalk length shall encourage pedestrian activity. The required bulb-outs decrease

unprotected crosswalk lengths which increases pedestrian safety and comfort.

- (e) Accessibility features such as ramps and warning panels, per the American Disabilities Act or any more stringent state requirement, are required where all sidewalks terminate at a crosswalk or curb.
 - (f) Ramps shall be oriented perpendicular to traffic, requiring two ramps per corner at intersecting streets.
2. Bulb-Outs shall be constructed at all intersections and mid-block crossings unless prohibited by the city.
 - (a) The depth of the bulb-out shall match the depth of the adjacent on-street parking lane (if any).
 - (b) The radius of each bulb-out shall match the radius requirements per the city Public Works department.
 - (c) Bulb-outs shall be planted with low-maintenance water efficient live plants, which may include trees, that have a low mature height to provide unobstructed safety sight lines without requiring constant pruning.

C. STREET LIGHTING

1. INTENT

1. To provide a safe and secure environment for motorists, bicyclists and pedestrians.

2. To reduce glare from street and pedestrian lights on adjoining residences.
3. To contribute to the quality of each streetscape by integrating street light spacing and street tree spacing.
4. To respond to and further neighborhood character through the selection of light poles, bases, and fixtures appropriate to the commercial, residential or civic nature of surrounding uses.
5. To select consistent light poles, fixtures, lamp types, finishes and colors for all pedestrian and street lights.

2. STREET LIGHTING STANDARDS

All new street lighting shall comply with the city's Public Works Department standards.

4. STREET TYPES

A. BOULEVARD

1. INTENT

This special street type is based on the vision for Fort Union Boulevard from the Fort Union Master Plan. The configuration includes the narrow right-of-way, lower traffic speed, wide pedestrian realm, on-street parking, and street lights.

This street type also includes elements that were not part of the original historic Fort Union Boulevard streetscape. Some of these elements are currently

Table 4.1 - Boulevard Requirements		
PEDESTRIAN REALM		
2. Sidewalk		6'-0" sidewalk on both sides of the street
Park Strip	3. Width	5'-0" park strip on both sides of the street
	4. Street Trees	Evenly spaced at 25'-0" on center
	5. Street Lights	Evenly spaced to achieve desired light coverage and per fixture manufacturer's guidelines; street light spacing should be coordinated with street tree locations wherever possible
	6. Landscape Zone	Required: at-grade planters, street trees located in planters, water efficient low-maintenance ornamental plants, street lights, no lawn As Needed: street signage, utilities, public art, bollards
	7. Furnishings Zone	Required: trees in tree wells with grates, seating, bike rack, garbage can, lighting As Needed: street signage, utilities, public art, bollards
	8. Zone Spacing	The Fort Union park strips are predominantly furnishings zones with landscape zones limited to all bulb-outs. The frequency/spacing of furnishings, trees, and street lights are to be defined in a streetscape plan.

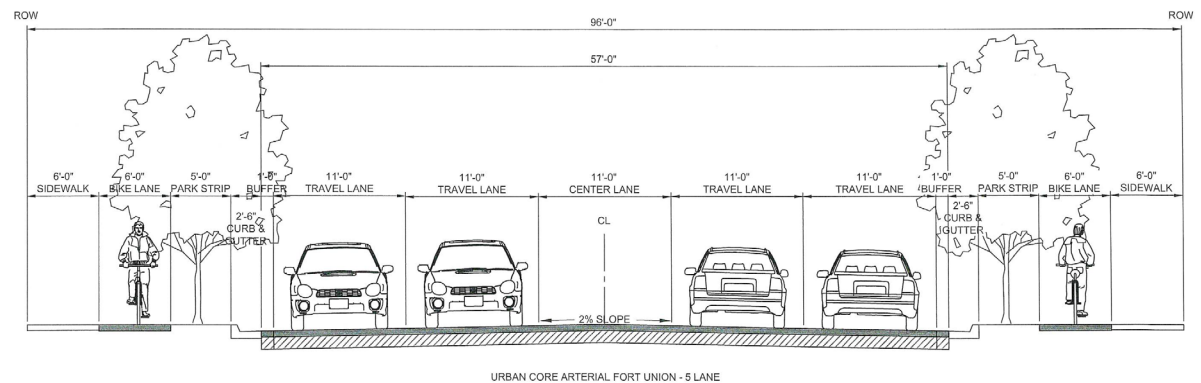


Figure 4.4 - Fort Union Boulevard future street section

installed along portions of the street and include street trees, street furnishings, and ornamental plantings. These elements create a more pedestrian oriented street and help set Fort Union Boulevard apart as a special street within the neighborhood and city.

2. GENERAL REQUIREMENTS

When Fort Union Boulevard is newly constructed or reconstructed, in whole or in part, it shall be built according to the standards in Table 4.1 and Figure 4.4. Measurements shown in these standards may need to be adjusted to actual dimensions on the ground. The installation of new streetscape elements shall emulate, and provide continuity with, the streetscape elements already installed on the south side of Fort Union Boulevard.

3. APPLICABILITY

This street type only applies to the section of Fort Union Boulevard between 1300 East and Wasatch Boulevard. As Fort Union Boulevard is currently fully constructed, these requirements shall be implemented in any future street reconstruction projects.

B. OTHER STREET TYPES

1. EXISTING STREETS

The FBC areas include several existing streets that are not classified as the boulevard street type. There are no FBC requirements for these streets.

Table 4.2 - Example of Neighborhood Street Requirements		
VEHICULAR REALM		
1. Typical Right-of-Way		60'-0"
2. Travel Lanes		2 lanes, 10'-0" unstriped
3. On-Street Parking		2 lanes, 9'-0"
4. Bulb-Outs		Required at all intersections and mid-block crossings
PEDESTRIAN REALM		
5. Sidewalk		5'-0" sidewalk on both sides of the street
Park Strip	6. Width	6'-0" park strip on both sides of the street
	7. Street Trees	Evenly spaced at 30'-0" on center
	8. Street Lights	Evenly spaced to achieve desired light coverage and per fixture manufacturer's guidelines; street light spacing should be coordinated with street tree locations wherever possible
	9. Landscaping	<p>Required: at-grade planters, street trees located in planters, water efficient low-maintenance ornamental plants, street lights, no lawn</p> <p>As Needed: street signage, utilities, public art, bollards</p> <p>Neighborhood Street park strips are all landscaped. The spacing of trees and street lights are to be defined in a streetscape plan.</p>

Table 4.3 - Example of Lane Requirements		
VEHICULAR REALM		
1. Typical Right-of-Way		30'-0"
2. Travel Lanes		1 lane, 10'-0"
3. On-Street Parking		1 parallel lane required, 10'-0"
4. Bulb-Outs		Required at all intersections and mid-block crossings
PEDESTRIAN REALM		
5. Sidewalk		5'-0" sidewalk on both sides of the street

Any future improvements of these existing streets should meet the requirements in the existing city code Title 14 Highways, Sidewalks and Public Places and, where possible, complement and/or extend the pedestrian realm requirements of the FBC boulevard street type.

2. FUTURE STREETS

This FBC does not propose the construction of any new streets. If future developments in the large contiguous parcels require new streets to be constructed to provide adequate access and maintain an efficient street network, all new streets shall meet the requirements in the existing city code Title 14 Highways, Sidewalks and Public Places.

Any new streets shall include pedestrian realm amenities consistent with/complementary to the boulevard street type pedestrian realm requirements, scaled down as needed for smaller streets. Tables 4.2 and 4.3 provide examples of how the FBC requirements might be applied to two different types of future streets.

5.0 BUILDING TYPES

1. INTRODUCTION

Buildings are one of the most prominent components of the built environment and collectively define much of the character of a streetscape and neighborhood. These building type requirements define the building forms without defining their style. The requirements are location-based and calibrated to the goals for each district within the areas.

2. FRONTAGES

A. INTENT

Frontages define how a building engages with the public realm; it is the interface between the private space and form of a building and the public space of the streetscape. Frontage types are assigned by street so that both sides of the street have the same public/private interface characteristics.

Frontage requirements are designed to create both connections and transitions between the private and public realms. Each building type has a unique set of frontage requirements based on the form district and frontage type assigned to the lot where the building is to be constructed.

B. FRONTAGE TYPE HIERARCHY

A hierarchy of frontage types complements the hierarchy of street types and hierarchy of form district goals such as use intensity, building forms, and transition to adjacent areas.

Two frontage types are defined and applied to specific streets, as shown in the area frontage type maps: Figures 5.1-5.3. Primary frontages are applied to the “Boulevard” street type described in section 4.0. Secondary frontages are applied to the streets that intersect with the boulevard type streets.

C. FRONTAGE GENERAL REQUIREMENTS

1. Frontage and Lot Type. A lot is defined as one or more parcels that are included in the same development project. Interior lots have only one frontage. Corner lots have two frontages.
 - (a) On lots with more than one frontage type, such as a corner lot with one primary frontage and one secondary frontage, or a lot with a frontage along both the front and rear property lines, the primary frontage takes precedent and secondary frontage requirements do not apply.

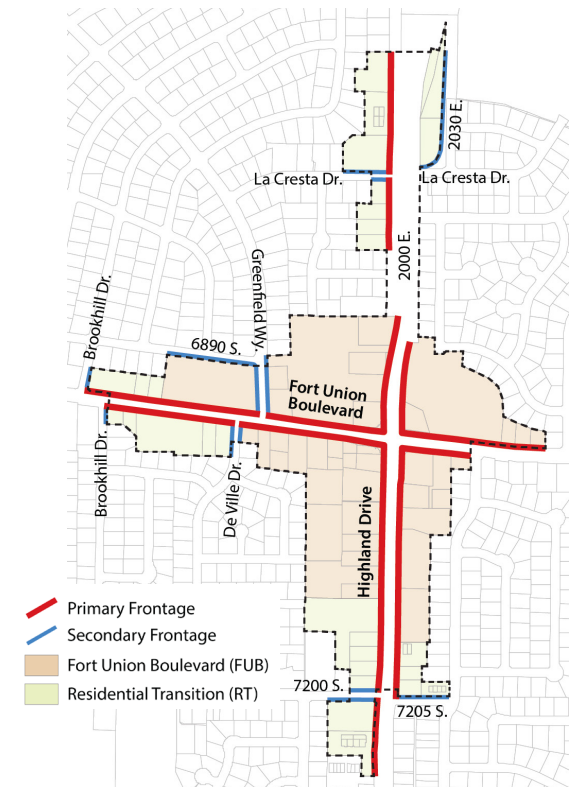


Figure 5.1 - Frontage type map for the Highland Drive area

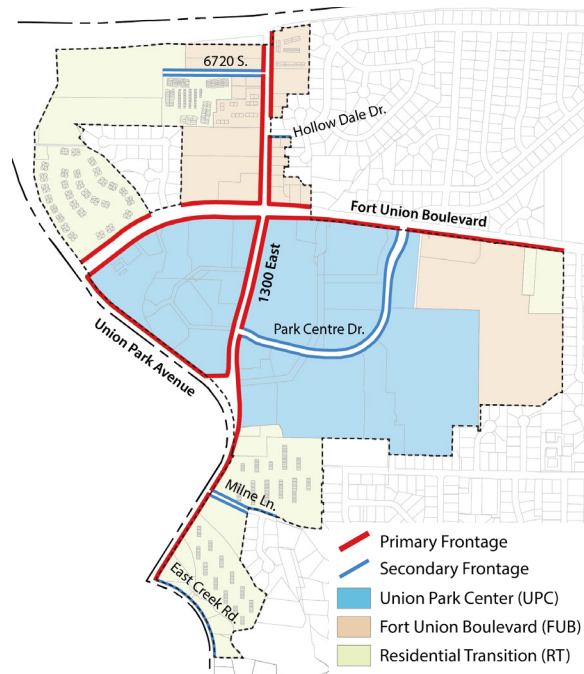


Figure 5.2 - Frontage type map for the Union Park area

- (b) Corner lots with two primary frontages are located in the most central areas of each area. Buildings on these lots are required to meet the primary frontage requirements along both streets. Corner lots have two side property lines, rather than one side and one rear or two rear property lines.

2. Minimum frontage coverage may be reduced, with the approval of the ARC, to allow for an

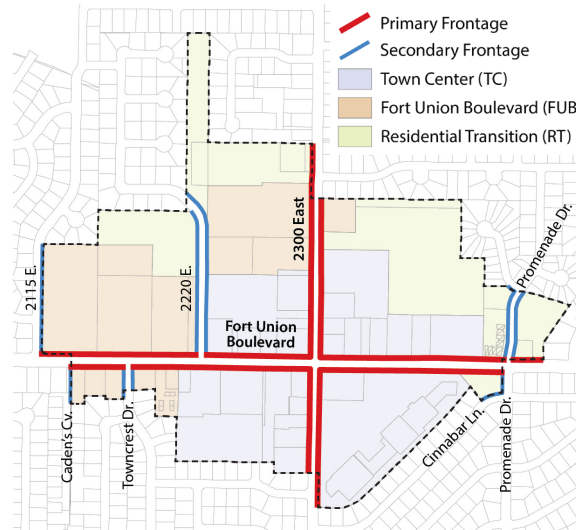


Figure 5.3 - Frontage type map for the 2300 East area

access driveway when no other frontage is available for vehicular access.

- (a) When frontage coverage is reduced using this provision, the provided driveway shall be limited to the minimum width required for access, as determined by the DRC using the minimum width as a standard, and the remaining frontage shall be covered by a building or Build to Zone (BTZ) pedestrian space, as otherwise allowed within this FBC.

D. PRIMARY FRONTAGE

1. INTENT

Primary frontages accommodate more intense development and maintain more “city center” types of spatial relationships between buildings and streets. Buildings are located very close to the right-of-way to create a consistent street wall and prioritize walkability.

The values of the various parameters provide less flexibility than secondary frontages. Primary frontages are applied only to the “boulevard” street type.

2. DESIGN STANDARDS

Requirements for primary frontages are defined per building and form district in the Part 2: Primary Frontage table for each building type.

E. SECONDARY FRONTAGE

1. INTENT

Secondary frontages accommodate medium intensity development. The purpose is to transition from more “city center” type spatial relationships to residential street style spatial relationships.

The values of the secondary frontage parameters provide more flexibility than the primary frontage, allowing for increased spatial diversity and development styles. Secondary frontages are applied to all streets that are not the boulevard street type.

2. DESIGN STANDARDS

Requirements for secondary frontages are defined per building and form district in the Part 2: Secondary Frontage table for each building type.

3. BUILDING TYPE GENERAL REQUIREMENTS

Before applying the requirements in this section to a proposed building or development, first the form district and frontage type(s) for the development lot are to be determined based on the lot's location in the form district and frontage type area maps.

All building types must meet the following requirements:

1. Form District. Each building type shall be built only in the form district(s) where they are explicitly allowed, as shown in the individual building type tables and summarized in Table 5.1.
2. Use. Each building type can accommodate a variety of uses, as outlined in Section 3.0. Each use may be limited to a specific story of the building type. See individual building type tables.
3. Ground Floor Residential and Lodging Use Restriction.
 - (a) Residential units are permitted on the ground floor in some building types and form districts.
 - (b) Lodging units are not permitted on the ground floor.
- (c) Accessory lodging uses, such as lobbies, meeting rooms, gyms, mail rooms, etc. are permitted both within and outside of the occupied space as required along the primary street-facing facade.
4. Required Occupied Space. Occupied spaces are interior building spaces regularly occupied by the building users such as retail shops, offices, gyms, meeting rooms, and residences. They do not include storage areas, utility space, bathrooms, or parking. The occupied space requirement only applies to the required frontage area.
5. Blank Wall Limitation. A restriction of the amount of contiguous windowless area permitted on a facade that fronts on a street. When required the following shall both be met for each story:
 - (a) No rectangular area greater than 30% of a story's facade, as measured floor to floor, may be windowless.
 - (b) No rectangular segment of a story's facade with a horizontal width greater than 15'-0" may be windowless.
6. Encroachments. An encroachment refers to any portion of a building that projects over a property line and into the pedestrian realm area of a public ROW. All encroachments must provide adequate vertical clearance from the pedestrian realm below. Encroachments are permitted, by building type and form district for:
 - (a) Roof overhang
 - (b) Balcony
 - (c) Awning
 - (d) Canopy
7. Corner Facade. On corner lots only, the new facade plane created when the two facade planes that meet at the corner of a building are chamfered.
8. No Other Building Types. All constructed buildings must meet the requirements of one of the building types permitted within the given form district.
9. Permanent Structures. All buildings constructed shall be permanent construction without a chassis, hitch, wheels, or other features that make the structure mobile.
10. Accessory Structures are structures located on the same lot as the principal structure(s) with uses that are incidental to the use of the principal structure(s). Examples include a garage, parking structure, storage, utility, and maintenance sheds, etc.
 - (a) Structures attached to the principal structure are considered part of the principal structure and are not accessory structures.
 - (b) Detached accessory structures are permitted according to each building type (see individual building type tables) and shall comply with all setbacks except the following:

- (i) Detached accessory structures are not permitted in the front yard, side yard, or any space between the principal structure and the right-of-way.
 - (ii) Detached accessory structures shall be located in the rear yard, behind the principal structure.
 - (iii) Detached accessory structures shall not exceed the height of the principal structure.
 - (c) Accessory structures shall be built in a manner compatible with the principal building and shall use the same or similar quality materials as the principal building.
 - (d) Accessory structures must be located a minimum distance of 6'-0" from primary structures.
 - (e) Accessory structures are permitted in any single-use residential development, regardless of the building type or form district.
- 11. Building Length.** Maximum and minimum building lengths, as measured along the right-of-way property lines, are determined by frontage coverage and setback distances. See Section 5.0
- 12. Grade Separation.** Ground floor residential units are recommended to be vertically separated by no more than 4'-0" above or below the sidewalk level.

- 13. Theme and Unity.** The architectural design within a single development that includes multiple structures shall be organized around a consistent architectural theme in terms of the character, materials, texture, color, and scale of buildings. Restaurants, retail chains, and other franchise-style structures shall adjust their standard architectural theme to be consistent with the development's overall architectural character.
- 14. Active Streetscape.** Variation in architecture is encouraged to create a more appealing streetscape. Variety can be achieved through: porches, terraces, plazas, stoops, awnings, galleries, arcades, balconies, and canopies.
- 15. Primary entrances** for all building types shall be located along the primary street facade.
- 16. Pursuant to Utah Code 10-9a-534** (effective 1 November 2024), and superseding the FBC requirements where applicable, a requirement for any of the following building design elements shall not be imposed on a one- or two-family dwelling:
- (a) exterior color;
 - (b) type or style of exterior cladding material;
 - (c) style, dimensions, or materials of a roof structure, roof pitch, or porch;
 - (d) exterior nonstructural architectural ornamentation;
 - (e) location, design, placement, or architectural styling of a window or door;

- (f) location, design, placement, or architectural styling of a garage door, not including a rear-loading garage door;
 - (g) number or type of rooms;
 - (h) interior layout of a room;
 - (i) minimum square footage over 1,000 square feet, not including a garage;
 - (j) rear yard landscaping requirements;
 - (k) minimum building dimensions; or
 - (l) a requirement to install front yard fencing.
- 17. Pursuant to Utah Code 10-9a-538** (effective 1 November 2024), for residential buildings, no municipal ordinance, resolution, or policy shall prohibit, or effectively prohibit, the following structures from being built within the rear property line building setback:
- (a) a landing or walkout porch that is:
 - (i) no more than 32 square feet in size; and
 - (ii) used for ingress to and egress from the rear of the residential dwelling;
 - (b) a window well.

Landing is defined as an uncovered, above-ground platform, with or without stairs, connected to the rear of a residential dwelling.

Walkout Porch is defined as an uncovered platform that is on the ground and connected to the rear of a residential dwelling.



4. BUILDING TYPES

This FBC describes 5 building types:

1. General
2. Limited Bay
3. Row
4. Yard
5. Civic

Building types are permitted by form district. Table 5.1 lists which building types are permitted in each form district.

BUILDING TYPE	FORM DISTRICT			
	UPC	TC	FUB	RT
General	P	P	P	P
Limited Bay	N	N	P	P
Row	N	P	P	P
Yard	N	N	N	P
Civic	N	P	P	N

P = Permitted | N = Not Permitted



Figure 5.4 - General building example with occupied corner, tower, storefront entrances, vertical and horizontal facade divisions, pitched and parapet roof types. (Holladay, Utah town center)

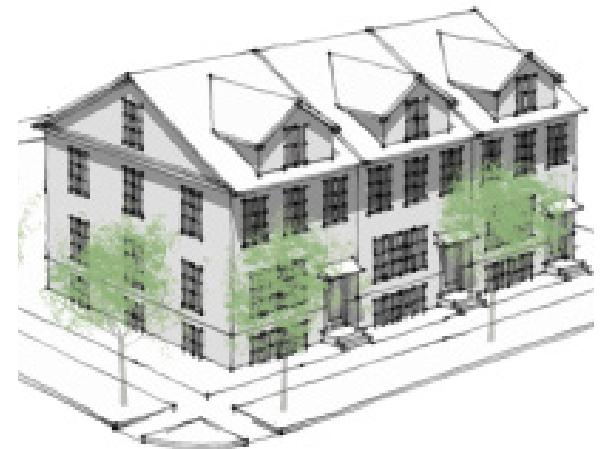


Figure 5.5 - Row building example with stoop entrances, visible basement, and a pitched roof with gables

5. GENERAL BUILDING

A. INTENT

The general building type is intended to be a mixed-use building located close to the front and corner property lines. This siting location adds to the street wall and provides easy access to passing pedestrians and transit riders.

Parking may be provided in the rear of the lot, internal to the building, or in an attached parking structure. Vehicular access should be located on the rear or side of the lot, only on the front if the rear or side does not abut a public ROW. On lots with more than one street frontage, vehicular access must be located on the side or rear street.

This building can be scaled to a variety of sizes and use mixes as needed for any given parcel and in each form district.

B. REGULATIONS

The general building type is permitted in all form districts. Regulations for the general building type are defined in Figures 5.9 to 5.14 and Tables 5.2 to 5.4.

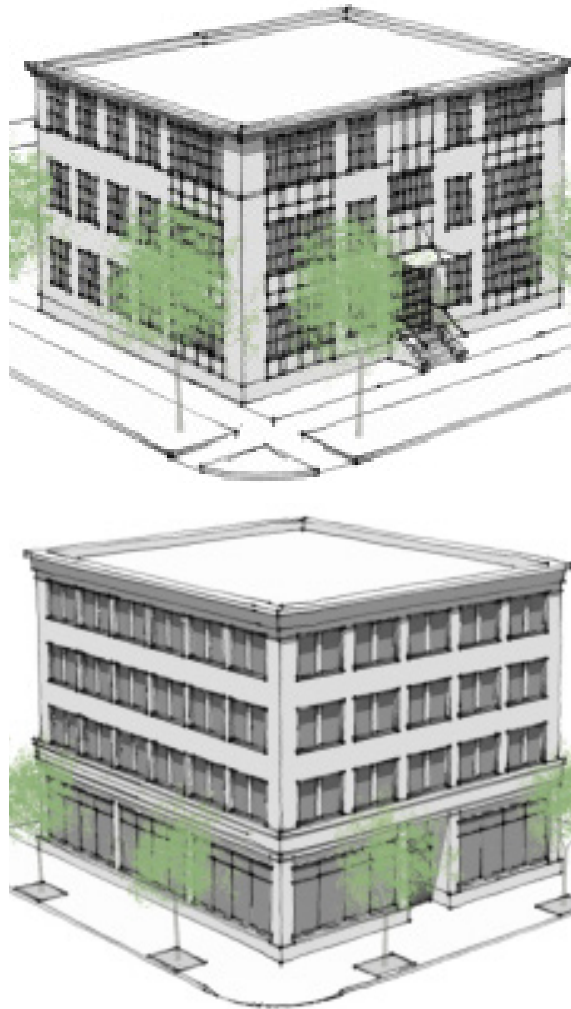


Figure 5.6 - General building examples with stoop entrance (top) and storefront entrance (bottom)



Figure 5.7 - General building example with storefront entrances, horizontal and vertical facade divisions, and driveway portal



Figure 5.8 - Example of general buildings around a public open space

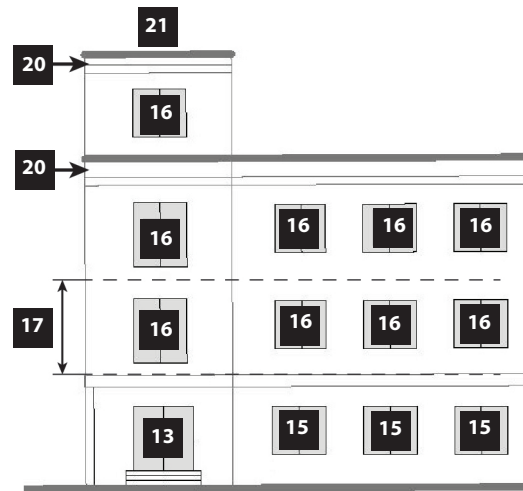


Figure 5.9 - General building street facade diagram shown with corner tower, stoop entry type, and parapet roof type. Not to scale.

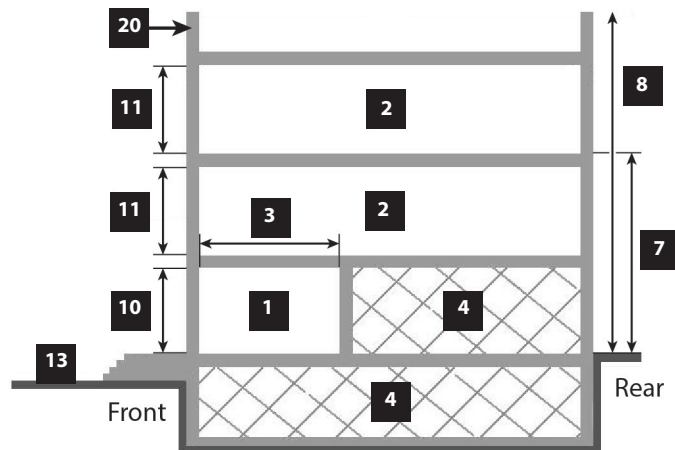


Figure 5.10 - General building height and use diagram shown with basement and rear building interior parking, stoop entry type, and parapet roof type. Not to scale.

Table 5.2 - General Building Requirements Part 1

FORM DISTRICT	UPC	TC	FUB	RT
USE				
1. Ground Floor	retail, office, service			residential, retail, service
2. Upper Floor(s)	residential, lodging, retail, office, service			residential
3. Required Occupied Space	30'-0" min. from the front facade on all full floors			
4. Parking Within Building	permitted fully in any basement and in rear of upper floors			
5. Multiple Principal Buildings	not permitted		permitted	not permitted
6. Accessory Structure	not permitted			permitted
HEIGHT				
7. Principal Building Minimum	3 stories	2 stories	2 stories	2 stories
8. Principal Building Maximum	8 stories	4 stories	4 stories	3 stories
9. Accessory Building Maximum	not permitted			2 stories
10. Ground Floor Height	14'-0" min. 30'-0" max.	12'-0" min. / 24'-0" max.		10'-0" min. 14'-0" max.
11. Upper Floor(s) Height	9'-0" min. / 12'-0" max.			
STREET FACADE(S) STF = storefront, ARC = arcade, STP = stoop, POR = porch				
12. Principal Entrance Location	front facade		front or corner facade	
13. Front Facade Entrance Type(s)	STF, ARC, STP required on primary streets			STF, STP, POR
14. Entrance Spacing	1 per each vertical facade division min.			
15. Ground Floor Transparency	75% min.	60% min.	60% min.	50% min.
16. Upper Floor(s) Transparency	40% min.	40% min.	40% min.	30% min.
17. Blank Wall Limitation	required per floor			
18. Vertical Facade Divisions	every 30'-0" of facade width		every 40'-0" of facade width	every 30'-0" of facade width
19. Horizontal Facade Divisions	within 3'-0" of top of ground floor and every third floor above first floor			
ROOF TYPE PA= parapet, PI=pitched, F=flat				
20. Permitted Roof Type	PA, F	PA, PI, F		
21. Tower	permitted			not permitted

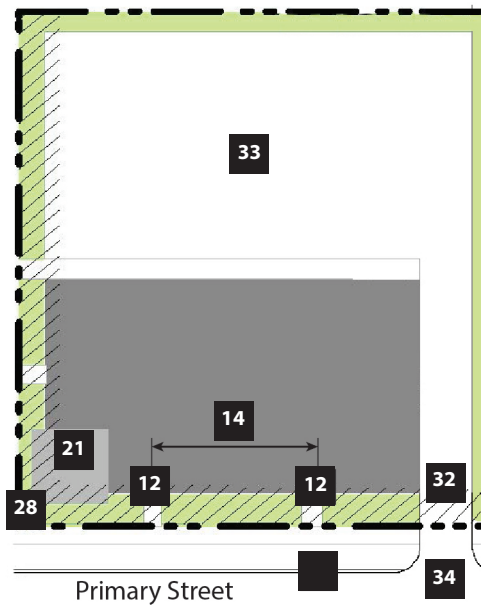


Figure 5.11 - General building siting diagram shown with corner tower and rear vehicular access. Not to scale.

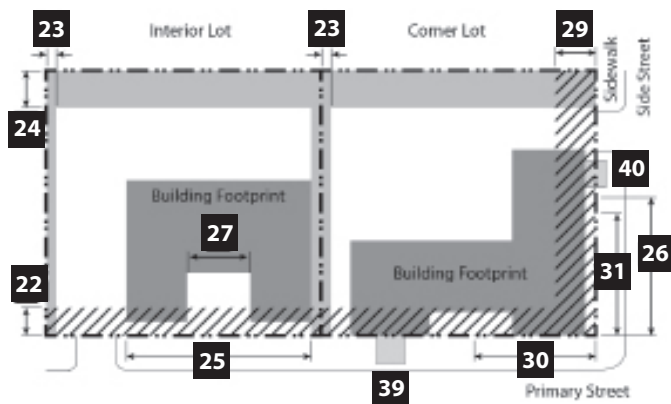


Figure 5.12 - Building placement example diagram. Not to scale.

Table 5.3 - General Building Requirements Part 2: Primary Frontage				
FORM DISTRICT	UPC	TC	FUB	RT
SITING				
BUILDING LOCATION				
22. Front Build to Zone(s)	0'-0" to 5'-0"	0'-0" to 10'-0"		0'-0" to 15'-0"
23. Side Yard Setback Minimum	0'-0"			5'-0"
24. Rear Yard Setback Minimum	5'-0"			15'-0"
FRONTAGE COVERAGE				
25. Front Street Facade(s)	90% min.	80% min.	70% min.	60% min.
26. Side Street Facade	50% min.		40% min.	30% min.
27. BTZ Pedestrian Space	40% max.	40% max.	20% max.	
CORNER LOT BUILDINGS				
28. Occupation of Corner	required			
29. Corner Build to Zone	0'-0" to 5'-0"			0'-0" to 10'-0"
30. Front Street Facade(s)	50'-0" min.	40'-0" min.	30'-0" min.	
31. Side Street Facade	40'-0" min.	30'-0" min.	20'-0" min.	
VEHICULAR FACILITIES				
32. Vehicle Access Type	1 driveway or portal per side street, on front street only if no side street			
33. Parking Location	rear yard			rear yard, side yard
34. Loading/Service Entry Location	rear yard		rear yard, side yard	
ENCROACHMENTS				
FRONT STREET				
35. Ground Floor	12'-0" max.		8'-0" max.	not permitted
36. Upper Floor(s)	6'-0" max.		4'-0" max.	4'-0" max.
SIDE STREET/REAR STREET				
37. Ground Floor	6'-0" max.			not permitted
38. Upper Floor(s)	6'-0" max.		4'-0" max.	4'-0" max.
PROJECTION TYPES: A=awning, B=balcony, C=canopy, R=roof overhang				
39. Front Street	A, B, C, R		A, B, R	B, R
40. Side Street/Rear Street	A, B, R			B, R

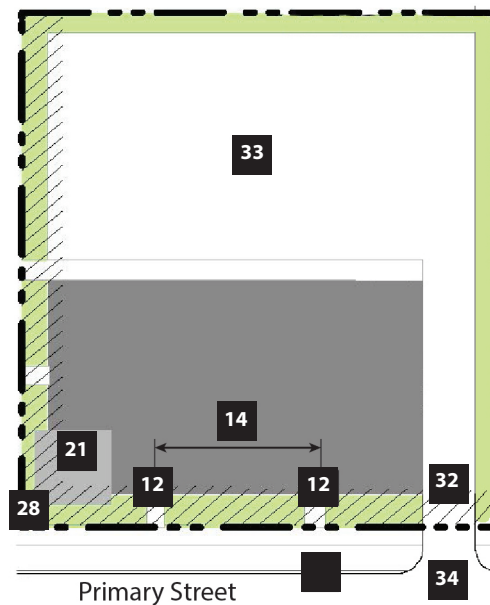


Figure 5.13 - General building siting diagram shown with corner tower and rear vehicular access. Not to scale.

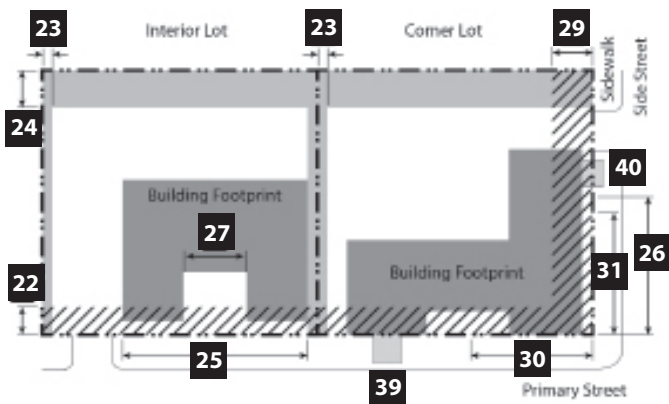


Figure 5.14 - Building placement example diagram. Not to scale.

Table 5.4 - General Building Requirements Part 2: Secondary Frontage				
FORM DISTRICT	UPC	TC	FUB	RT
SITING				
BUILDING LOCATION				
22. Front Build to Zone	0'-0" to 5'-0"	0'-0" to 10'-0"		0'-0" to 15'-0"
23. Side Yard Setback	0'-0" min.			5'-0" min.
24. Rear Yard Setback	5'-0" min.			
FRONTAGE COVERAGE				
25. Front Street Facade	80% min.	70% min.	60% min.	50% min.
27. BTZ Pedestrian Space	30% max.	30% max.	20% max.	
VEHICULAR FACILITIES				
32. Vehicle Access Type	1 driveway or portal			
33. Parking Location	rear yard			rear yard, side yard
34. Loading/Service Entry Location	rear yard		rear yard, side yard	
ENCROACHMENTS				
FRONT STREET				
35. Ground Floor	8'-0" max.		6'-0" max.	not permitted
36. Upper Floor(s)	4'-0" max.		4'-0" max.	4'-0" max.
PROJECTION TYPES: A=awning, B=balcony, C=canopy, R=roof overhang				
39. Front Street	A, B, C, R		A, B, R	B, R

6. LIMITED BAY BUILDING

A. INTENT

This building type is intended to be built close to the front and corner property lines allowing easy access to passing pedestrians and transit riders, and continues the street wall. A wide range of uses can be accommodated within this building type, including craftsman uses.

The limited bay building type permits a maximum of one vehicle bay per each facade division along each street facade. Parking may be provided in the rear of the lot or internal to the building.

B. REGULATIONS

Limited bay buildings are permitted in the FUB and RT form districts. Regulations for the limited bay building type are defined in Figures 5.16 to 5.21 and Tables 5.5 to 5.7.

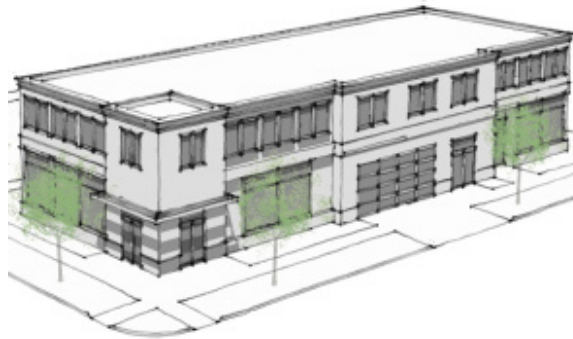


Figure 5.15 - Limited bay building example with multiple entrances and entrance types

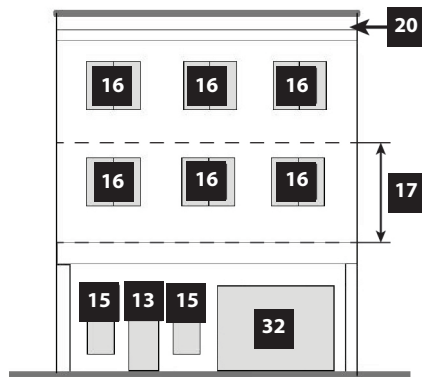


Figure 5.16 - Limited bay building street facade diagram shown with vehicle bay, storefront entry type, and parapet roof type. Not to scale.

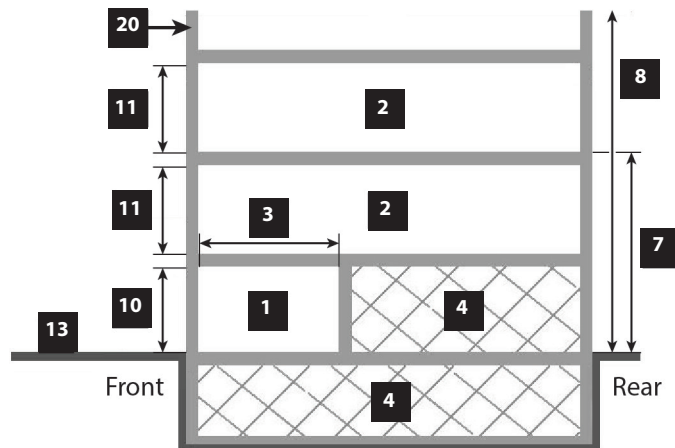


Figure 5.17 - Limited bay building height and use diagram shown with basement and rear building interior parking, storefront entry type, and parapet roof type. Not to scale.

Table 5.5 - Limited Bay Building Requirements Part 1

FORM DISTRICT	FUB	RT
USE		
1. Ground Floor	retail, service, office, craftsman	
2. Upper Floor(s)	any permitted use	
3. Required Occupied Space	30'-0" min. from the front facade on all full floors	
4. Parking Within Building	permitted	
5. Multiple Principal Buildings	not permitted	permitted
6. Accessory Structure	not permitted	permitted
HEIGHT		
7. Principal Building Minimum	2 stories	1 story
8. Principal Building Maximum	4 stories	3 stories
9. Accessory Building Maximum	not permitted	2 stories
10. Ground Floor Height	12'-0" min. / 20'-0" max.	10'-0" min. / 16'-0" max.
11. Upper Floor(s) Height	9'-0" min. / 12'-0" max.	
STREET FACADE(S) STF = storefront, ARC = arcade, STP = stoop, POR = porch		
12. Principal Entrance Location	front or corner facade	
13. Front Facade Entrance Type(s)	STF, ARC, STP	
14. Entrance Spacing	1/40'-0" min.	
15. Ground Floor Transparency	50% min.	
16. Upper Floor(s) Transparency	20% min.	
17. Blank Wall Limitation	required per floor	
18. Vertical Facade Divisions	every 40'-0" of facade width	every 30'-0" of facade width
19. Horizontal Facade Divisions	within 3'-0" of top of ground floor and every third floor above first floor	
ROOF TYPE PA= parapet, PI=pitched, F=flat		
20. Permitted Roof Type	PA, PI, F	
21. Tower	permitted	not permitted

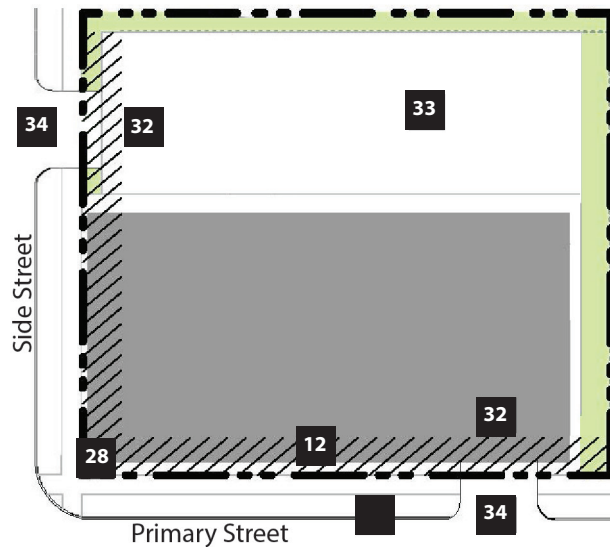


Figure 5.18 - Limited bay building siting diagram shown with rear vehicular access and the vehicle bay on the primary street. Not to scale.

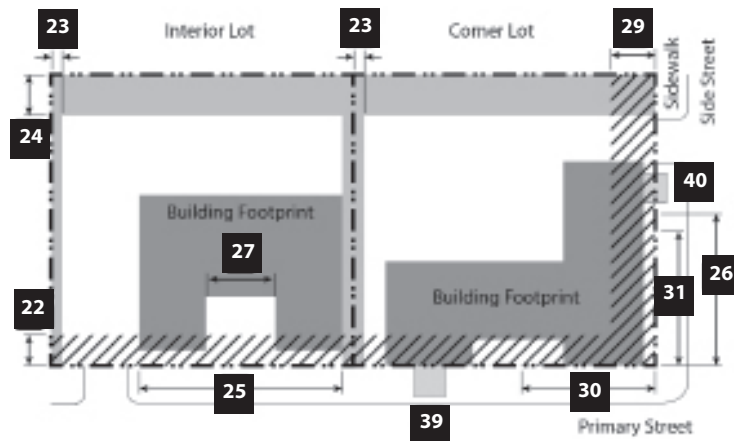


Figure 5.19 - Building placement example diagram. Not to scale.

Table 5.6 - Limited Bay Building Requirements Part 2: Primary Frontage		
FORM DISTRICT	FUB	RT
SITING		
BUILDING LOCATION		
22. Front Build to Zone(s)	0'-0" to 15'-0"	
23. Side Yard Setback Minimum	0'-0"	
24. Rear Yard Setback Minimum	5'-0"	
FRONTAGE COVERAGE		
25. Front Street Facade(s)	60% min.	50% min.
26. Side Street Facade	40% min.	30% min.
27. BTZ Pedestrian Space	20% max.	
CORNER LOT BUILDINGS		
28. Occupation of Corner	required	
29. Corner Build to Zone	0'-0" to 10'-0"	
30. Front Street Facade(s)	30'-0" min.	
31. Side Street Facade	20'-0" min.	
VEHICULAR FACILITIES		
32. Vehicle Access Type	driveway, portal, vehicle bay	
33. Parking Location	rear yard, side yard	
34. Loading/Service Entry Location	driveway, portal, vehicle bay	
ENCROACHMENTS		
FRONT STREET		
35. Ground Floor	8'-0" max.	not permitted
36. Upper Floor(s)	4'-0" max.	
SIDE STREET/REAR STREET		
37. Ground Floor	6'-0" max.	not permitted
38. Upper Floor(s)	4'-0" max.	
PROJECTION TYPES: A=awning, B=balcony, C=canopy, R=roof overhang		
39. Front Street	A, B, R	B, R
40. Side Street/Rear Street	B, R	

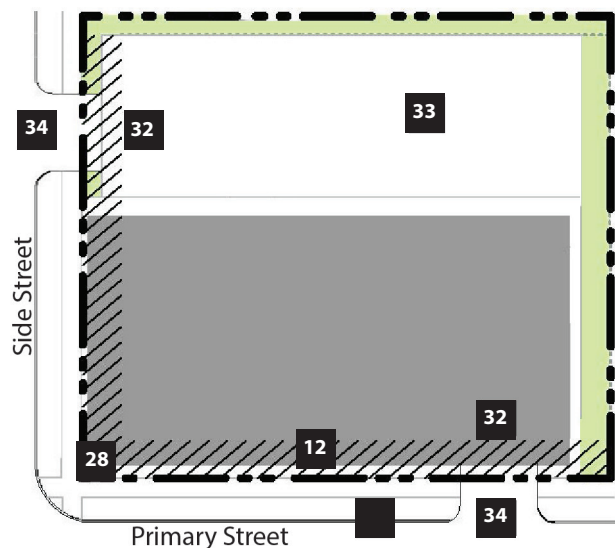


Figure 5.20 - Limited bay building siting diagram shown with rear vehicular access and the vehicle bay on the primary street. Not to scale.

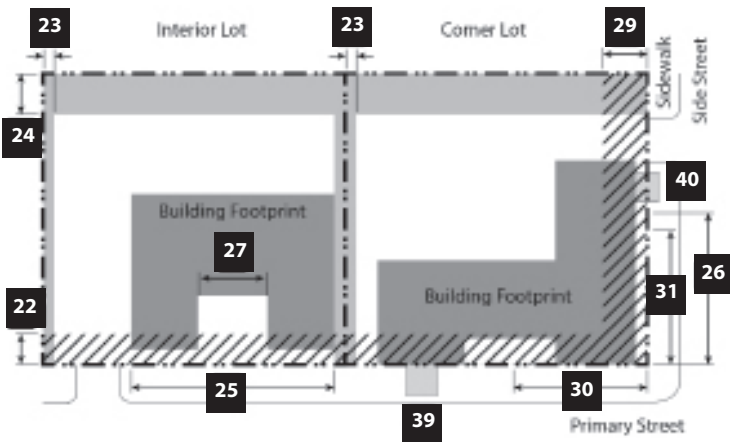


Figure 5.21 - Building placement example diagram. Not to scale.

Table 5.7 - Limited Bay Building Requirements Part 2: Secondary Frontage		
FORM DISTRICT	FUB	RT
SITING		
BUILDING LOCATION		
22. Front Build to Zone	0'-0" to 15'-0"	
23. Side Yard Setback	5'-0" min.	
24. Rear Yard Setback	5'-0" min.	
FRONTAGE COVERAGE		
25. Front Street Facade	60% min.	50% min.
27. BTZ Pedestrian Space	20% max.	
VEHICULAR FACILITIES		
32. Vehicle Access Type	driveway, portal, vehicle bay	
33. Parking Location	rear yard, side yard	
34. Loading/Service Entry Location	driveway, portal, vehicle bay	
ENCROACHMENTS		
FRONT STREET		
35. Ground Floor	6'-0" max.	not permitted
36. Upper Floor(s)	4'-0" max.	4'-0" max.
PROJECTION TYPES: A=awning, B=balcony, C=canopy, R=roof overhang		
39. Front Street	A, B, R	B, R

7. ROW BUILDING

A. INTENT

The row building is comprised of multiple vertical units, each with its own entrance to the street. This building type may be organized as townhouses or rowhouses, or it could also incorporate live/work units, or individual units for multiple businesses, where such uses are permitted.

Parking is required to be located in the rear yard and may be either an attached or detached garage. All garages shall be accessed from a single shared driveway. For an attached garage, a minimum level of occupied space is required on the front facade to ensure that the street facade is active.

B. REGULATIONS

Row buildings are permitted in the TC, FUB, and RT form districts. Regulations for the row building type are defined in Figures 5.25 to 5.30 and Tables 5.8 to 5.10.



Figure 5.22 - Row building examples. Pitched roof stoop entrance example (top) and parapet roof stoop entrance with visible basement (bottom)



Figure 5.23 - Mixed-use row building examples with different roof and entrance types



Figure 5.24 - Residential row buildings with different roof types around a shared open space

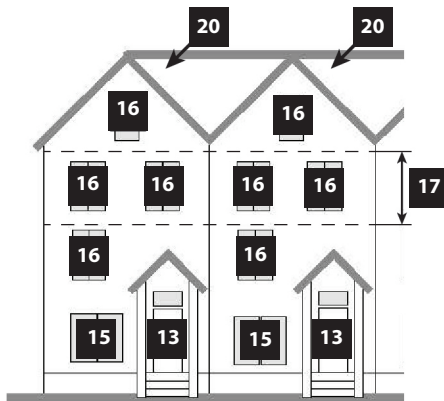


Figure 5.25 - Row building street facade diagram shown with porch entry type and pitched roof type. Not to scale.

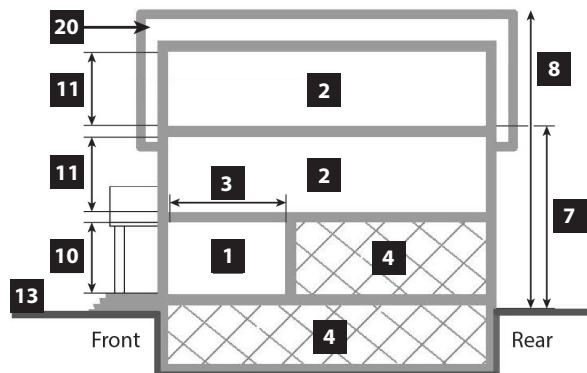


Figure 5.26 - Row building height and use diagram shown with basement and rear building interior parking, porch entry type, and pitched roof type. Not to scale.

Table 5.8 - Row Building Requirements Part 1			
FORM DISTRICT	TC	FUB	RT
USE			
1. Ground Floor	residential, retail, service, office	residential, retail, service, office, craftsman	residential
2. Upper Floor(s)	residential		
3. Required Occupied Space	30'-0" min. from the front facade on all full floors		
4. Parking Within Building	permitted fully in any basement and in rear of all floors		
5. Multiple Principal Buildings	permitted		
6. Accessory Structure	not permitted		permitted
HEIGHT			
7. Principal Building Minimum	2 stories	2 stories	2 stories
8. Principal Building Maximum	4 stories	4 stories	3 stories
9. Accessory Building Maximum	not permitted		2 stories
10. Ground Floor Height	9'-0" min. / 14'-0" max.		
11. Upper Floor(s) Height	9'-0" min. / 14'-0" max.		
STREET FACADE(S) STF = storefront, ARC = arcade, STP = stoop, POR = porch			
A. Unit Width	18'-0" to 30'-0"	20'-0" to 28'-0"	20'-0" to 24'-0"
B. Building Width	4 - 10 units	4 - 8 units	4 - 6 units
12. Principal Entrance Location per Unit	front facade or side of corner facade		
13. Front Facade Entrance Type(s)	STP, limited STF	STP, POR	
14. Entrance Spacing Minimum	1 per unit		
15. Ground Floor Transparency	15% min.		
16. Upper Floor(s) Transparency	15% min.		
17. Blank Wall Limitation	required per floor		
18. Vertical Facade Divisions	1 per unit min. / 1 per 2 units max.		
19. Horizontal Facade Divisions	for buildings over 3 stories within 3'-0" of top of any visible basement or ground floor		
ROOF TYPE PA= parapet, PI=pitched, F=flat			
20. Permitted Roof Type	PA, F		PA, PI, F
21. Tower	permitted		not permitted

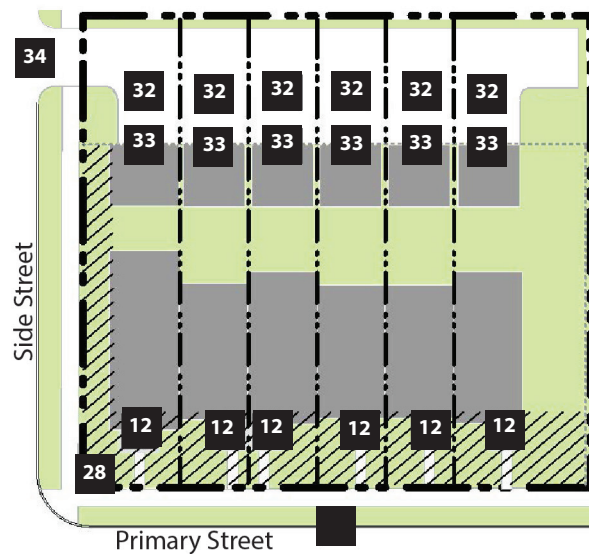


Figure 5.27 - Row building siting diagram shown with detached garages and rear vehicular access. Not to scale.

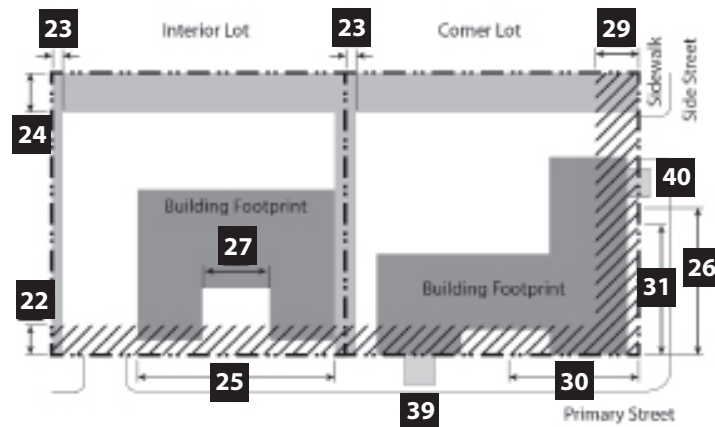


Figure 5.28 - Building placement example diagram. Not to scale.

Table 5.9- Row Building Requirements Part 2: Primary Frontage

FORM DISTRICT	TC	FUB	RT
SITING			
BUILDING LOCATION			
22. Front Build to Zone(s)	0'-0" to 10'-0"	5'-0" to 10'-0"	10'-0" to 15'-0"
23. Side Yard Setback Minimum	0'-0" per unit & 10'-0" between buildings	0'-0" per unit & 15'-0" between buildings	0'-0" per unit & 20'-0" between buildings
24. Rear Yard Setback Minimum	5'-0"	10'-0"	15'-0"
FRONTAGE COVERAGE			
25. Front Street Facade(s)	80% min.	70% min.	60% min.
26. Side Street Facade	40% min.	40% min.	30% min.
27. BTZ Pedestrian Space	40% max.	20% max.	
CORNER LOT BUILDINGS			
28. Occupation of Corner	required		
29. Corner Build to Zone	0'-0" to 10'-0"	5'-0" to 10'-0"	5'-0" to 15'-0"
30. Front Street Facade(s)	40'-0" min.	30'-0" min.	
31. Side Street Facade	30'-0" min.	20'-0" min.	
VEHICULAR FACILITIES			
32. Vehicle Access Type	1 driveway per building per street frontage		
33. Parking Location	rear yard, rear facade		
34. Loading/Service Entry Location	rear yard		
ENCROACHMENTS			
FRONT STREET			
35. Ground Floor	8'-0" max.	not permitted	
36. Upper Floor(s)	4'-0" max.	not permitted	
SIDE STREET/REAR STREET			
37. Ground Floor	not permitted		
38. Upper Floor(s)	4'-0" max.	not permitted	
PROJECTION TYPES: A=awning, B=balcony, C=canopy, R=roof overhang			
39. Front Street	R	not permitted	
40. Side Street/Rear Street	R	not permitted	

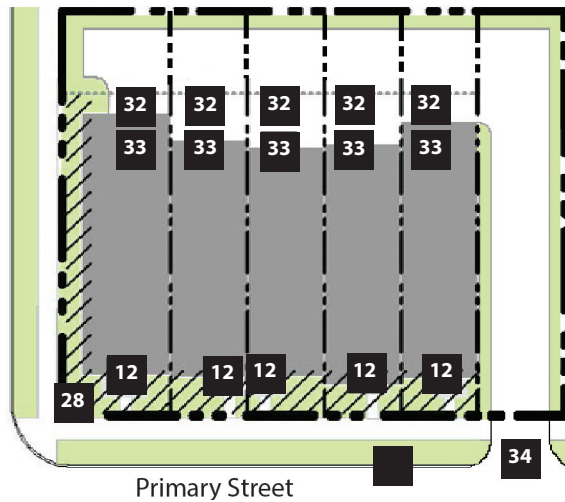


Figure 5.29 - Row building siting diagram shown with attached garages and rear vehicular access. Not to scale.

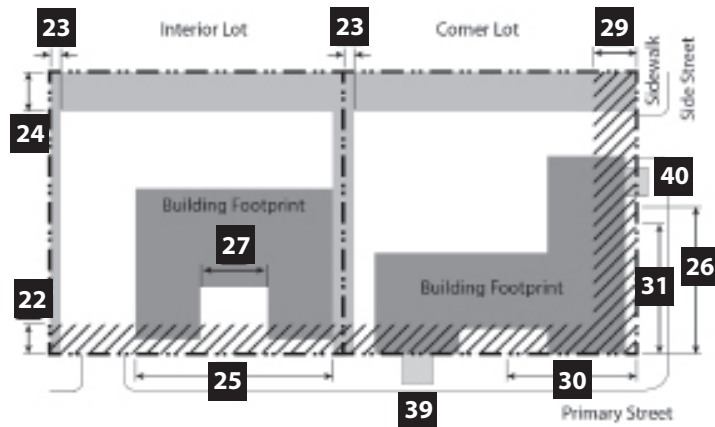


Figure 5.30 - Building placement example diagram. Not to scale.

Table 5.10- Row Building Requirements Part 2: Secondary Frontage

FORM DISTRICT	TC	FUB	RT
SITING			
BUILDING LOCATION			
22. Front Build to Zone(s)	0'-0" to 10'-0"	5'-0" to 10'-0"	10'-0" to 15'-0"
23. Side Yard Setback Minimum	0'-0" per unit & 10'-0" between buildings	0'-0" per unit & 15'-0" between buildings	0'-0" per unit & 20'-0" between buildings
24. Rear Yard Setback Minimum	5'-0"	10'-0"	15'-0"
FRONTAGE COVERAGE			
25. Front Street Facade(s)	70% min.	60% min.	50% min.
27. BTZ Pedestrian Space	30% max.	20% max.	
VEHICULAR FACILITIES			
32. Vehicle Access Type	1 driveway per building per street frontage		
33. Parking Location	rear yard, rear facade		
34. Loading/Service Entry Location	rear yard		
ENCROACHMENTS			
FRONT STREET			
35. Ground Floor	8'-0" max.	not permitted	
36. Upper Floor(s)	4'-0" max.	not permitted	
PROJECTION TYPES: A=awning, B=balcony, C=canopy, R=roof overhang			
39. Front Street	R	not permitted	

8. YARD BUILDING

A. INTENT

The yard building is primarily a residential building, incorporating a landscaped yard surrounding all sides of the building. Parking and garages are limited to the rear only, with preferred access from an alley.

The yard building can be utilized in newly developing locations to create somewhat denser traditional neighborhoods, or as a buffer to existing neighborhoods.

B. REGULATIONS

The yard building is only permitted in the RT district. Regulations for the yard building type are defined in Figures 5.34 to 5.39 and Tables 5.11 to 5.13.



Figure 5.31 - Example of multiple yard buildings of different sizes



Figure 5.32 - Multiple 2-story yard buildings around a central open space



Figure 5.33 - Multiple small yard buildings around a central open space

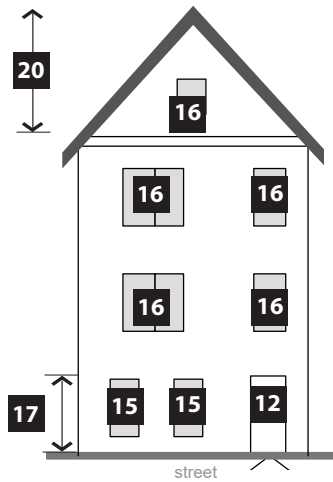


Figure 5.34 - Yard building street facade requirements

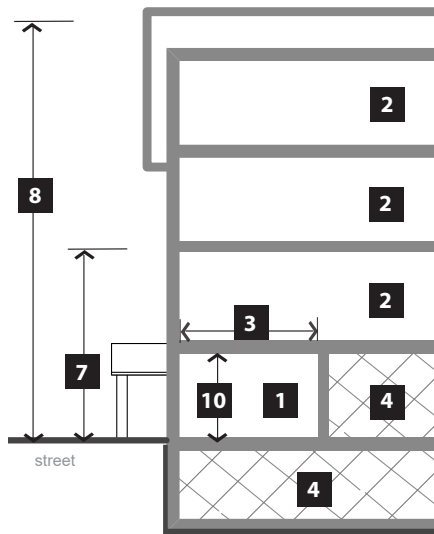


Figure 5.35 - Yard building height and use requirements

Table 5.11 - Yard Building Requirements Part 1

FORM DISTRICT	RT
USE	
1. Ground Floor	residential, office
2. Upper Floor(s)	residential
3. Required Occupied Space	30'-0" min. from the front facade on all full floors
4. Parking Within Building	permitted fully in any basement and in rear of all floors
5. Multiple Principal Buildings	permitted
6. Accessory Structure	permitted
HEIGHT	
7. Principal Building Minimum	1 story
8. Principal Building Maximum	2 stories
9. Accessory Building Maximum	2 stories
10. Ground Floor Height	9'-0" min. / 14'-0" max.
11. Upper Floor(s) Height	9'-0" min. / 14'-0" max.
STREET FACADE(S) STF = storefront, ARC = arcade, STP = stoop, POR = porch	
12. Principal Entrance Location per Unit	front, corner, or corner side facade
13. Front Facade Entrance Type(s)	STP, POR
14. Entrance Spacing Minimum	1 per building
15. Ground Floor Transparency	15% min.
16. Upper Floor(s) Transparency	15% min.
17. Blank Wall Limitation	required
18. Vertical Facade Divisions	not required
19. Horizontal Facade Divisions	not required
ROOF TYPE PA= parapet, PI=pitched, F=flat	
20. Permitted Roof Type	PA, PI, F
21. Tower	not permitted

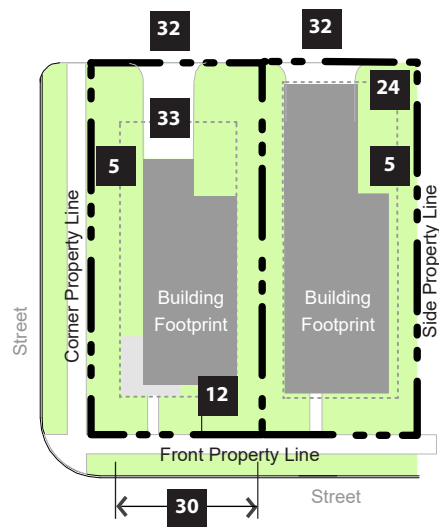


Figure 5.36 - Yard building siting

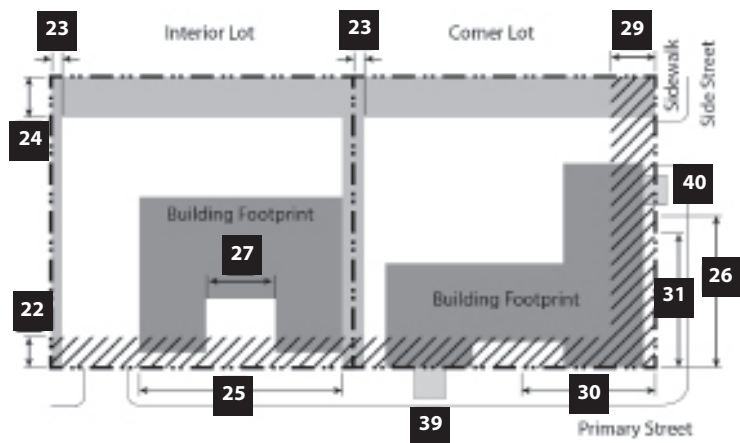


Figure 5.37 - Building placement example diagram. Not to scale.

Table 5.12 - Yard Building Requirements Part 2: Primary Frontage	
FORM DISTRICT	RT
SITING	
BUILDING LOCATION	
22. Front Build to Zone(s)	10'-0" to 15'-0"
23. Side Yard Setback Minimum	5'-0"
24. Rear Yard Setback Minimum	20'-0"
FRONTAGE COVERAGE	
25. Front Street Facade(s)	50% min.
26. Side Street Facade	30% min.
27. BTZ Pedestrian Space	20% max.
CORNER LOT BUILDINGS	
28. Occupation of Corner	required
29. Corner Build to Zone	10'-0" to 15'-0"
30. Front Street Facade(s)	16'-0" min.
31. Side Street Facade	16'-0" min.
VEHICULAR FACILITIES	
32. Vehicle Access Type	1 driveway per street frontage
33. Parking Location	rear yard, side yard
34. Loading/Service Entry Location	rear yard, side yard
ENCROACHMENTS	
FRONT STREET	
35. Ground Floor	not permitted
36. Upper Floor(s)	not permitted
SIDE STREET/REAR STREET	
37. Ground Floor	not permitted
38. Upper Floor(s)	not permitted
PROJECTION TYPES: A=awning, B=balcony, C=canopy, R=roof overhang	
39. Front Street	not permitted
40. Side Street/Rear Street	not permitted

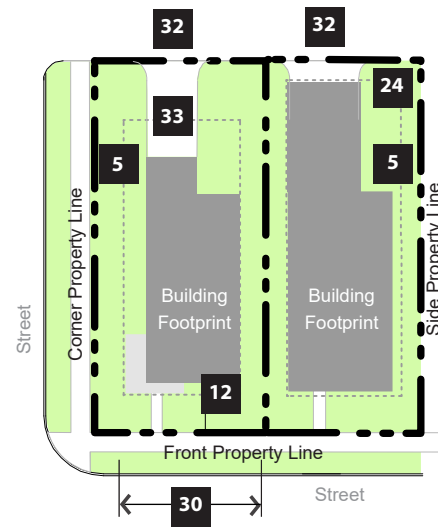


Figure 5.38 - Yard building siting

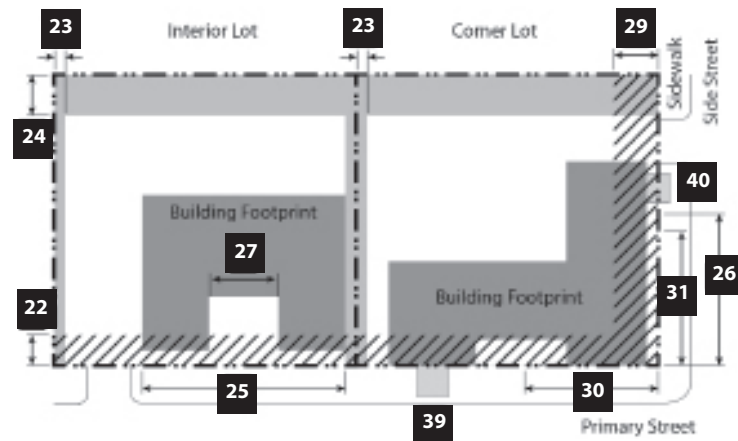


Figure 5.39 - Building placement example diagram. Not to scale.

Table 5.13 - Yard Building Requirements Part 2: Secondary Frontage

FORM DISTRICT	RT
SITING	
BUILDING LOCATION	
22. Front Build to Zone(s)	10'-0" to 25'-0"
23. Side Yard Setback Minimum	5'-0"
24. Rear Yard Setback Minimum	20'-0"
FRONTAGE COVERAGE	
25. Front Street Facade(s)	40% min.
27. BTZ Pedestrian Space	15% max.
VEHICULAR FACILITIES	
32. Vehicle Access Type	1 driveway per street frontage
33. Parking Location	rear yard, side yard
34. Loading/Service Entry Location	rear yard, side yard
ENCROACHMENTS	
FRONT STREET	
35. Ground Floor	not permitted
36. Upper Floor(s)	not permitted
PROJECTION TYPES: A=awning, B=balcony, C=canopy, R=roof overhang	
39. Front Street	not permitted

9. CIVIC BUILDING

A. INTENT

The civic building type has the most flexibility in building form and placement and is intended only for civic and institutional types of uses. These buildings are distinctive within the urban fabric that is created by the other building types and could be designed as iconic structures. In contrast to most of the other building types, a minimum setback line is required instead of a build to zone, though this setback is required to be landscaped.

Parking is limited to the rear in most cases.

B. REGULATIONS

Civic buildings are permitted in the TC and FUB form districts. The civic building type is only permitted on primary frontages. Regulations for the civic building type are defined in Figures 5.43 to 5.46 and Tables 5.14 and 5.15.



Figure 5.40 - Civic building example



Figure 5.41 - Civic building example modern style library



Figure 5.42 - Civic building example with tower and street facing courtyard

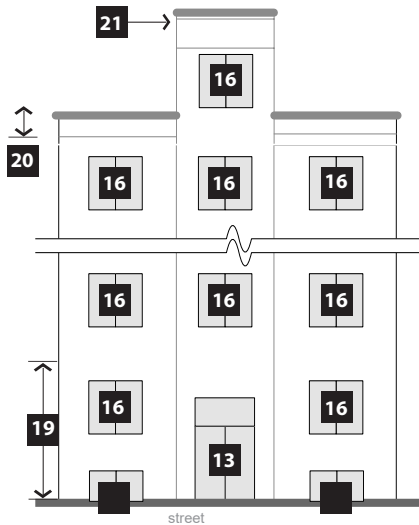


Figure 5.43 - Civic building street facade diagram shown with parapet roof type. Not to scale.

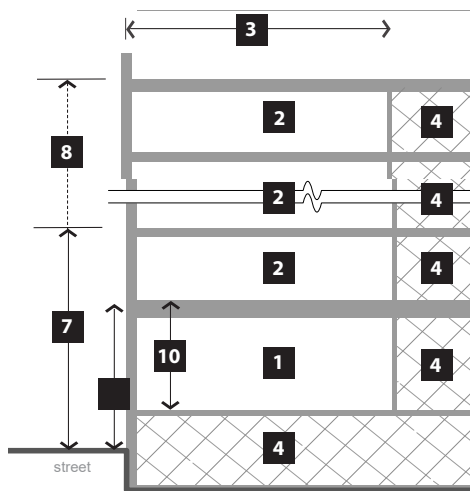


Figure 5.44 - Civic building height and use diagram shown with basement and rear building interior parking and parapet roof type. Not to scale.

Table 5.14 - Civic Building Requirements Part 1

FORM DISTRICT	FUB	TC
USE		
1. Ground Floor	civic, institutional	
2. Upper Floor(s)	civic, institutional	
3. Required Occupied Space	30'-0" min. from the front facade on all full floors	
4. Parking Within Building	permitted fully in any basement and in rear of all floors	
5. Multiple Principal Buildings	permitted	
6. Accessory Structure	not permitted	
HEIGHT		
7. Principal Building Minimum	1 story	
8. Principal Building Maximum	3 stories	4 stories
9. Accessory Building Maximum	not permitted	
10. Ground Floor Height	10'-0" min. / 20'-0" max.	
11. Upper Floor(s) Height	10'-0" min. / 20'-0" max.	
STREET FACADE(S) STF = storefront, ARC = arcade, STP = stoop, POR = porch		
12. Principal Entrance Location	front or corner facade	
13. Front Facade Entrance Type(s)	ARC, STP	
14. Entrance Spacing Minimum	1 per 100'-0" of facade	
15. Ground Floor Transparency	10% min. per floor	
16. Upper Floor(s) Transparency	10% min. per floor	
17. Blank Wall Limitation	not required	
18. Vertical Facade Divisions	not required	
19. Horizontal Facade Divisions	not required	
ROOF TYPE PA= parapet, PI=pitched, F=flat		
20. Permitted Roof Type	PA, PI, F	
21. Tower	permitted	

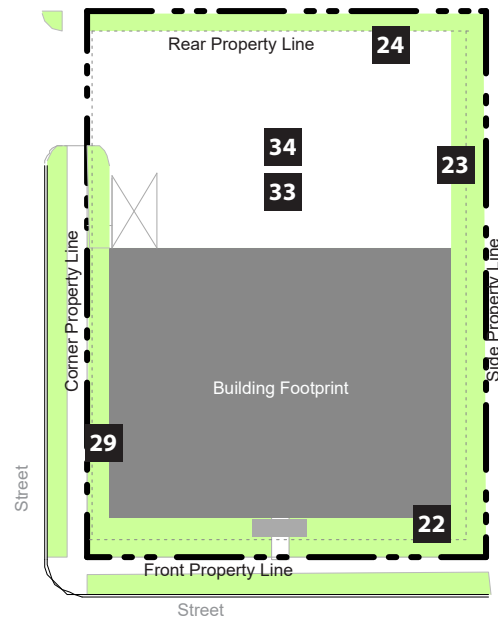


Figure 5.45 - Civic building siting diagram shown with side vehicular access and tower at entry. Not to scale.

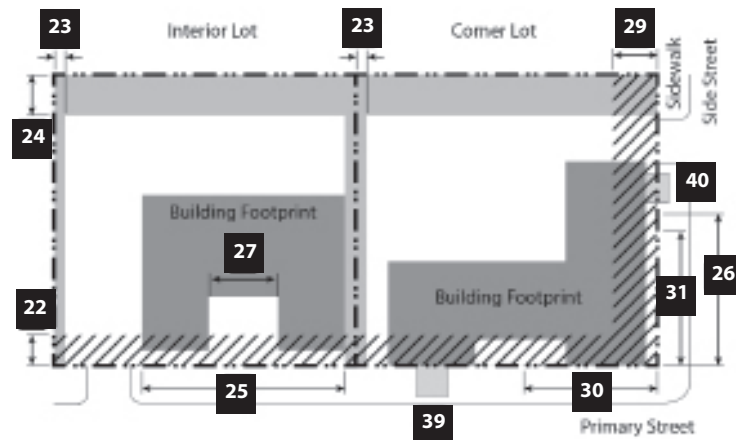


Figure 5.46 - Building placement example diagram. Not to scale.

Table 5.15 - Civic Building Requirements Part 2: Primary Frontage

FORM DISTRICT		FUB	TC
SITING			
BUILDING LOCATION			
22. Front Build to Zone(s)		10'-0" to 15'-0"	
23. Side Yard Setback Minimum		5'-0"	
24. Rear Yard Setback Minimum		5'-0"	
FRONTAGE COVERAGE			
25. Front Street Facade(s)		not required	
26. Side Street Facade		not required	
27. BTZ Pedestrian Space		no max.	
CORNER LOT BUILDINGS			
28. Occupation of Corner		not required	
29. Corner Build to Zone		not required	
30. Front Street Facade(s)		not required	
31. Side Street Facade		not required	
VEHICULAR FACILITIES			
32. Vehicle Access Type		1 driveway per street frontage	
33. Parking Location		rear yard, side yard	
34. Loading/Service Entry Location		rear yard, side yard	
ENCROACHMENTS			
FRONT STREET			
35. Ground Floor		not permitted	
36. Upper Floor(s)		not permitted	
SIDE STREET/REAR STREET			
37. Ground Floor		not permitted	
38. Upper Floor(s)		not permitted	
PROJECTION TYPES: A=awning, B=balcony, C=canopy, R=roof overhang			
39. Front Street		C, R	
40. Side Street/Rear Street		R	

10. ENTRANCE TYPES

A. GENERAL PROVISIONS

1. Intent. To guide the design of the ground story of all buildings to relate appropriately to pedestrians on the street. Treatment of other portions of the building facades is detailed in each building type table.
2. Applicability. The entire ground story street-facing facade(s) of all buildings shall meet the requirements of at least one of the permitted entrance types, unless otherwise stated.
3. Measuring Transparency. Refer to the individual building type tables for information on transparency.
4. Visible Basements. Visible basements, permitted by entrance type, are optional. The visible basement shall be a maximum of one-half the height of the tallest story.

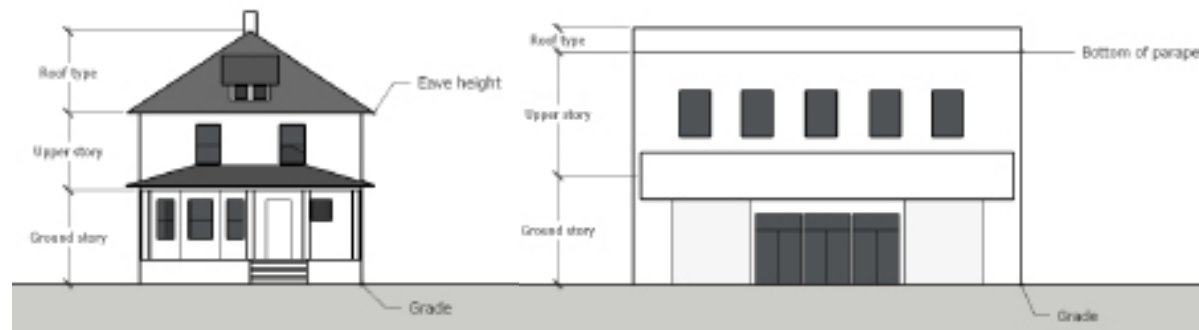


Figure 5.47 - Height measuring diagrams

B. STOREFRONT ENTRANCE

The storefront entrance type is a highly transparent ground story treatment designed to serve primarily as the display area and primary entrance for retail or service uses. See Figure 5.48

1. Transparency. Minimum transparency is required per Building Type.
2. Horizontal facade division feature shall define the ground story facade from the upper story facades.
3. Visible Basement. A visible basement is not permitted.
4. Entrance. All entries shall be recessed from the front facade closest to the street.
 - (a) Recess shall be a minimum of 3'-0" and a maximum of 8'-0" deep, as measured from the front facade.
 - (b) The entrance shall not be recessed into the lot further than the maximum BTZ depth.



Figure 5.48 - Storefront entrance example

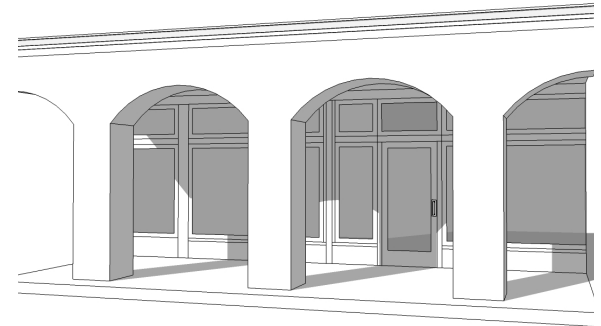


Figure 5.49 - Arcade entrance example

C. ARCADE ENTRANCE

An arcade recesses the entrance back into the ground floor, creating a covered pedestrian area beneath the second story. See Figure 5.49

1. Arcade. The arcade space is recessed into the building a minimum of 8'-0" and a maximum of 15'-0" from the front facade. The arcade space is permitted to be recessed into the lot beyond the maximum BTZ depth.

2. Build-to Zone. For arcade entrances, the front facade is the implied plane created by the front face of the arcade columns. The location of this implied plane must be within the required BTZ.
3. Transparency. Minimum facade transparency applies to the recessed entry facade and is required per building type.
4. Horizontal facade division feature shall define the ground story facade from the upper story facades.
5. Recessed Facade Entrance Type. The entrance type at the facade recessed into the arcade shall be a storefront entrance type with one modification: the door location shall be flush with the adjacent windows and not recessed.
6. Column Spacing. Columns shall be spaced from 10'-0" to 16'-0" on center.
7. Column Width. Columns shall be a minimum of 1'-6" and a maximum of 2'-6" in width.
8. Arcade Opening. The top of the opening shall be lower than the interior arcade ceiling (not flush with the ceiling) and may be arched or straight.
9. Horizontal Facade Division. The ground story facade shall be divided from the upper story facades with a horizontal architectural expression.
10. Visible Basement. A visible basement is not permitted.

D. STOOP ENTRANCE

A stoop is an unroofed, open, elevated platform. The doors on a stoop entrance are accessed from the stoop. See Figure 5.50

1. Transparency. Minimum transparency is required per building type.
2. Horizontal facade division feature shall define the ground story facade from the upper story facades.
3. Stoop Size. Stoops shall be a minimum of 3'-0" deep and 6'-0" wide.
4. Elevation. Stoop elevation shall be located a maximum of 2'-6" above the sidewalk without a visible basement and a maximum of 4'-6" above the sidewalk with a visible basement.
5. Visible Basement. A visible basement is permitted and shall be separated from the ground story by an expression line.
 - (a) The facade of the visible basement must have a minimum transparency of 15%.
 - (b) A visible basement does not count as a building story.
6. Entrance. All entries shall be located off a stoop.

E. PORCH ENTRANCE

A porch is a raised, roofed platform that may or may not be enclosed on all sides. If enclosed, the space shall not be climate controlled. See Figure 5.51



Figure 5.50 - Stoop entrance example with visible basement



Figure 5.51 - Porch entrance example

1. Transparency.
 - (a) Minimum transparency per building type is required.
 - (b) If enclosed, a minimum of 40% of the enclosed porch shall be comprised of highly transparent, low reflectance windows.
2. Porch Size. The porch shall be a minimum of 5'-0" deep and 8'-0" wide.

3. Elevation. Porch elevation shall be located a maximum of 2'-6" above the sidewalk without a visible basement and a maximum of 4'-6" above the sidewalk with a visible basement.
4. Visible Basement. A visible basement is permitted and shall be separated from the ground story by an expression line.
 - (a) The facade of the visible basement must have a minimum transparency of 15%.
 - (b) A visible basement does not count as a building story.
5. Height. The porch structure shall not be tall enough to obstruct the windows on the second story.
6. Porch Roof. The roof of the porch may be flat or pitched. The roof may include a balcony that is accessed from the second story.
7. Entrance. All right-of-way facing entries shall be located on a porch.

11. ROOF TYPES

A. GENERAL PROVISIONS

The following provisions apply to all roof types:

1. Intent. To guide the design of the caps of all buildings.
2. Applicability. All buildings shall meet the requirements of one of the roof types permitted by building type.

3. Measuring Height. See Figure 5.47 for information on measuring roof height.
4. Other Roof Types. Requests for other building caps not listed here as a specific roof type may be submitted to the ARC for evaluation, with the following requirements:
 - (a) The building is deemed as one having special significance to Cottonwood Heights City or the overall area.
 - (b) The shape of the roof type shall be significantly different from those defined in this section, e.g. dome, spire, vault.
5. Solar Energy. Solar panels are permitted for all roof types.
6. Appearance. Roofs shall provide an attractive appearance considering that they may be viewed from above as a fifth facade. Equipment projections and access towers must be set back a minimum of 10'-0" from the edge of the roof.

B. PARAPET ROOF

A parapet is a low wall projecting above a building's roof along the perimeter of the building. It can be utilized with a flat or low pitched roof and also serves to limit the view of roof-top mechanical systems from the street.

1. Parapet Height. Height is measured from the outermost roof membrane or structure to the top of the parapet.

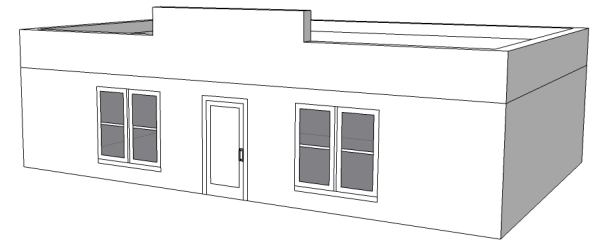


Figure 5.52 - Parapet roof example

- (a) Minimum height is 2'-0" and maximum height is 6'-0".
- (b) The parapet shall be high enough to screen the roof and any roof appurtenances visible from the street.
2. Horizontal Expression Lines. An expression line shall define the parapet from the upper stories of the building and shall also define the top of the cap.
3. Occupiable Space. Outdoor (unenclosed) roof deck/terrace occupiable space is permitted in this roof type. Such occupiable spaces must meet fire code egress standards. The parapet wall may act as the perimeter barrier if it meets safety standards, otherwise an additional barrier is required.
4. Rooftop Enclosures. Rooftop enclosures are permitted in this roof type. Occupiable space may not exceed 10% or 400 square feet of the

roof footprint, whichever is larger. Enclosures must maintain applicable roof setback.

C. PITCHED ROOF

This roof type is sloped, or pitched. Slope is measured with the vertical rise divided by the horizontal span or run. See Figure 5.53

1. Pitch Measure. The roof may not be sloped less than 1:3 (rise/run) or more than 1:1.
 2. Configurations. Hipped, gabled, and combination of hips and gables with or without dormers are permitted.
 3. Parallel Ridge Line. A gabled end or perpendicular ridge line shall occur at least every 100'-0" of roof length when the ridge line runs parallel to the front lot line. See Figure 5.54
 4. Transparency. The upper floor transparency and blank wall limitation requirements apply to gable ends when the space within the roof is occupiable. Gable ends are exempt from these transparency requirements if there is no occupiable space within the roof.
 5. Roof height, measured from the ridge line down to the to story, is a function of pitch measure.
 6. Occupiable Space. Occupiable attic space, the void within the roof trusses, may be used within this roof type and does not count as one story.
1. Configuration. Roofs with no visible slope are acceptable. Eaves are required on all street facing facades.
 2. Eave Depth. Eave depth is measured from the building facade to the outermost element of the eave. Eaves shall have a minimum depth of 0'-18".
 3. Eave Thickness. Eave thickness is measured at the outside edge of the eave, from the bottom of the eave to the top of the eave. Minimum eave height is 0'-8".
 4. Interrupting Vertical Walls are facade walls below the eave that extend upwards through and above the top of the eave with no discernible cap.
 - (a) No more than one-half of the front facade can consist of an interrupting vertical wall.
 - (b) Vertical walls shall extend no more than 4'-0" above the top of the eave.
 5. Occupiable Space. Occupied space shall not be incorporated within this roof type.

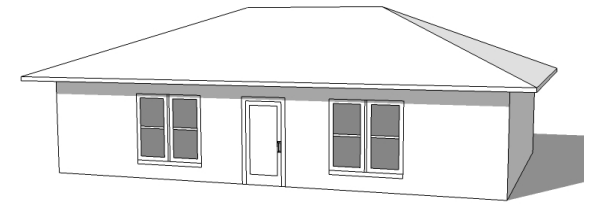


Figure 5.53 - Low pitched/hipped roof example

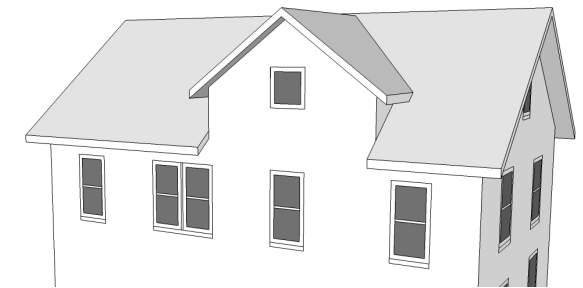


Figure 5.54 - Parallel ridge line with gable example

D. FLAT ROOF

This roof type has a flat roof with or without overhanging eaves. See Figure 5.55

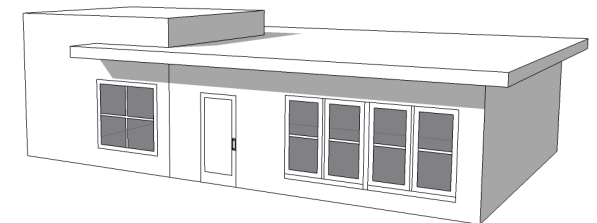


Figure 5.55 - Flat roof example

E. TOWERS

A tower is a rectilinear or cylindrical, vertical element, that must be used with other roof types; towers are only allowed on permitted building types and on corner lots. For lots with two corners, the tower is only permitted on the corner with the primary street. A stair tower used for emergency and roof access is exempt from this limit. See Figure 5.56

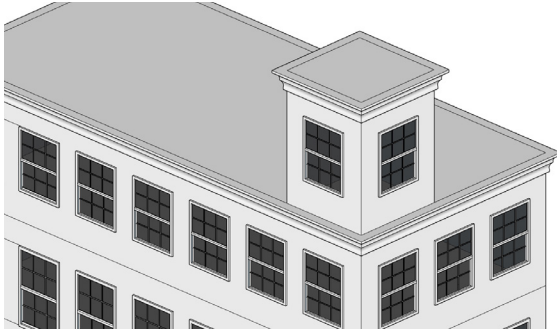


Figure 5.56 - Tower example

1. Quantity. All building types, with the exception of the civic building, are limited to one tower per building.
2. Tower Height. Maximum height, measured from the top of the lower parapet or eave to the top of the tower, is limited to 1.5x the height of the upper floor of the building on which the tower is located. The tower is not included in the count for maximum number of stories.
3. Tower Width. Maximum width along all facades is one-third the width of the front facade or 30'-0" whichever is shorter.
4. Horizontal Expression Lines. A horizontal expression line shall define the tower from the upper stories, except on single family or attached house residential building types.
5. Occupiable Space. Towers may be occupied by the same uses allowed in upper stories of the building type on which it is located.

6. Application. May be combined with all other roof types.
7. Tower Cap. The tower may be capped by the parapet, pitched, or flat roof types.

12. LIGHTING STANDARDS

These standards apply to light fixtures that are located outside the building and which are not architectural lights that illuminate the building itself.

1. Light Source. Light sources shall be at least as efficient as LED and no greater than 3500K (3000K in single-family zones) in correlated color temperature (CCT). All outdoor light fixtures that house lamps radiating more than 500 lumens shall be full cutoff and oriented as intended per manufacturing instructions. In no case shall the total lumens emitted for a single site exceed 43,560 lumens per acre.
2. Parking Lot Lighting. Parking lot lighting shall be designed and constructed to comply with the following standards:
 - (a) Pole Height/Design
 - (i) Luminaire mounting height is measured from the parking lot or driveway surface and may range from ten 10'-0" to 25'-0", based on review of site plan, proposed land uses, surrounding land uses, parking area size, building massing, topography of site, and impacts on adjacent properties.
 - (ii) Poles and fixtures shall be black, dark brown, or another neutral color approved by the city.
 - (iii) All attempts shall be made to place the base of light poles within landscape areas.
 - (iv) Light poles in parking areas shall not exceed 25'-0" in height. Poles exceeding 20'-0" in height are appropriate only for parking areas exceeding two hundred stalls and not in close proximity to residential areas.
3. Other Outdoor Lighting Standards
 - (a) Wall-mounted lighting fixtures shall not be located above eighteen 18'-0" in height unless being used as building accent lighting. Fixture styles and finishes shall compliment the building exterior.
 - (b) Lighting located along pedestrian pathways or in areas primarily dedicated to human activity shall be bollard style lighting or down-directed lighting not to exceed 12'-0" in height. Pedestrian lighting shall be coordinated through each project and shall complement adjacent projects to the greatest extent practical.
 - (c) In order to avoid light pollution, backlit awnings, up light spotlights, and flood lights are prohibited.

- (d) Street lighting fixtures shall either be chosen from the city's approved street light list or installed to match a theme set by developments within the zone or area.

4. Upgrading Pre-Existing Lighting

- (a) An applicant must bring pre-existing lighting into compliance with this code in conjunction with an application for a building permit for any alteration, remodel or expansion of any structure on the site, or in conjunction with changes to the approved site plan.

5. Lighting Plan Submission Requirements. A lighting plan is required for all developments and must contain the following:

- (a) Lighting plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, installation and electrical details;
- (b) Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices that may include, but is not limited to, manufacturer catalog cuts and drawings, including section where required; and Photometric data, such as that furnished by manufacturers, or similar showing the angle of the cut off or light emission.
- (c) A point-by-point light plan to determine the adequacy of the lighting over the site.

13. ADDITIONAL DESIGN STANDARDS

This section outlines the town center design standards that affect a building's appearance and quality. The intent is to improve the physical quality of buildings, enhance the pedestrian experience, protect the character of the neighborhood, create visual interest, and contribute to its sense of place.

A. MATERIALS AND COLOR

1. Primary Street- Facing Facade Materials. A minimum of 80% of each facade shall be constructed of primary materials. For facades over 100 square feet, more than one material shall be used to meet the 80% requirement.
 - (a) Permitted primary building materials include high quality, durable, natural materials, such as stone, brick; wood lap siding; fiber cement board lapped, shingled, or panel siding; glass. Other high quality synthetic materials may be approved by the ARC or DRC during the site plan process.
2. Secondary Street-Facing Facade Materials. Secondary materials on primary street-facing facades are limited to details and accents and include gypsum reinforced fiber concrete for trim and cornice elements; metal for beams, lintels, trim, and ornamentation, and exterior architectural metal panels and cladding.

- (a) Exterior Insulation and Finishing Systems (EIFS) are permitted for trim only or on upper floor facades, up to 20% of total.

3. Roof Materials. Acceptable roof materials include 300 pound or better, dimensional asphalt composite shingles, wood shingles and shakes, metal tiles or standing seam, slate, and ceramic tile. "Engineered" wood or slate may be approved during the site plan process with an approved sample. Membrane roofs are acceptable for flat roofs with no surface visible from the street.

4. Color. Main building colors shall be complementary to existing building stock, where applicable.

5. Appropriate Grade of Materials. Commercial quality doors, windows, and hardware shall be used on all building types with the exception of the row building type.

6. Prohibited Materials List (subject to Utah State regulations):

- (a) Vinyl or aluminum siding, highly reflective metal, mirrored windows, plain cement block.
- (b) Stucco is an allowable facade material only when used on facades that do not face public streets, adjacent residential areas, or open space.

B. WINDOWS, AWNINGS, AND SHUTTERS

1. Windows. Transparency requirements vary by building type.

2. Awnings. All awnings shall be canvas, metal, glass, or wood. Plastic awnings are not permitted. Awning types and colors for each building face shall be coordinated. Awnings shall provide a minimum of a 8'-0" vertical clearance above ground plane.
3. Shutters. If installed, shutters, whether functional or not, shall be sized for the windows. If closed, the shutters shall not be too small for complete coverage of the window. Shutters shall be wood or metal. "Engineered" wood may be approved during the site plan process.

C. DRIVE-THROUGH STRUCTURES

Drive-through structures are not permitted in any form district or with any building type.

D. METERS AND EQUIPMENT PLACEMENT

Equipment shall be screened from view and not located on a public frontage.

E. WASTE CONTAINERS

Waste containers shall be located out of public view and screened with landscaping and/or a structure that is compatible with the theme of the adjacent building.

F. RESIDENTIAL DEVELOPMENT REQUIREMENTS

Residential rental developments shall include:

1. Visitability features for at least 10% of units, including no-step entries, ADA restrooms and accessible controls.

6.0 OPEN SPACE

1. GENERAL REQUIREMENTS

A. INTENT

To provide open space as an amenity that promotes physical and environmental health within the community and to provide each household with access to a variety of active and passive open space types.

B. APPLICABILITY

Open space types are permitted, not permitted, or limited according to each form district. See Table 6.1

C. GENERAL REQUIREMENTS

All open spaces shall meet the following general requirements:

- 1. All open spaces within the Fort Union Corridor Form Base Code Boundary shall comply with one of the open space types as defined in this section.
- 2. All open space types shall provide public access from a vehicular and/or pedestrian right-of-way.
- 3. Pocket park, town square, and park open spaces shall be platted as a parcel or group of parcels or, with permission from the city, may be located within a right-of-way.

- 4. Unless prohibited, open space types may incorporate fencing provided that the following requirements are met:
 - (a) Fencing shall be a maximum height of 3'-0" unless approved by the city for such circumstances as proximity to railroad right-of-way or use around swimming pools, ball fields, ball courts, and off-leash dog areas.
 - (b) Fence opacity shall be no greater than 60%. Landscaping is exempt from this opacity requirement.
 - (c) Chain-link fencing is not permitted, with the exception of dedicated sports field or court fencing as approved by the city.
 - (d) If a fence is built along a street front, openings, with or without gates, shall be provided on each individual street front with a minimum spacing of one opening every 100'-0" or a minimum of one opening on street fronts that are less than 100'-0".
- 5. Ownership of all open space types may be either be public or private. All open spaces shall be publicly accessible, regardless of ownership.
- 6. Parking shall not be required for an open space type, unless a use other than open space is determined by the city.

Table 6.1 - Open Space Types by Form District				
OPEN SPACE TYPE	FORM DISTRICT			
	UPC	TC	FUB	RT
1. Pocket Park	P	P	P	P
2. Town Square	P	P	N	N
3. BTZ Pedestrian Space	L	L	L	L
4. Park	P	N	P	P

P = Permitted | N = Not Permitted
L = Limited by Building and Frontage Type

- 7. Continuity of connections to existing or planned trails or open space types shall be made when the open space abuts key trail corridors or another open space type.

D. DEFINITION OF REQUIREMENTS

The meaning and usage of terminology is not universal. Some of the terms in this FBC are used differently in other contexts. The definitions provided in this FBC are specific to how they are used within the FBC. These definitions are not subject to multiple interpretations and shall not be altered.



The following further explains or defines the requirements for each open space type. Refer to Tables 6.2 to 6.5 for the specific requirements of each open space type.

1. Dimensions

- (a) The minimum and maximum areas of all open space types is measured within the lot lines of the property.
- (b) The minimum dimension requirement is a way to make sure that size of an open space is not too small for its particular open space type. The minimum dimension for all open space types is derived from overlaying the open space plan with two straight lines that intersect at right angles and whose endpoints are at the outer property lines. The first line is placed at the longest distance across the open space. The second line crosses the first line at a right angle at the place on the first line that follows the longest distance in the direction perpendicular to the first line. The "minimum dimension" is the shorter of these two lines. See Figure 6.1

- 2. The minimum access requirement ensures access and visibility for the open space. It is described in two ways:

- (a) The percentage of the total perimeter that must be adjacent to a public right-of-way.
- (b) The minimum number of and/or spacing between access points into the open space.

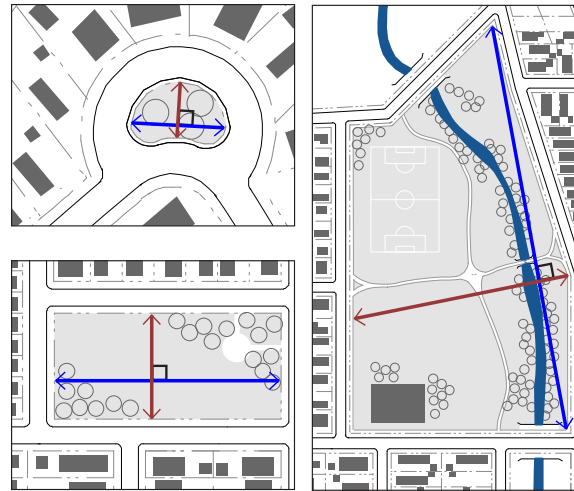


Figure 6.1 - Minimum dimension measurement examples with the longest distance shown in blue and the minimum dimension shown in red

- 3. Adjacent lots are those which are directly adjacent to and directly across the street from an open space.
 - (a) The adjacent form district requirement determines which open space type(s) may be located adjacent to lots of the given form district. The open space type is permitted to be adjacent to the listed form district(s).
 - (b) The preferred orientation of adjacent lots is toward the open space. Any such lots would need vehicular access along the rear or side property line(s).
- 4. Improvements of the following types may be permitted in an open space.

- (a) Sports fields are fields or courts that are designed for one or more specific sports.
 - (i) Sports fields areas are limited in size, expressed as a maximum percentage of the total park area.
 - (ii) Paved sports courts do not count toward pavement requirements.
- (b) Playgrounds are defined areas with play structures and equipment, such as slides, swings, and climbing structures, typically for children under 12 years old.
- (c) Structures
 - (i) Fully enclosed inhabitable structures are permanent structures with a roof and walls with closeable doors that fully enclose the space. They are intended for uses such as, but not limited to, park offices, maintenance sheds, community centers, and rest rooms.
 - (ii) Open-air inhabitable structures are permanent structures with a roof or overhead covering and partially or fully open sides. Examples include, but are not limited to, gazebos, pavilions, pergolas, and shade structures.
 - (iii) Landscape structures are permanent uninhabitable structures that are used for aesthetic purposes or active uses that are not a sports field/court or playground. Examples include, but are not limited to,

water features, monuments, sculptures, splash pads, climbing walls, and skate parks.

- (d) The pavement requirements are expressed as percentages of the total area of the open space, as measured within the lot boundaries. Paved areas may use impervious and/or semi-pervious paving materials. Three percentages are given:

- (i) The minimum total area is the smallest permitted paved area and includes the sum of both impervious and semi-pervious paved areas.

- (ii) The maximum total area is the largest permitted paved area and includes the sum of both impervious and semi-pervious paved areas.

- (iii) The maximum impervious pavement area is the largest area permitted to be paved with impervious paving materials.

- (iv) Paved sports courts are not counted in the pavement requirement percentages.

- (e) Lighting makes open spaces useful after sunset and improves night-time safety. Each open space type requires lighting but the amount and type of lighting differs with each open space type and design. The following principles apply to open space lighting:

5. Light Source. Light sources shall be at least as efficient as LED and no greater than 3500K,

3000K in residential areas, in correlated color temperature (CCT). All outdoor light fixtures that house lamps radiating more than 500 lumens shall be full cutoff and oriented as intended per manufacturing instructions. In no case shall the total lumens emitted for a single site exceed 43,560 lumens per acre.

- (i) Wall-mounted lighting fixtures shall not be located above 18'-0" in height unless being used as building accent lighting. Fixture styles and finishes shall compliment the building exterior.

- (ii) Lighting located along pedestrian pathways or in areas primarily dedicated to human activity shall be bollard style lighting or down-directed lighting not to exceed 12'-0" in height. Pedestrian lighting shall be coordinated through each project and shall complement adjacent projects to the greatest extent practical.

- (iii) Light poles for pedestrian areas shall be shorter pedestrian scale light poles, not the taller vehicular scale poles. Hybrid poles, with both an upper vehicular fixture and lower pedestrian fixture, are permitted along streets. Large areas that need to be lit, such as squares and sports fields, may use taller light poles for wider coverage.

- (a) Seating is an important component of all open spaces, it encourages people to stop and spend time in the open space rather

than just pass through, and allows people with different mobility and physical needs to enjoy the open space. Each open space type requires seating but the amount and type of seating differs with each open space type and design. The following principles apply to open space seating:

- (i) Seat counts for manufactured seat furniture shall be counted according to the manufacturer's specifications. For built-on-site seating, such as seat walls, steps, and benches, each 2'-0" of linear seating shall be considered one seat.

- (b) Landscaping refers to areas that are planted with live plants. These areas are categorized into lawns (expanses of turf grass) and planted areas (plants that are not turf grass). Trees can be planted in both lawns and planted areas. Landscape designs will vary widely between open space types and are based on specific site characteristics and design goals.

- (c) Bicycle facilities located in open spaces are an important part of the active transportation network. The amount and type of bicycle facilities differs with open space type and design. The following principles apply to open space bicycle facilities:

- (i) Bicycle rack locations shall be convenient to rights-of-way or other connections to the active transportation network, be

visible in the day time and well-lit at night in order to deter bike theft.

- (ii) Each bicycle rack shall have an appropriate amount of clear space around it so that loading and unloading a bicycle from the rack shall not impede any adjacent pedestrian walkway.
 - (iii) Bicycle racks with permanent coverings are encouraged.
- 6.** BTZ pedestrian space is a type of open space between the primary facade of a building and the adjacent right-of-way property line when the facade is located within the build to zone (BTZ) and away from the property line. BTZ pedestrian space is not required. Buildings with primary facades located directly on the right-of-way property line have no BTZ pedestrian space.
- (a) BTZ pedestrian space regulations apply only to the general, limited bay, and civic building types and only along primary frontages.
 - (b) Depth is measured from the right-of-way property line, perpendicular to the property line, to the portion of the building facade that is furthest from the property line.
 - (c) May include paved areas and/or planted areas.
 - (i) BTZ pedestrian spaces must include paved walkways/driveways to all pedestrian and vehicular entrances in the facade.

- (ii) Planted areas shall be enclosed with 0'-6" high curbing.
- (iii) Only small trees are permitted in any BTZ pedestrian space, with DRC approval.
- (d) Must be open to the street and shall only be enclosed by the primary building facade.
 - (i) Shall not be enclosed with any overhead roof structure or building mass. Shade structures are permitted.
 - (ii) Shall not be enclosed with any fencing, walls, hedges, or other vertical barrier.
- (e) Shall be open to public use.

E. STORMWATER MANAGEMENT STRUCTURES IN OPEN SPACES

Stormwater management structures, such as storage and retention facilities, may be integrated into open spaces and used to meet stormwater requirements for surrounding lots. Stormwater features in open spaces may be designed as formal or natural amenities with additional uses other than stormwater management, such as an amphitheater, sports field, or a pond or pool as part of the landscape design.

All stormwater management structures and practices shall meet the requirements in the city's Public Works Department standards.

2. POCKET PARK

A. INTENT

Pocket parks may be appropriate in certain areas of the district. These parks may be very narrow or otherwise constrained in ways that would make a more traditional larger park unfeasible.

B. GENERAL REQUIREMENTS

Pocket parks should be strategically located, if possible. Pocket parks are a valuable temporary use on lots that are undeveloped.

Regulations for the pocket park open space type are defined in Table 6.2.



Figure 6.2 - Pocket park example

Table 6.2 - Pocket Park Requirements		
DIMENSIONS		
1. Minimum Area		0.1 acres
2. Maximum Area		0.25 acres
3. Minimum Dimension		none
4. Minimum Access		1 pedestrian entry to right-of-way every 20'-0" of frontage
ADJACENT LOTS		
5. Adjacent Form District(s)		any
6. Adjacent Lot Lines		side, rear
IMPROVEMENTS		
7. Permitted Sports Fields/Courts		not permitted
8. Playground		permitted
9. Permitted Structures		open-air inhabitable, water feature, monument, sculpture, splash pad
Paving	10. Minimum Total Area	15%
	11. Maximum Total Area	30%
	12. Maximum Impervious Pavement Area	20%
13. Lighting		required, 18'-0" max. fixture height
14. Seating		1 / 200 sq. ft.
15. Landscaping		50% min. live plant coverage in planted areas at maturity (Trees not included)
16. Trees		1 / 1,000 sq. ft.
17. Bicycle Facilities		1 rack / 500 sq. ft.

3. TOWN SQUARE

A. INTENT

A high quality town square space can become the 'heart' of a community, when located effectively and with the right amount of attention given to how the space is used and designed. Town squares do not need to be large in size, but should be well located in the most highly concentrated and pedestrian-oriented parts of the community.

B. GENERAL REQUIREMENTS

Town squares should be well-designed, and located in visible, and easily accessed places. Town squares shall be fronted by public streets or primary building facades, and surrounded by activity on all sides. Town squares may not be located behind parking lots.

Regulations for the town square open space type are defined in Table 6.3.



Figure 6.3 - Public square example

Table 6.3 - Town Square Requirements		
DIMENSIONS		
1. Minimum Area		0.5 acres
2. Maximum Area		2.0 acres
3. Minimum Dimension		35'-0"
4. Minimum Access		50% of perimeter open to street frontage
ADJACENT LOTS		
5. Adjacent Form District(s)		any
6. Adjacent Lot Lines		front
IMPROVEMENTS		
7. Permitted Sports Fields/Courts		not permitted
8. Playground		not permitted
9. Permitted Structures		open-air inhabitable, water feature, monument, sculpture, kiosk
Paving	10. Minimum Total Area	30%
	11. Maximum Total Area	75%
	12. Maximum Impervious Pavement Area	50%
13. Lighting		required, 16'-0" max. fixture height
14. Seating		1 / 150 sq. ft.
15. Landscaping		50% min. live plant coverage in planted areas at maturity (Trees not included)
16. Trees		1 / 400 sq. ft.
17. Bicycle Facilities		1 rack / 500 sq. ft.

4. BTZ PEDESTRIAN SPACE

A. INTENT

Pedestrian space within the build to zone (BTZ) is an extension of the pedestrian realm public space of a streetscape. They are an effective way to improve the appearance, function, and experience of the streetscape. These small pedestrian spaces provide distinction to individual buildings, spatial diversity within building facades, and functional outdoor space for activities like cafes, seating, gathering, and displays.

B. GENERAL REQUIREMENTS

BTZ pedestrian space is not required. These BTZ pedestrian space requirements apply only to the general, limited bay, and civic building types and only along primary frontages.

The location, size, quantity, and proportions of any BTZ pedestrian spaces shall take into consideration the specific features of the facade, including facade bay configuration, entrance type and quantity, and both major and minor division features.

Regulations for the BTZ pedestrian space open space type are defined in Table 6.4.

Table 6.4 - BTZ Pedestrian Space Requirements	
DIMENSIONS	
1. Minimum Depth	none
2. Maximum Depth	BTZ depth
3. Minimum Width	none
4. Maximum Width	length of primary frontage
FRONTAGE AND BUILDING TYPES	
5. Permitted Frontage Types	primary
6. Permitted Building Types	general, limited bay, civic
IMPROVEMENTS	
7. Permitted Structures	monument, sculpture, water feature
8. Minimum Paved Area	1 walkway per pedestrian entrance 1 driveway per vehicular entrance
9. Lighting	permitted, bollard lights, landscaping lights, 16'-0" max. pole fixture height
10. Seating	permitted
11. Landscaping	50% min. live plant coverage in planted areas at maturity (Trees not included)
12. Bicycle Facilities	permitted

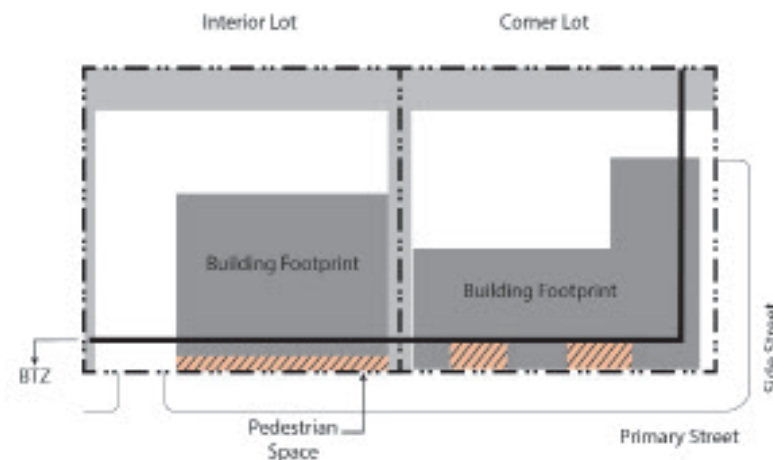


Figure 6.4 - BTZ pedestrian space diagram. Not to scale.

5. PARK

A. INTENT

Park space is important to every community but it must be located and designed in order to be used by a variety of users at all times of the day and all days of the week. Park space should be oriented to pedestrian networks including convenient access to trail networks.

B. GENERAL REQUIREMENTS

Parks should be designed to be sensitive to community limitations on water usage and maintenance resources. Parks should be appropriately scaled to focus on neighborhood usage and be open to and welcome all users.

Parks are only permitted to be constructed by the city for county or public use.

Regulations for the park open space type are defined in Table 6.5.



Figure 6.5 - Park example

Table 6.5 - Park Requirements		
DIMENSIONS		
1. Minimum Area		none
2. Maximum Area		none
3. Minimum Dimension		80'-0"
4. Minimum Access		25% of perimeter open to street frontage
ADJACENT LOTS		
5. Adjacent Form District(s)		any
6. Adjacent Lot Lines		front, side, rear
IMPROVEMENTS		
7. Permitted Sports Fields/Courts		basketball, tennis, volleyball, pickleball
8. Playground		permitted
9. Permitted Structures		open-air inhabitable, water feature, monument, sculpture, splash pad
Paving	10. Minimum Total Area	10%
	11. Maximum Total Area	25%
	12. Maximum Impervious Pavement Area	15%
13. Lighting		required, 16'-0" max. fixture height
14. Seating		1 / 250 sq. ft.
15. Landscaping		50% min. live plant coverage in planted areas
16. Trees		1 / 500 sq. ft.
17. Bicycle Facilities		1 rack / 600 sq. ft.

7.0 LANDSCAPING

1. GENERAL REQUIREMENTS

A. INTENT

The landscape standards outlined in this section are designed to meet the following set of goals:

1. To provide for healthy, long-lived street trees within all public ways to improve the appearance of streets and to create a buffer between pedestrian and vehicular travel lanes.
2. To increase the compatibility of adjacent uses and minimize the adverse impacts created by adjoining or neighboring uses.
3. To promote the prudent use of water and energy resources by achieving and maintaining sustainable, functional landscapes.
4. To shade large expanses of pavement and reduce the urban heat island effect.

B. APPLICABILITY

Landscaping, trees, and buffers shall be installed as detailed in this section.

1. General Compliance. Application of this section to existing uses shall occur with the following developments:
 - (a) Any development of new or significant improvements to existing parking lots,

loading facilities, and driveways. Significant improvements include new driveways, new spaces, new medians, new loading facilities, or complete reorganization of the parking and aisles.

- (b) Alteration to an existing principal or accessory structure that results in a change of 15% or more in the structure's gross floor area.
 - (c) When compliance is triggered for existing parking lots, landscape improvements shall take precedence over parking requirements.
2. Landscape buffers are required according to the provisions in this section with the following exceptions.
 - (a) Shared Driveways. Buffers shall not be required along a property line where a curb cut or aisle is shared between two adjoining lots.
 - (b) Points of Access. Buffering is not required at driveways or other points of access to a lot.
3. These provisions do not apply to temporary uses, unless determined otherwise by the City.



Figure 7.1 - Example of waterwise landscape with good plant variety and plant coverage



Figure 7.2 - Low plantings provide adequate visibility at intersections

2. LANDSCAPING INSTALLATION

A. INTENT

The following provisions aid in ensuring that all required landscaping is installed and maintained properly.

B. APPLICABILITY

These provisions apply to landscape installation as required by this section.

C. GENERAL INSTALLATION REQUIREMENTS

The installation of landscaping shall adhere to the following standards.

1. National Standards. Best management practices and procedures according to the nationally accepted standards shall be practiced.
 - (a) Installation. All landscaping and trees shall be installed in conformance with the practices and procedures established by the most recent edition of the American Standard for Nursery Stock (ANSI Z60.1) as published by the American Association of Nurserymen.
 - (b) Maintenance and Protection. All landscaping and trees shall be maintained according to the most recent edition of the American National Standards Institute, including its provisions on pruning, fertilizing, support systems, lighting protection, and safety.

2. Installation. Landscaping shall be fully installed prior to the issuance of a certificate of completeness.
 - (a) If seasonal conditions preclude the complete installation, a cash escrow or irrevocable letter of credit, equal to the installation costs as estimated by a qualified professional is required. Bond calculations should be specific enough to include each plant species rather than a lump sum per given area.
 - (b) Complete installation is required within nine months of the issuance of the temporary certificate of completeness or occupancy permit or the cash escrow or letter of credit may be forfeited. No temporary certificate of completeness or occupancy shall be issued.
3. Condition of Landscape Materials. The landscaping materials used shall be:
 - (a) Healthy and hardy with a good root system.
 - (b) Chosen for its form, texture, color, fruit, pattern of growth, and suitability to local conditions.
 - (c) Tolerant of the natural and man-made environment, including tolerant of drought, wind, salt, and pollution.
 - (d) Appropriate for the conditions of the site, including slope, water table, and soil type.
 - (e) Protected from damage by grates, pavers, or other measures.
 - (f) Plants that will not cause a nuisance or have negative impacts on an adjacent property.

- (g) Species native or naturalized to the Wasatch Front, whenever possible.
4. Compost, mulch, and organic matter may be utilized within the soil mix to reduce the need for fertilizers and increase water retention.
5. Establishment. All installed plant material shall be fully maintained until established, including watering, fertilization, and replacement as necessary.

D. GROUND PLANE VEGETATION

All unpaved areas shall be covered by planting beds.

1. Planting Beds

- (a) Planting beds may include shrubs, ornamental grasses, ground cover, vines, annuals, or perennials.
- (b) Planting beds shall be planted such that a minimum of 50% their area is covered by live plant material, at plant maturity. Tree canopies are not included in coverage calculations.
- (c) Nonliving materials, such as colored gravel or organic mulch, are permitted to be visible in no more than 50% of a bed area. Mulch depth should be a minimum of 3".
- (d) Annual beds must be maintained seasonally and replanted as necessary.
- (e) Planting beds should be designed and maintained to provide adequate visibility.
 - (i) Planting plans around known signage locations shall select low growing plants

to provide long term sign visibility with minimal maintenance.

- (ii) Planting beds near pedestrian and vehicular intersections should be designed to maintain safe sight lines for pedestrians and drivers.

- 2. Turf grass is not permitted in any of the three landscape zones described in this chapter.

E. TREE INSTALLATIONS

The installation of trees shall meet the following requirements:

1. Tree Measurement. The caliper of new trees shall be measured at 0'-6" above the mean grade of the tree's trunk for 0'-4" caliper or less, and 1'-0" above the mean grade of the tree's trunk for calipers above 0'-4", and noted as caliper inches throughout this ordinance.
2. Tree Maintenance. Tree trimming, fertilization, and other similar work shall be performed by or under the management of an ISA certified arborist.
3. Tree Size. All trees to be installed to meet the requirements of this section shall be a minimum of 0'-2" caliper at the time of installation.
4. Structural Soil. When a tree is to be planted within a park strip or paved area such as a plaza (and the pavement is not yet installed), structural soil is required underneath the adjacent pavement. Structural soil is a medium

that can be compacted to pavement design and installation requirements while still permitting root growth. It is a mixture of gap-graded gravels (made of crushed stone), clay loam, and a hydrogel stabilizing agent to keep the mixture from separating. It provides an integrated, root penetrable, high strength pavement system that shifts design away from individual tree pits.

5. Energy conservation can be enhanced by plant placement. Plantings shall be designed to reduce the energy consumption needs of the development.
 - (a) Deciduous trees should be placed on the south and west sides of buildings to provide shade from the summer sun and allow heat from the winter sun to reach the buildings.
 - (b) Evergreen trees and other evergreen plants should be concentrated on the north side of buildings to dissipate the effect of winter winds.

F. IRRIGATION SYSTEMS

Permanent irrigation, beyond establishment, is required and shall adhere to the following standards.

1. All irrigation systems shall be designed to minimize the use of water.
2. Non-residential landscape irrigation shall have an automatic clock-activated permanent controller. Smart controllers with wireless access are encouraged.

3. The irrigation system shall provide sufficient coverage to all landscaped areas.
4. The irrigation system shall not spray or irrigate impervious surfaces, including sidewalks, driveways, streets, and parking and loading areas.
5. All systems shall be equipped with a back-flow prevention device.
6. All mechanical systems including controllers and back-flow prevention devices shall be properly screened from public view.
7. Irrigation systems shall be smart and weather-based instead of clock-based. A WaterSense label is required per the city's Waterwise Landscaping Ordinance.

G. MAINTENANCE OF LANDSCAPE

All landscaping shall be maintained in good condition at all times to ensure a healthy and orderly appearance.

1. All required landscaping shall be maintained to adhere to all requirements of this ordinance.
2. Unhealthy plants shall be replaced with healthy, live plants by the end of the next applicable growing season. This includes all plant material that shows dead branches over a minimum of 25% of the normal branching pattern.
3. The owner is responsible for the maintenance, repair, and replacement of all landscaping, screening, and curbing required herein.

4. Maintenance shall preserve at least the same quantity, quality, and screening effectiveness as initially installed.
5. Fences, walls, and other barriers shall be maintained in good repair and free of rust, flaking paint, graffiti, and broken or damaged parts.
6. Tree topping is permitted if required for overhead utilities clearance. It is not permitted as a personal preference. When necessary, crown reduction thinning or pruning is permitted.
7. All landscaped areas regulated by this FBC may be inspected by the city.

3. STREET TREES

A. INTENT

To line all streets with a consistent and appropriate planting of trees to establish tree canopy for environmental benefit and a sense of identity for all streets.

B. APPLICABILITY

The requirements herein apply to the reconstruction, and new construction, of all streets.

C. MINIMUM STREET TREE REQUIREMENTS

All street trees shall meet the requirements set forth in the city's Street Tree Ordinance, section 14.44 in the city code.

4. LANDSCAPE AREAS

A. INTENT

To increase the compatibility of adjacent uses and minimize the adverse impacts created by adjoining or neighboring uses. This is accomplished by defining three different types of landscape areas. These areas help to screen, separate, and define the edges of a lot and the interior of surface parking lots.

The three landscape areas are:

1. Parking Lot Frontage Buffers
2. Parking Lot Interior Landscape
3. Side and Rear Landscape Buffers

B. PARKING LOT FRONTAGE BUFFERS

1. INTENT

Landscaped buffers around parking lots are designed to reduce the visual impact of vehicular areas on public streets and adjacent properties.

2. APPLICABILITY

Applies to properties in all form districts where a parking lot abuts a street frontage.

Regulations for the parking lot frontage buffer landscape area type are defined in Table 7.5.

Table 7.5 - Parking Lot Frontage Buffer Requirements	
BUFFER REQUIREMENTS	
1. Location	required where a parking lot abuts a street frontage
2. Depth	5'-0" min.
PLANTING REQUIREMENTS	
3. Trees	required 30'-0" on center where there is efficient space for a buffer tree to be planted at the halfway point between street trees, on street side of fence when a fence is present
4. Ground Plane Vegetation	buffers are required to be planted with live plants with at least 50% coverage at maturity
FENCING (OPTIONAL)	
5. Height	3'-0" min. - 4'-0" max.
6. Location	2'-0" offset from parking lot outer curb
7. Opening	1 pedestrian opening allowed per street frontage, 4'-0" minimum width

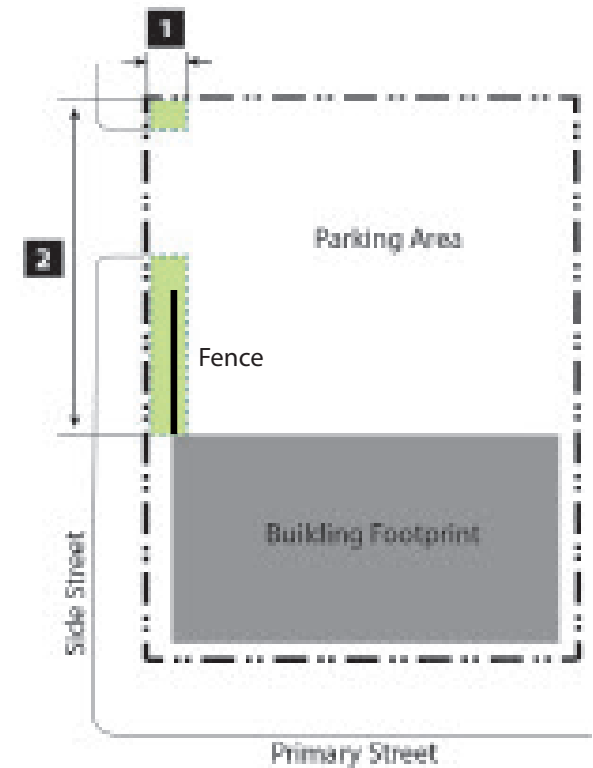


Figure 7.3 - Parking lot frontage buffer diagram. Not to scale.

C. PARKING LOT INTERIOR LANDSCAPE

1. INTENT

Landscaped areas within parking lots are designed to provide shade, reduce stormwater runoff, and improve the appearance of parking lots.

2. APPLICABILITY

All surface parking lots with fourteen or more parking spaces shall provide landscaping in accordance with the provisions of this section.

Regulations for the parking lot interior landscape area type are defined in Table 7.6.

Table 7.6 - Parking Lot Interior Landscape Requirements	
LANDSCAPE ISLAND REQUIREMENTS	
1. Locations	1 island at the ends of each row/parking bay, including parking lot corners + 1 island every ten stalls in each row/bay, on both edge and interior rows/bays
2. Width	5'-0" min. width + structural soil area, 10'-0" radius from tree center, required for trees planted in any island narrower than 15'-0" wide
PLANTING REQUIREMENTS	
3. Trees	1 large shade tree / island min.
4. Ground Plane Vegetation	islands are required to be planted with live plants with at least 50% coverage at maturity

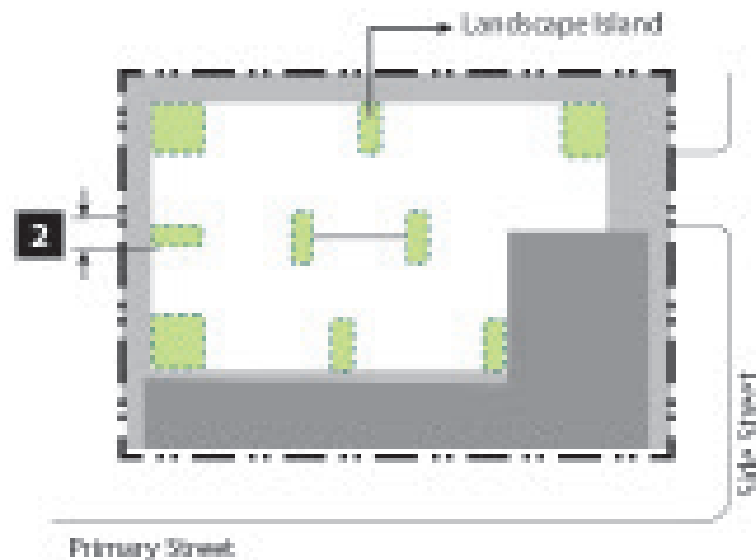


Figure 7.4 - Parking lot interior landscaping diagram. Not to scale.

D. SIDE AND REAR LANDSCAPE BUFFERS

1. INTENT

Landscaping along the rear and sides of a lot are designed to minimize negative impacts between adjacent developments and provide softening and screening between properties.

2. APPLICABILITY

These landscape buffers are required in all developments within the district.

Approved shared parking lots are exempt from side and rear landscape buffer requirements when the parking lot straddles a side or rear lot line.

Regulations for the side and rear landscape buffer landscape area type are defined in Table 7.7.

Table 7.7 - Side & Rear Landscape Buffer Requirements	
BUFFER REQUIREMENTS	
1. Locations	required along side and rear lot lines (not along street frontages or across driveways)
2. Depth	8'-0" min.
LANDSCAPING REQUIREMENTS	
3. Trees	1 tree / 30'-0" of side and rear lot lines
4. Hedge Option*	A continuous double row of shrubs planted in the space between trees. Individual shrubs to have a minimum mature width of 3'-0" and minimum mature height of 4'-0" planted at no more than 3'-0" on center.
5. Fence Option*	An opaque fence with a minimum height of 6'-0" to be installed adjacent to the lot line. The buffer on the interior side of the fence is required to be planted with live plants with at least 50% coverage at maturity.

*Each side and rear buffer must use either the hedge or fence option.

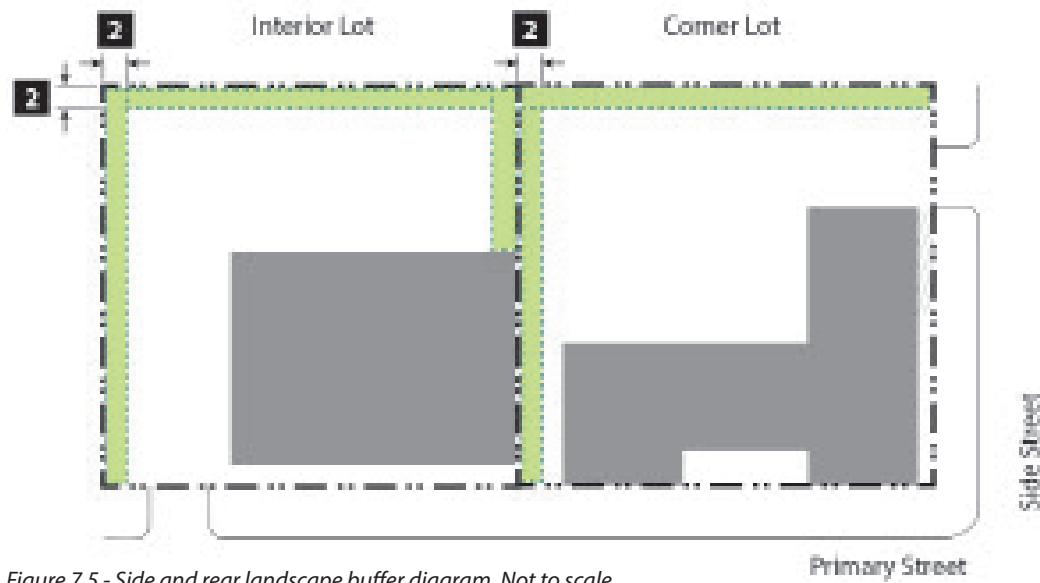


Figure 7.5 - Side and rear landscape buffer diagram. Not to scale.

8.0 PARKING

1. GENERAL REQUIREMENTS

A. INTENT

These provisions are established to accomplish the following:

1. Ensure an appropriate level of vehicle parking, loading, and storage to support a variety of uses.
2. Provide appropriate site design standards to mitigate the impacts of parking lots on adjacent uses and form districts.
3. Provide specifications for vehicular site access.

B. APPLICABILITY

This section shall apply to all new development and changes in use or intensity of use for existing development, in any form district.

1. Compliance with these required standards outlined shall be triggered by the following circumstances:
 - (a) Development of all new parking facilities, loading facilities, and driveways.
 - (b) Improvements to existing parking facilities, loading facilities, and driveways, including reconfiguration, enlargement, or the addition of curbs, walkways, fencing, or landscape installation.

(c) Change in use requiring a change in the amount of parking.

2. Damage or Destruction. When a use that has been damaged or destroyed by fire, collapse, explosion, or other cause is reestablished, any associated off-street parking spaces or loading facilities must be reestablished based on the requirements of this section.
3. Site Plan Approval. Parking quantities and parking design and layout shall be approved through the site plan approval process.
4. Landscaping Requirements. Side and rear landscape buffers (see Section 7.0) are required in the side and rear parking setbacks.

2. PARKING REQUIREMENTS

A. GENERAL PARKING REQUIREMENTS

1. Accessible Parking. Parking facilities accessible for persons with disabilities shall be in compliance with, or better than, the standards detailed in the state Accessibility Code, including quantity, size, location, and accessibility.
2. Approved Unlisted Uses. Upon receiving a site plan approval, occupancy certificate, or other permit application for a use not specifically

addressed in section 3.0, the city is authorized to apply off-street parking standards specified for the use deemed most similar to the proposed use. In instances where an equivalent may not be clearly determined, the city may require the applicant to submit a parking study or other evidence that will help determine the appropriate requirements.

3. EV Charging Stations. Charging facilities, or space to accommodate future charging facilities, shall be included in multi-family, commercial, and mixed use developments, per city requirements.

B. REQUIRED VEHICULAR AND BICYCLE PARKING

1. Parking requirements are organized by use and form district.
 - (a) Parking requirements are provided by use sub-category and form district; these numbers are applicable for all of the uses within each sub-category.
2. The parking requirement columns in Table 8.3 indicate maximum or minimum required off-street parking ratios, which may be subject to credits and other reductions, as detailed in this section.

3. Bicycle parking facilities shall be a bike rack or bike locker that is firmly affixed to a wall, building, sidewalk, or other permanent structure. The number of bicycle parking spaces shall be equal to the bicycle capacity for which the bike rack or bike locker is designed. The immediate area surrounding bicycle parking spaces shall be sufficiently clear to allow convenient and safe access to cyclists. Table 8.1 indicates the minimum bicycle parking ratio for each given use.
4. Computation. Off-street parking spaces shall be calculated using the following information:
 - (a) Area Measurements. The following units of measurements shall be utilized to calculate parking requirements.

Table 8.1 - Bicycle Parking Requirements	
USE CATEGORY OR TYPE	MINIMUM REQUIRED BICYCLE PARKING SPACES
1. Multifamily	the greater of either 4 spaces or 0.5 spaces / bedroom
2. Civic & Institutional	2 spaces AND 1 / each additional 10,000 sq. ft.
3. Retail	2 spaces AND 1 / each additional 5,000 sq. ft.
4. Service	2 spaces AND 1 / each additional 5,000 sq. ft.
5. Office/Professional	2 spaces AND 1 / each additional 10,000 sq. ft.
6. Open Space	per the DRC

- (i) Dwelling/Rooming Unit. Parking standards for residential uses shall be computed using dwelling unit, rooming unit, or room as the unit of measure, unless otherwise stated.
- (ii) Net Leasable Floor Area. Unless otherwise expressly stated, parking standards for non-residential uses shall be computed using net leasable floor Area. This means gross floor area less the area used for common hallways, mechanical and storage areas, and rest rooms.
- (iii) Occupancy- or Capacity-Based Measurements. Parking spaces required per available seat or per employee, student, or occupant shall be based on

Table 8.2 - Parking Site Requirements	
SETBACK (surface lot)	
1. Primary Street	30'-0" min.
2. Side Street/Rear Street	5'-0" min.
3. Side	5'-0" min.
4. Rear	5'-0" min.
PARKING DRIVEWAY (surface lot & structured)	
5. Width	
Two-Way	25'-0" max.
One-Way	16'-0" max.
Corner Lot	
6. Location	side street or rear street
7. Distance from Corner	35'-0" min.
Interior Lot	
8. Location	shared driveway, rear street, primary street as a last resort
BICYCLE AND OFFSITE PARKING	
9. Bicycle parking to be provided in a secure location	

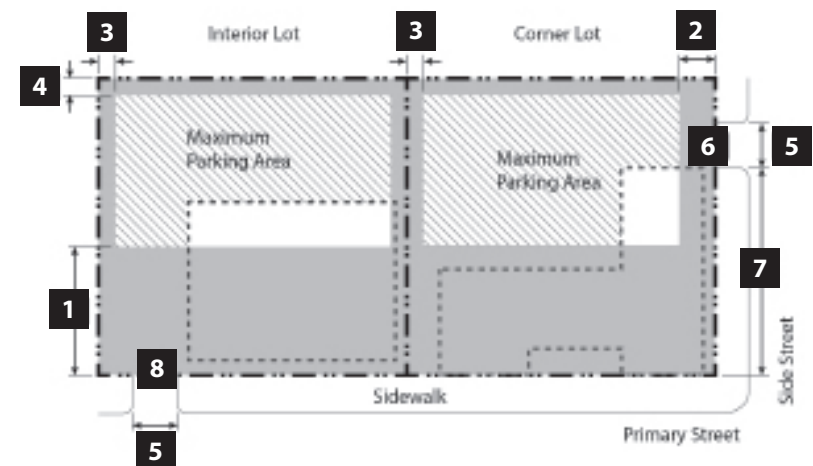


Figure 8.1 - Parking area placement example diagram. Not to scale

the greatest number of persons on the largest shift, the maximum number of students enrolled, or the maximum fire-rated capacity, whichever measurement is applicable.

- (iv) Bench Seating. For uses in which users occupy benches, pews, or other similar seating facilities, each linear 2'-0" of such seating shall be counted as one seat.
- (b) Fractions. When computation of the number of required off-street vehicular parking spaces results in a fractional number, any result of 0.5 or more shall be rounded up to the next consecutive whole number. Any fractional result of less than 0.5 may be rounded down to the previous consecutive whole number.
- (c) When there are multiple uses on a lot, spaces shall be calculated as an amount equal to the combined requirements for all uses on the lot.
 - (i) This calculation is not necessary when the DRC has approved a shared parking agreement.

C. SHARED USE PARKING REDUCTIONS

The following reductions may be taken for multiple non-single family uses:

1. Shared vehicular parking is an arrangement in which two or more non-residential uses with different peak parking demand times use the same off-street parking spaces to meet their off-street parking requirements.

Table 8.3 - Vehicular Parking Requirements by Use & Form District					
USE CATEGORY	PARKING REQUIREMENT				CALCULATION UNIT
	UPC	TC	FUB	RT	
RESIDENTIAL & LODGING					
1. Single Family & Multifamily (Studio/1 Bedroom)	2.0 max.	2.0 max.	2.0 max.	2.0 max.	per dwelling unit
2. Multifamily (2 Bedrooms)	2.0 max.	2.0 max.	2.0 max.	2.0 max.	per dwelling unit
3. Multifamily (3+ Bedrooms)	2.0 max.	2.0 max.	2.0 max.	2.0 max.	per dwelling unit
4. Hotel & Inn	1.0 max.	1.0 max.	1.0 max.	n/a	per room AND
	1.0 max.	1.0 max.	1.0 max.	n/a	per 200 sq. ft. office & dining
5. Residential Care	n/a	0.5 max.	0.5 max.	n/a	per rooming unit AND
	n/a	0.5 max.	0.5 max.	n/a	per employee
CIVIC & INSTITUTIONAL					
6. Assembly (Public & Private)	0.2 max.	0.25 max.	0.2 max.	n/a	per seat (capacity)
7. Medical/Dental Clinic	1.25 max.	1.5 max.	1.5 max.	n/a	per treatment room AND
	0.75 max.	1.0 max.	1.5 max.	n/a	per employee
8. Library/Museum/Post Office	0.75 max.	1.0 max.	1.0 max.	n/a	per 600 sq. ft.
9. Police & Fire	n/a	n/a	n/a	n/a	per the DRC
10. School: Pre-K through Junior High	1.0 max.	1.0 max.	1.0 max.	n/a	per classroom AND
	0.75 max.	1.0 max.	1.0 max.	n/a	per 200 sq. ft. office space
11. School: High School & Higher Education	1.0 max.	1.0 max.	1.0 max.	n/a	per classroom AND
	0.75 max.	1.0 max.	1.0 max.	n/a	per 200 sq. ft. office space AND
	0.15 max.	0.2 max.	0.2 max.	n/a	per student

n/a = use is not permitted in the given form district | TBD = to be determined by the DRC

2. General Provisions. Through review of the site plan the DRC may permit up to 100% of the parking required for a daytime use to be supplied by the off-street parking spaces that are also provided for a nighttime or Sunday use, and vice versa.

3. Approval. In order to approve a shared parking arrangement, the DRC must find, based on competent evidence provided by the applicant, that there is no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed.

Table 8.3 cont. - Vehicular Parking Requirements by Use & Form District					
USE CATEGORY	PARKING REQUIREMENT				CALCULATION UNIT
	UPC	TC	FUB	RT	
RETAIL					
12. General Retail	1.0 max.	1.25 max.	1.0 max	n/a	per 300 sq. ft.
13. Neighborhood Retail	0.75 max.	1.0 max.	1.0 max	n/a	per 300 sq. ft.
SERVICE					
14. General Service	0.5 max.	0.75 max.	0.5 max	0.5 max	per 250 sq. ft.
15. Neighborhood Service	0.5 max.	0.75 max.	0.5 max	0.5 max	per 250 sq. ft.
16. Bars & Restaurants	0.5 max.	0.5 max.	0.5 max	n/a	per seat (capacity) AND
	0.5 max.	0.5 max.	0.5 max	n/a	per employee
OFFICE & INDUSTRIAL					
17. Office/Professional	1.0 max.	1.0 max.	1.0 max	n/a	per 200 sq. ft.
18. Craftsman	n/a	1.0 max.	1.0 max	n/a	per 500 sq. ft. retail space AND
	n/a	1.0 max.	1.0 max	n/a	per 1,000 sq. ft. production space
SITE USES					
19. Open Space	TBD	TBD	TBD	TBD	per the DRC

n/a = use is not permitted in the given form district | TBD = to be determined by the DRC

Approved shared parking lots that straddle a side or rear lot line, occupying portions of each lot on either side of the lot line, are exempt from the parking lot setback requirements along that lot line. See Section 5.0

4. Peak Time Shared Parking Uses. The following uses are considered predominantly weekday uses: office and industrial uses and other similar uses as authorized by the DRC.

The following uses are typically considered predominantly nighttime or Sunday uses: bars and restaurants, assembly uses, and other similar uses with peak activity at night or on Sundays, as authorized by the DRC.

5. Shared Vehicular Parking Reduction. When two or more categories of non-single family residential uses share a parking lot and are located on the same lot or adjacent lots, the following applies:

- (a) Reduction Calculations. Shared parking reductions will be approved in accordance with the following:
 - (i) For each applicable use category, calculate the number of spaces required as if it were the only use.
 - (ii) Use the figures for each individual use to calculate the number of spaces required for that use for each time period specified in Table 8.4. This table establishes six time periods per use.
 - (iii) For each time period, add the number of spaces required for all applicable uses to obtain a grand total for each of the six time periods.
 - (iv) Select the time period with the highest total parking requirement. This is the total number of parking spaces required for the shared parking reduction.
6. Uses in Different Buildings. Through review of the site plan the DRC may approve the shared parking reduction agreement if any of the uses are not located in the same structure or building.
7. Any shared parking location must be within 500'-0" from the entrance of the use to the closest parking space within the shared parking lot, measured along a dedicated pedestrian path.

- 8. Off-Site Shared Parking Agreement.** An agreement approved by the city attorney providing for cooperative use of off-site parking spaces, executed by the parties involved, shall be reviewed by the DRC during review of the site plan.

Off-site cooperative parking arrangements shall continue in effect only as long as the agreement remains in force.

If the agreement is no longer in force, then parking must be immediately provided as otherwise required in this section.

D. PARKING CREDITS

Vehicular parking standards in Table 8.3 may be reduced by achieving one or all of the following credits.

- 1. On-Street Parking Credit.** Any on-street parking spaces need to be approved by the DRC. For all non-residential uses, on-street parking spaces that meet the following shall be credited one for one against the parking requirement:
 - (a)** Spaces shall be designated on-street parking available 24 hours of every day.
 - (b)** On-street space must be located a minimum of 50% adjacent to the property line of the lot.
- 2. Public Parking Credit.** For all non-residential uses, off-street public parking spaces located within

Table 8.4 - Shared Parking Reduction Calculation Table						
USE CATEGORY OR TYPE	WEEKDAYS			WEEKENDS		
	Midnight 7:00 am	7:00 am 6:00 pm	6:00 pm Midnight	Midnight 7:00 am	7:00 am 6:00 pm	6:00 pm Midnight
1. Residential	100%	50%	80%	100%	80%	80%
2. Hotel & Inn	100%	65%	100%	100%	65%	100%
3. Retail & Service	5%	100%	80%	5%	100%	60%
4. Place of Worship	0%	30%	50%	0%	100%	75%
5. Theater/Entertainment	5%	30%	100%	5%	80%	100%
6. Bars & Restaurants	50%	70%	100%	70%	60%	100%
7. Office/Professional	5%	100%	5%	5%	5%	5%

660'-0" of any property line may be credited against the parking requirement at a rate of one credit for every three public parking spaces.

- 3. Transit Credit.** For all uses, vehicular parking requirements may be reduced with proximity to any transit line with headways of 15 minutes or less. Proximity is measured along a walking path from any point along the property line to the platform or transit stop:
 - (a)** Within 400'-0" a reduction of up to 15% of the required off-street parking is permitted.
 - (b)** Within 800'-0" a reduction of up to 10% of the required off-street parking is permitted.

9.0 SIGNAGE

1. GENERAL REQUIREMENTS

A. INTENT

This section seeks to enhance the economic and aesthetic appeal of the Fort Union corridor areas through the reasonable, orderly, safe, and effective display of signage. Signage should contribute to the identity and brand of each area.

Regulations in the existing city code section 19.82 Signs, may be substituted if required by the DRC.

B. GENERAL REQUIREMENTS

Compliance with the regulations outlined shall be attained under the following situations:

1. **Newly Constructed or Reconstructed Signage.**
All new signs and structural improvements to existing signs shall comply with these regulations.
2. **Change in Sign Type.** For existing signage, whenever the existing sign is changed to a new sign type, the new sign and content shall comply with these regulations.
3. **Maximum Sign Area.** Unless otherwise specified, the total area of all permanent signage associated with any building shall be no more than 15% of the area of the primary building facade.

4. **Sign Quantity.** Indicates the number of signs permitted per building unit, such as quantity per facade bay or a percentage of window square footage.
 - (a) Multiple sign types may be used on the same building when the sign quantity indicates 1 max./ facade bay and indicates that the quantity is cumulative across sign types. Any mix of such sign types is permitted on a single building as long as the maximum quantity per facade bay is maintained for the entire building.
5. **Sign Location.** Unless otherwise specified, signs shall only be located within the boundaries of the lot and not in the right-of-way or on public property.

- (a) Certain sign types may project beyond a property line into the right-of-way or into public property.
- (b) No sign shall be attached to a utility pole, traffic pole, tree, standpipe, gutter, drain, or other vertical support structure that was not purpose-built to support the sign.
- (c) Signs shall be erected so as to permit free ingress to and egress from any door, window, the roof, or any other exit-way required by the building code or by fire department regulations.
- (d) No sign shall be erected or maintained in such a manner as to obstruct free and clear

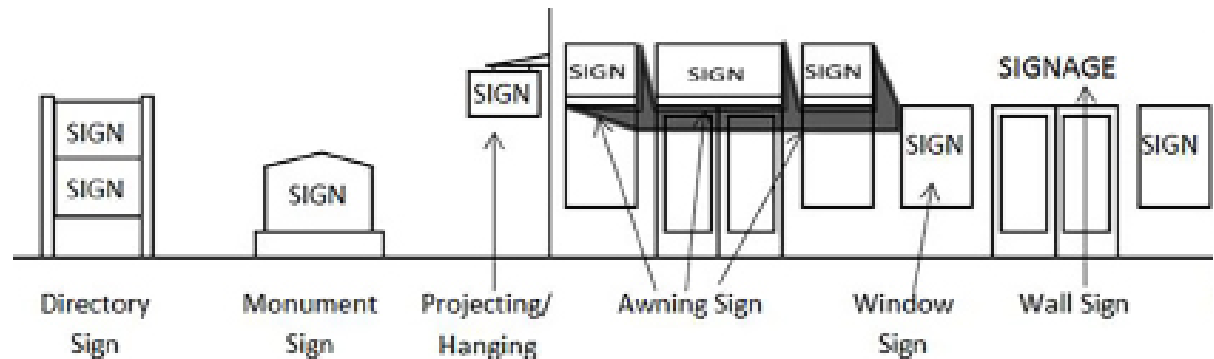


Figure 9.1 - Sign types diagram. Not to scale.

vision of, interfere with, or be confused with any authorized traffic sign, signal, or device, or where it may interfere with vehicle or train line-of-sight.

- (e) Signs oriented to the pedestrian realm are required for each entryway on a public street. These signs should be mounted at a comfortable height and be clear and legible from the close range at which a pedestrian encounters the sign. The bottom edge of each sign should be no higher than 9'-0" from the ground plane, and shall not exceed a total area of 25 square feet.

6. Illumination. All signs shall be illuminated according to the following provisions unless otherwise stated:

- (a) Signs shall be illuminated only by steady, stationary light sources directed solely at the sign or internal to it, except as permitted for electronic message boards for marquee signs.
- (b) Individual letters or logos may be internally illuminated as permitted per each sign type; when this type of lighted lettering is used, no other portion of the sign shall be internally illuminated.
- (c) Gas-discharge tube signage, commonly known as "neon signs," is not permitted.
- (d) Marquee signs, with either electronic or manually changed lettering, are permitted unless otherwise prohibited.

- (e) When an external artificial light source is used to illuminate a sign, the light source (lamp, bulb, LED array) shall be located, shielded, and oriented so as to not be visible from any public street or private residence.

- (i) No receptacle or device housing a permitted light source which is attached to the sign itself shall extend more than 1'-6" from the face of the sign.

- (ii) Sign output counts towards minimum light output per property. See 100k lumens/acre limit in section 7.0

- (iii) Light must be directed downward with no light transmitted above horizontal plane of luminaire.

7. Temporary Signs. The following standards apply to temporary signage:

- (a) Each non-residential tenant may be allowed one temporary A-frame sign.

- (b) Temporary signs shall not be located in the public right-of-way or clear view area.

- (c) Temporary sign exposure is limited to three 30 day periods per year.

- (d) Temporary signs shall not count toward the requirements of any other sign type.

8. Double sided signs are permitted with certain sign types. A double sided sign has two sign faces of equal dimensions that are coplanar and face in opposite directions.

- (a) When a double sided sign is permitted the sign area requirements apply to each side of the sign separately.

9. Sign Type Requirements. The following pertain to specific sign types detailed in this section.

- (a) Temporary Signs. A-Frame signs constructed of white plastic or wood and internally weighted are allowed. Such signs shall be no greater than 8 square feet per side. No other temporary signs are permitted.

- (b) Window Signs shall not count toward the signage quantity and area or size requirements for any other sign type.

- (c) Signs Facing onto Parking Lots. One parking lot facing sign is permitted in addition to the maximum requirements for other sign types.

Table 9.1 - Sign Type by Form District				
SIGN TYPE	FORM DISTRICT			
	UPC	TC	FUB	RT
1. Wall	P	P	P	N
2. Awning	P	P	P	N
3. Hanging/Projecting	P	P	P	P
4. Monument	P	P	P	N
5. Pole	P	P	P	P
6. Window	P	P	P	P
7. Directory	P	P	P	N

P = Permitted | N = Not Permitted

- (i) Permitted sign types for parking lot facing signs are wall, projecting, or awning signs.
 - (ii) Maximum sign area is 30 square feet.
 - (iii) Permitted location is either a side or rear facade that faces a parking lot.
 - (iv) If such signs face existing single family homes, they may not be illuminated.
- (d) **Iconic Sign Elements.** Iconic signs, such as those with a historical or other significant meaning, may be allowed at the discretion of the city if the lighting of the sign does not significantly impact adjacent neighbors and the sign helps to identify the unique area. Such signs shall comply with the following:
- (i) **Symbol or Logo Size.** The symbol or logo may not be larger than 10'-0" across in any direction.
 - (ii) No moving parts or external illumination of the symbol or log may be provided.
 - (iii) The text component of the sign may not be more than 30% of the overall area of the sign.
- (e) **Historic Signs.** Any existing signs that the city has identified as historic shall be included in the site plan approval process in order to encourage their preservation and/or reuse.



Figure 9.2 - Example of a storefront with excessive signage



Figure 9.3 - Example of a street with sufficient signage

2. WALL SIGNS

A. INTENT

Wall signs, also known as flat, channel letter, or band signs, are mounted directly to the building face to which the sign is parallel. Refer to the figures below.

B. REGULATIONS

Wall signs shall be developed according to the standards in Table 9.2.

1. Wall signs shall not cover windows or other building openings.
2. Wall signs shall not cover architectural building features, and shall be architecturally compatible with the building.

3. Painted signs, a type of wall sign painted directly onto the building facade, are permitted.
4. Nameplate signs indicate the name or occupation of the tenant. They shall be subject to all of the requirements of the wall sign type, but shall be no larger than 3 square feet maximum per tenant.
5. No wall signs shall be permitted on any facade facing an existing single family residential zone, except for iconic sign elements as approved by the city.

C. CALCULATION

The area of a wall sign is calculated using the following information:

1. For attached signs, area is calculated by drawing the smallest possible square or rectangle around the largest letters and/or elements, as illustrated in Figures 9.4 and 9.5.
2. For painted signs, area is calculated by measuring the area of the smallest square or rectangle that can be drawn around all of the sign elements, including any painted background.

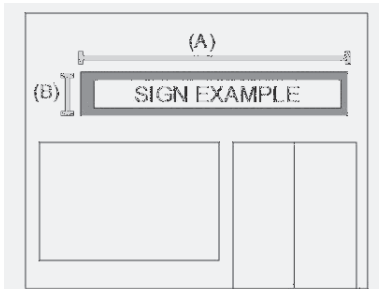


Figure 9.4 - Sign measuring diagrams: mounted sign (top), painted sign (bottom). Not to scale.



Figure 9.5 - Mounted wall sign example

Table 9.2 - Wall Sign Requirements

1. Permitted Districts	UPC, TC, FUB
2. Sign Area	2.0 sq. ft. of sign area / linear foot of facade bay width, 200 sq. ft. max. area / sign 3 sq. ft. max. / tenant for nameplate signs
3. Height	3'-0" max. letter or element height
4. Location	permitted on all facades
5. Placement	1'-0" max. projection from building face
6. Quantity	1 max. / primary facade bay (cumulative across permitted sign types)
7. Internal Illumination	permitted for individual letters and logos
8. Materials	solid wood, metal, masonry, and glass are permitted plastic and synthetics are permitted only as separate alphanumeric characters or logo elements

3. AWNING SIGNS

A. INTENT

A sign that is mounted, painted, or otherwise applied on or attached to an awning.

B. REGULATIONS

Awning signs shall be developed according to the standards in Table 9.3 and the encroachment regulations in Section 5.0.

C. CALCULATION

The area of the awning is defined as the rectangular area of the building facade that is covered by the awning, i.e. awning height x awning width.

The sign area is a percentage of the surface area of the awning. The surface area is the total area of the sides and front of the awning, including both vertical and sloped or rounded parts of the awning. Sign area is calculated by drawing the smallest possible square or rectangle around the largest letters and/or elements of the sign portion of the awning, as illustrated in Figure 9.4.



Figure 9.6 - Awning sign example

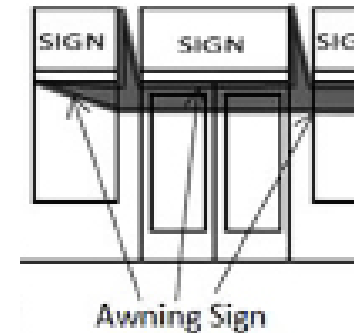


Figure 9.7 - Awning sign diagram.
Not to scale.

Table 9.3 - Awning Sign Requirements	
1. Permitted Districts	UPC, TC, FUB
2. Awning Area	3.0 sq. ft. of awning area / linear foot of primary facade bay width, 300 sq. ft. max. area / sign
3. Sign Area	up to 50% of the awning surface area may be used for signage
4. Height	8'-0" min. vertical clearance above the ground plane
5. Location	permitted on all facades
6. Placement	maximum projection from the building facade is determined by street frontage type, see Section 5.1-C-5 shall not project within less than 2'-0" from the back of curb shall not overlap, block, or cover any window, door, or roof
7. Quantity	1 max. / primary facade bay (cumulative across permitted sign types)
8. Internal Illumination	not permitted
9. Materials	awning surface shall be made of canvas, metal, glass, or wood, plastic is not permitted all structural supports shall be made of metal or wood

4. HANGING/PROJECTING SIGNS

A. INTENT

A projecting sign is attached to and projects from a building face or hangs from a support structure that projects from the building face. Sign faces are typically perpendicular to the building face, but may be angled away from the facade no less than 45 degrees. The sign may be vertically or horizontally oriented.

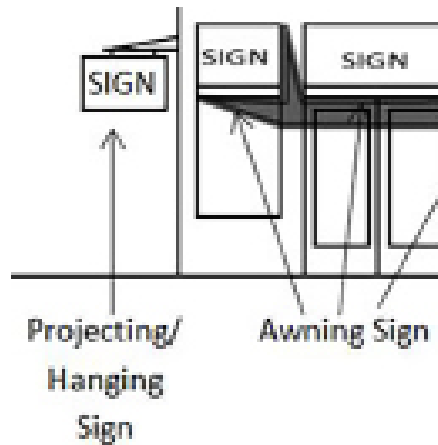


Figure 9.8 - Projecting sign diagram. Not to scale.

B. REGULATIONS

Projecting signs shall be developed according to the standards in Table 9.4.

1. Double sided signs are permitted.
2. No projecting signs shall be permitted on any facade facing an existing single family residential zone, except for iconic sign elements as approved by the city.
3. Backlit box or cabinet signs are not permitted.



Figure 9.9 - Projecting sign example

Table 9.4 - Hanging / Projecting Sign Requirements

1. Permitted Districts	UPC, TC, FUB, RT
2. Sign Area	1.5 sq. ft. of sign area / linear foot of primary facade bay width, 160 sq. ft. max. area / sign face
3. Total Size	8'-0" max. W x 20'-0" max. H, including sign faces(s) and all support structures
4. Location	permitted on all facades facing a public right-of-way
5. Placement	10'-0" min. clearance above the ground plane shall not project further than 8'-0" from the building face shall not project within less than 2'-0" from the back of curb sign faces and structural supports shall not extend above any eave or parapet
6. Quantity	1 max. / primary facade bay (cumulative across permitted sign types)
7. Internal Illumination	permitted for individual letters and logos
8. Materials	solid wood, metal, masonry, and glass are permitted plastic and synthetics are permitted only as separate alphanumeric characters or logo elements all structural supports shall be made of metal or wood

5. MONUMENT SIGNS

A. INTENT

A monument sign is freestanding and located in a front or side yard of a lot.

B. REGULATIONS

Monument signs shall be developed according to the standards in Table 9.5.

1. Multiple tenant buildings on a lot with a width of greater than 300'-0", measured across the front property line, may have signage with the following parameters:
 - (a) Up to two monument signs on one frontage.
 - (b) Signs shall be at least 150'-0" apart.
2. Monument Signs may not be pole-mounted.
3. Manually changeable text is not permitted for monument signs.
4. May serve multiple purposes such as seating.
5. If placed closer than 5'-0" from the front and corner side property lines, signs must meet clear view requirements.
6. Double sided signs are permitted
7. Cabinet style monument signs are not permitted



Figure 9.10 - Monument sign diagram. Not to scale.



Figure 9.11 - Monument sign example

Table 9.5 - Monument Sign Requirements

1. Permitted Districts	UPC, FUB, TC
2. Sign Area	50 sq. ft. max. area / sign face
3. Total Size	6'-0"H x 10'-0"W x 3'-0"W max. including sign face(s) and all support structures
4. Location	primary street and side street BTZ
5. Placement	1 max. / each street frontage when placed at the intersection of two street frontages, the sign shall not obstruct safety sight lines
6. Quantity	1 max. / each street frontage
7. Internal Illumination	permitted for individual letters and logos
8. Materials	solid wood, metal, masonry, and glass are permitted plastic and synthetics are permitted only as separate alphanumeric characters or logo elements all structural supports shall be made of metal or wood

6. WAYFINDING SIGNS

A. INTENT

Wayfinding signs are pedestrian scale signage and may be mounted on one or two poles. Three configurations are permitted:

A sign mounted onto a double set of poles.

A sign mounted on a single pole.

A sign hanging from a single pole.

Other mounting may be allowed, subject to city approval.

B. REGULATIONS

Wayfinding signs are only permitted for wayfinding purposes.

Wayfinding signs shall be developed according to the standards in Table 9.6.

Double sided signs are permitted.



Figure 9.12 - Wayfinding sign example

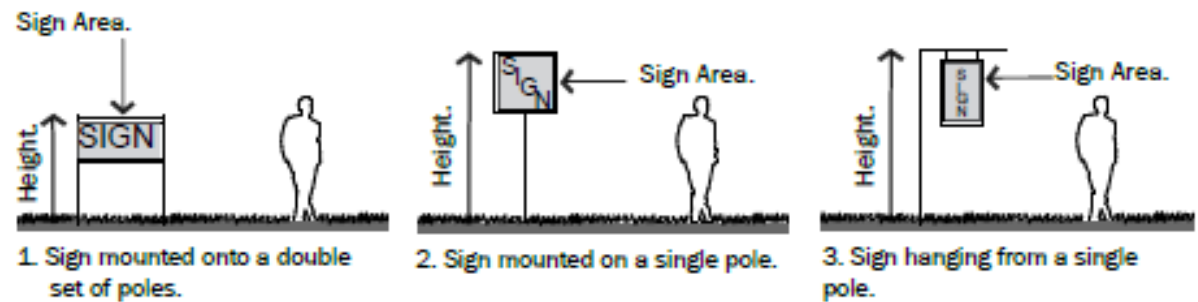


Figure 9.13 - Wayfinding sign diagrams. Not to scale.

Table 9.6 - Wayfinding Sign Requirements	
1. Permitted Districts	UPC, TC, FUB, RT
2. Sign Area	8 sq. ft. max. area / sign face
3. Height	8'-0" max. for signs mounted or hanging on a single pole 5'-0" max. for signs mounted on a double set of poles
4. Pole Size	0'-4" x 0'-4" max. pole cross section
5. Location	primary street and side street BTZ
6. Placement	pole setback 2'-0" min. from right-of-way property lines property line overhangs are not permitted
7. Quantity	1 max. / primary facade bay (cumulative across permitted sign types)
8. Internal Illumination	not permitted
9. Materials	solid wood and metal are permitted plastic and synthetics are permitted only as separate alphanumeric characters or logo elements all structural supports shall be made of metal or wood

7. WINDOW SIGNS

A. INTENT

A window sign is posted, painted, placed, or affixed to or near the interior surface of a window for public viewing on the exterior of the window. Window signs should be durable and attached securely to the interior surface.

B. REGULATIONS

Window signs shall be developed according to the standards in Table 9.7.

C. CALCULATION

The total window area is a sum of the areas of individual windows and glass doors. A continuous set off windows is a group of one or more windows or glass doors that are separated by mullions or frames less than 0'-8" in width. To measure sign area percentage, divide the total sign area by the total window area.

1. Window signs are not counted toward a site's maximum signage allowance.
2. Address and hours of operation signs are considered exempt and are not counted in the window sign area calculation.

3. Temporary window signs shall be included in the total percentage of signage per window calculation.
4. Window signs may not be internally illuminated. Neon (gas-discharge tube), LED screens and shapes, marquee signs, and other similar illuminated signs are not permitted.



Figure 9.14 - Window sign example

Table 9.7 - Window Sign Requirements	
1. Permitted Districts	UPC, FUB, TC, RT
2. Sign Area	the maximum signage coverage for any continuous set of windows is 25% the maximum signage coverage for any individual window is 40%
3. Height	no max. or min.
4. Location	permitted on all facades
5. Placement	permitted on ground and upper story windows not occupied by a residential use
6. Quantity	ground story: no maximum, determined by sign area upper stories: 1 individual window or continuous set of windows / tenant / floor
7. Internal Illumination	not permitted
8. Materials	paint, wood, glass, plastic, metal, and other similar materials are permitted

8. DIRECTORY SIGNS

A. INTENT

Not a sign type, but rather a type of sign information, directory signs list multiple businesses that are located within the same development. The intent is to provide one collectively shared sign rather than one sign for each separate business.

B. REGULATIONS

Directory signs may be mounted on the support structure of a wall sign, hanging/projecting sign, or monument sign. Directory signs shall be developed according to the requirements in Table 9.8.

1. Double sided signs are permitted.



Figure 9.15 - Monument mounted directory sign example

1. Permitted Districts	UPC, FUB, TC
2. Sign Area	10'-0" max. height, 5'-0" max. width / sign face,
3. Total Size	12'-0" max. height, 6'-0" max. width, including sign face(s) all support structures
4. Location	primary street and side street BTZ
5. Placement	2'-0" min. setback from right-of-way property lines property line overhangs are not permitted
6. Quantity	1 / lot
7. Internal Illumination	Permitted for individual letters and logos
8. Materials	solid wood, metal, masonry, and glass are permitted plastic and synthetics are permitted only as separate alphanumeric characters or logo elements all structural supports shall be made of metal or wood

10.0 ADMINISTRATION

1. GENERAL REQUIREMENTS

A. INTENT

This code intends to promote public health, safety, and general welfare of the community, reflecting the goals established within the General Plan of Cottonwood Heights City. This code intends to increase conformity to the greatest extent possible.

2. SCOPE OF REGULATIONS

A. NEW DEVELOPMENT

All development, construction, and establishment of uses within the limits of this code occurring after the effective date of this code shall be subject to all applicable regulations of this code.

B. RENOVATED STRUCTURES

All building renovations affecting a change of use greater than 25% gross square footage of a structure within the limits of this code shall be subject to all applicable regulations of this code.

C. IN-PROCESS DEVELOPMENT

Where a building permit for a development has been applied for in accordance with the prior law in advance of this code's effective date, said

development may comply with the plans from which the permit was approved and, upon completion, receive a certificate of occupancy (provided all conditions are met) provided the following:

1. Work or construction is begun within one year of the effective date of this code.
2. Work or construction continues diligently toward completion.

D. NON-CONFORMANCE

After the effective date of this code, existing buildings and uses that do not comply with the regulations of this code shall be considered non-conforming and are subject to the standards of this code.

Nonconformity means not conforming with the city's current zoning regulations. There are two types of nonconformity:

1. Legal nonconformities were permitted and conforming when they were established but have become nonconforming due to a zoning regulation change.
2. Illegal nonconformities were not permitted when they were established and/or are a result of a non-permitted, nonconforming change.



Figure 10.1 - Proposed FBC application and administration process

Table 10.1 - Proposed Tier 1 FBC Area Nonconformity Regulations	
TIER 1	
Triggers	1. New sign
	2. Minor facade changes that do not significantly alter the visual character or function and cost less than 50% of the building's appraised value
	3. New accessory structure
Limitations	1. No change in the number of dwelling units
Remedies	1. All signage on buildings and on site shall be brought into FBC compliance
	2. Architectural massing, features, and detailing shall be brought into closer FBC compliance
Administration	1. Design review
	2. Use permit

Municipal nonconformity regulations define how legal nonconformities are addressed after a zoning regulation change. The adoption of an FBC will create legal nonconformities so these nonconformity regulations are very important for current property owners and all future changes to nonconformities within the FBC area.

E. DEFINITIONS

1. Permission: Permitted changes that require no remedy
2. Limitation: Limitations placed on permissions
3. Trigger: A change that requires a specific remedy

Table 10.2 - Proposed Tier 2 FBC Area Nonconformity Regulations	
TIER 2	
Triggers	1. Expansion where the total floor area of the expansion does not exceed 10% of the existing total floor area
Limitations	1. No expansions that will intrude into any FBC required setbacks
	2. No expansions that will create a new FBC nonconformity
Remedies	1. All signage on buildings and on site shall be brought into FBC compliance
	2. Landscaping shall be brought into closer FBC compliance
	3. Architectural massing, features, and detailing shall be brought into closer FBC compliance
Administration	1. Design review
	2. Site plan review
	3. Use permit

4. Remedy: The remedy required by a specific trigger
5. Exemption: Conditions in which the trigger does not require a remedy
6. Abandoned: A use, structure, or sign that has not been continuously and actively operated or used for a period of 12 months, or more, from the time that the use, structure, or sign became nonconforming, regardless of intent to resume operation
7. Change of Use: An existing nonconforming use that has been terminated and replaced by

Table 10.3 - Proposed Tier 3 FBC Area Nonconformity Regulations	
TIER 3	
Triggers	1. Major facade changes that significantly alter the visual character or function of the building
	2. Building facade changes that cost more than 50% of the building's appraised value
	3. Expansion where the total floor area of the expansion is more than 10% and less than 25% of the existing total floor area
Limitations	1. No expansions that will intrude into any FBC required setbacks
	2. No expansions that will create a new FBC nonconformity
Remedies	1. All signage on buildings and on site shall be brought into FBC compliance
	2. Landscaping shall be brought into closer FBC compliance
	3. Architectural massing, features, and detailing shall be brought into closer FBC compliance
Administration	1. Design review
	2. Site plan review
	3. Use permit

another use. Any change of use in violation of the FBC is deemed an immediate abandonment of the nonconforming use.

8. Non-conforming buildings that have been destroyed by natural causes may be replaced to their original condition within one year of casualty.

F. EXEMPT ACTIVITIES

The following activities are exempt from the administrative requirements:

1. Building permits may still be required under building code.
2. Ordinary repairs for the purpose of regular building, signage, lighting or site maintenance.
3. Replacement of existing windows, doors, or fixtures that do not change the transparency percentage of the building.
4. Interior construction that does not result in change of use and is not visible from the exterior of the building.
5. Emergency repairs ordered by a city official in order to protect health and safety.

G. REVIEW AND APPROVALS

The following activities will not require additional public hearing or planning commission review if all conditions below are met. Approval of application will be administrative only once all code requirements are met:

1. Development parcel is smaller than 1 acre.
2. Structure size is below 20,000 square feet.
3. Development located in FUB, TC, or UPC form districts.

All development applications in the Residential Transition (RT) districts will be required to appear in a public hearing.

All development applications may be reported to the planning commission or city council in the staff's monthly Development Activity Report.

H. APPEALS

All city decisions which interpret or administer this chapter may be appealed through the existing appeals proceedings.

Following final action by the planning commission, any person with standing to challenge the decision may, within ten days of the final action, appeal the decision to the appeal authority following the process defined in Section 17-3-14 of the city code.

3. MINOR MODIFICATIONS TO A SITE PLAN

The community development DRC may approve minor modifications to an approved site plan. Modifications may be evaluated through a letter of application and the provision of the reasoning behind the request. Such requests may be made for:

1. Minor modifications to proposed landscaping plans, pursuant to the modification standards established.
2. Minor modifications to buildings, including setbacks and materials, pursuant to the modification standards.
 - (a) Building materials that reflect the intent of the original material.

- (b) The city may modify the requirements of this chapter where full compliance is impossible due to the existing site or building conditions.
3. Minor modifications to parking requirements, pursuant to the development of an alternative parking plan.

11.0 GLOSSARY OF TERMS

1. GRAPHICS

The graphics, tables, and text used throughout this FBC are regulatory. In case of a conflict, text shall override tables and graphics, and tables shall override graphics.

2. WORD DEFINITIONS & USES

The meaning and usage of terminology is not universal. Some of the terms in this FBC are used differently in other contexts. The definitions provided in this FBC are specific to how they are used within the FBC. These definitions are not subject to multiple interpretations and shall not be altered. When a definition is not provided herein, Title 19.04 of the Cottonwood Heights Municipal Code shall be used.

3. DEFINED TERMS

For the purposes of this code, the following terms shall have the following meanings:

1. Animal. All non-human members of the animal kingdom, including domestic and livestock species.
2. Applicant. The owner of a subject property or the authorized representative of the owner on which a land development application is being made.
3. Assembly. A facility that has organized services, meetings, or programs to benefit, educate, entertain, or promote discourse amongst community residents in a public or private setting. Assembly includes uses such as a community center, house of worship, and private clubs and lodges.
4. Auto-Related Use. An establishment primarily engaged in the sale or rental of goods, merchandise, and services related to vehicles, such as repair, body work, painting, detailing, vehicle and vehicle-related equipment sales. These uses do not include auto dismantling, salvage, junk yards, and similar uses.
5. Blank Wall Limitation. A restriction of the amount of windowless area permitted on a facade that fronts on a street. When required the following shall both be met for each story:
 - (a) No rectangular area greater than 30% of a story's facade, as measured floor to floor, may be windowless.
 - (b) No rectangular segment of a story's facade with a horizontal width greater than 15'-0" may be windowless.
6. Block. The aggregate of lots, passages, lanes, and alleys bounded on all sides by streets.
7. Block Depth. A block measurement that is the horizontal distance between the front property line on a block face and the front property line of the parallel or approximately parallel block face.
8. Block Ends. The lots located on the end of a block; these lots are often larger than the lots in the interior of the block or those at the opposite end of the block and can be located on a more intense street type. They are typically more suitable for more intensive development, such as multiple family or mixed use development.
9. Block Face. The aggregate of all the building facades on one side of a block.
10. Block Length. A block measurement that is the horizontal distance along the front property lines of the lots comprising the block.
11. Build-to-Zone. An area in which the front or corner side facade of a building shall be placed; it may or may not be located directly on a property line. The zone dictates the minimum and maximum distance a structure may be placed from a property line.
12. BTZ Pedestrian Space. The space between the edge of the right-of-way and a building's facade that is open to the public.

- 13. Building Type.** A structure defined by the combination of configuration, form, and function. Refer to 5.0 Building Types for more information and the list of permitted Building Types.
- 14. Cannabis Cultivation Facility.** A person or entity that
- (a) possesses cannabis;
 - (b) grows or intends to grow cannabis; and
 - (c) sells or intends to sell cannabis to a cannabis cultivation facility or to a cannabis processing facility.
- 15. Cannabis Processing Facility.** A person or entity that:
- (a) acquires or intends to acquire cannabis from a cannabis production establishment or holder of an industrial hemp processor license;
 - (b) possesses cannabis with the intent to manufacture a cannabis product;
 - (c) manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and
 - (d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or the state central fill medical cannabis pharmacy.
- 16. Cannabis Product.** A product that:
- (a) is intended for human use and
 - (b) contains cannabis or tetrahydrocannabinol.
- 17. Cannabis Production Establishment.** A cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory.
- 18. Carport/ Storage Building.** A private garage not completely enclosed by walls or doors.
- 19. Clinic.** A building or portion of a building containing an office or offices of medical doctors, dentists, psychiatrists, chiropractors, physical therapists and other members of the medical profession which provide facilities and services for outpatient care, diagnosis, treatment, and observation of individuals suffering from illness, injury or other conditions requiring medical, surgical or therapeutic services. This definition does not include facilities providing patient beds for overnight care.
- 20. Community Location includes:**
- (a) a public or private kindergarten, elementary, middle, junior high, or high school;
 - (b) a licensed child-care facility or preschool;
 - (c) a trade or technical school;
 - (d) a church;
 - (e) a public library;
 - (f) a public playground;
 - (g) a public park;
 - (h) a youth center or other space used primarily for youth-oriented activities;
 - (i) a public recreational facility;
 - (j) a public arcade
 - (k) a homeless shelter
- 21. Courtyard.** An outdoor area enclosed by a building on at least two sides and is open to the sky.
- 22. Corner Facade.** On corner lots only, the new facade plane created when the two facade planes that meet at the corner of a building are chamfered.
- 23. Coverage, Building.** The percentage of a lot developed with a principal or accessory structure.
- 24. Coverage, Impervious Site.** The percentage of a lot developed with principal or accessory structures and impervious surfaces, such as driveways, sidewalks, and patios.
- 25. Craftsman Use.** See "Industrial/Craftsman".
- 26. Critical Root Zone.** Also referred to as drip line. The area of soil and roots within the radius beneath the tree's canopy, within the dripline, or within a circular area of soil and roots with a radius out from the trunk a distance of 1.5 feet for every inch of the tree's width (measured at 4.5 feet above the mean grade of the tree's trunk, noted as diameter breast height or DBH throughout this code).
- 27. Dedication.** The intentional appropriation of land by the owner to the City for public use and/or ownership.
- 28. Density.** The number of dwelling units located in an area of land, usually denoted as units per acre.
- 29. Drive-Through Restaurant.** A restaurant that includes a window or similar feature which allows food to be ordered and taken from the premises

- for consumption elsewhere without leaving a vehicle.
- 30. Dwelling Unit.** A room or group of rooms connected together that include facilities for living, sleeping, cooking, and eating that are arranged, designed, or intended to be used as living quarters for one family, whether owner occupied, rented, or leased.
- 31. Easement.** A legal interest in land, granted by the owner to another person or entity, which allows for the use of all or a portion of the owner's land for such purposes as access or placement of utilities.
- 32. Eave.** The edge of a pitched roof; it typically overhangs beyond the side of a building.
- 33. Encroachment.** An encroachment refers to portions of a building that project into, or over, the ROW property line. Encroachments are permitted, by building type and form district for:
- (a)** Roof overhang
 - (b)** Balcony
 - (c)** Awning
 - (d)** Canopy (street level only)
- 34. Entrance Type.** The permitted treatment types of the ground floor Facade of a Building Type. Refer to 6.9 for more information and a list of permitted Entrance Types.
- 35. Expression Line.** An architectural feature. A decorative, three dimensional, linear element, horizontal or vertical, protruding or indented at least two inches from the exterior facade or a building typically utilized to delineate floors or stories of a building.
- 36. Facade.** The exterior face of a building, including but not limited to the wall, windows, windowsills, doorways, and design elements such as expression lines. The front facade is any building face adjacent to the front property line.
- 37. Family.** Family is defined as one of the following.
- (a)** Two or more persons, each related to the other by blood, marriage, or adoption together with usual domestic servants and not more than one bona fide guest, all living together as a common household unit.
 - (b)** Up to three persons all of whom are not necessarily related to each other by blood, marriage, or adoption, and their children living together as a common household unit.
 - (c)** For the purposes of this code, an unrelated family shall not include persons living together in a residential care home or transitional treatment facility in accordance with the requirements of this code.
- 38. Fire.** See "Police and Fire".
- 39. Form District.** A designation given to each lot within the city that dictates the standards for development on that Lot. Refer to 2.0 Form Districts for more information and a list of permitted Form Districts.
- 40. Frontage.**
- (a)** The spatial interface between the public and private spaces that exists continuously along both sides of each street.
 - (b)** The portion of a lot's property line which is collocated along a public right-of-way.
 - (c)** The horizontal distance between the Side Property Lines, measured at the Front Property Lines.
 - (d)** The public facing, main, or primary facade of a building.
- 41. Grade.** The average level of the finished surface of the ground story adjacent to the exterior walls of a building.
- 42. Gross Floor Area.** The sum of all areas of a building, including accessory storage areas or closets within sales spaces, working spaces, or living spaces and any basement floor area used for retailing activities, the production or processing of goods, or business offices. It shall not include attic space having headroom of seven feet or less and areas devoted primarily to storage, balconies, off-street parking and loading areas, enclosed porches, roof decks, roof gardens, or basement floor area other than specified above.
- 43. Home Occupation.** An occupational use that is clearly subordinate to the principal use as a residence and does not require any alteration to the exterior of a building.
- 44. Hotel and Inn.** A facility offering temporary

- or permanent lodging to the general public consisting of sleeping rooms with or without in-room kitchen facilities. Secondary service uses may also be provided, such as restaurants and meeting rooms. Rooms shall be accessed from the interior of the building. Bed and Breakfasts are permitted.
- 45.** Impervious Surface. Also referred to as impervious material. Any hard surface, man-made area that does not absorb water, including building roofs, sidewalks, parking, driveways, and other paved surfaces.
- 46.** Independent Cannabis Testing Laboratory. A person or entity that:
- (a)** conducts a chemical or other analysis of cannabis or a cannabis product; or
 - (b)** acquires, possesses, and transports cannabis or a cannabis product with the intent to conduct a chemical or other analysis of the cannabis or cannabis product.
- 47.** Industrial/Craftsman Use. A use involving small scale manufacturing, production, assembly, and/or repair with little to no noxious by-products, that includes a showroom or small retail outlet.
- (a)** These uses may also include associated facilities such as offices and small scale warehousing, but distribution is limited.
 - (b)** The maximum overall gross floor area is limited to 20,000 square feet, unless otherwise noted.
- (c)** Outdoor activities and storage of goods are not permitted.
- 48.** Itinerant merchant. Any person who engages in a temporary business of selling or offering to sell any goods, wares, merchandise or services from a stand, cart, tent or other structure not permanently affixed to real property.
- 49.** Landscape Area. Area on a lot not dedicated to a structure, parking or loading facility, frontage buffer, side and rear buffer, or interior parking lot landscaping.
- 50.** Library/Museum/Post Office. Libraries and museums are open to the general public for housing educational, cultural, artistic, or historic information, resources, and exhibits. May also include food service and a gift shop. A post office is a publicly accessed facility for the selling of supplies and mail related products and the small scale collection and distribution of mail and packages. Large-scale postal sorting and distribution is not permitted.
- 51.** Lot. One or more parcels that are included in the same development project. Most of the regulations in this FBC apply to the lot rather than the parcel.
- (a)** Projects that are developed in phases shall be considered one lot if only one permitting application process is required and 2 lots if 2 permitting application processes are required, 3 lots for 3 permits, etc.
- 52.** Lot, Corner. A parcel of land abutting at least two vehicular rights-of-way, excluding an alley, at their intersection.
- 53.** Lot, Flag. A parcel of land having its only access to the adjacent vehicular right-of-way, excluding an alley, through a narrow strip of land.
- 54.** Lot, Interior. A parcel of land abutting a vehicular Right-of-Way, excluding an Alley, along one (1) Property Line; surrounded by Lots along the remaining Property Lines.
- 55.** Lot, Through. Also referred to as a double frontage lot. An interior lot having frontage on two approximately parallel vehicular rights-of-way, excluding an alley.
- 56.** Lot Area. The computed area contained within the property lines; it is typically denoted in square feet or acres.
- 57.** Lot Depth. The smallest horizontal distance between the Front and Rear Property Lines measured approximately parallel to the Corner and/or Side Property Line.
- 58.** Major Divisions. Dividing feature(s) required on longer buildings. Long facades may require more than one major division. Each major division consists of two or more minor divisions. All major divisions must be indicated by a divider feature. The outside edges of a primary facade, are the equivalent of a major divider. The minimum and maximum width of the major division is listed in feet in each building type requirements table.

- 59. Medical Cannabis Pharmacy.** A retail pharmacy where medical cannabis is sold, pursuant to Utah Code Title 4-41a.
- 60. Medical/Dental Clinic.** A facility or institution, whether public or private, principally engaged in providing services for health maintenance and the treatment of mental or physical conditions.
- 61. Minor Divisions.** A subcomponent of a major division. Each minor division defines an individual bay in the building's primary facade. The minimum and maximum width of the minor division is listed in feet in each building type requirements table.
- 62. Minor Division Features.** The architectural elements that must differ between adjacent minor divisions or divide adjacent bays. Multiple options provide architects with flexibility without sacrificing the desired form of the streetscape. The minimum number of features that must be used to define adjacent bays is listed in each building type requirements table. When a primary facade courtyard is used as a major divider, both bays adjacent to either side of the courtyard, and the facades facing the interior of the courtyard, may have the same facade design.
- 63. Museum.** See "Library/Museum/Post Office".
- 64. Nonconformance.** A structure, use, lot, or site characteristic that was legally constructed or operated prior to the effective date of or Amendment to this code, but that cannot be constructed, platted, or operated after the effective date of or Amendment to this code.
- 65. Occupation of Corner.** Locating a building's front and side facades within the front and corner build to zones, respectively.
- 66. Occupied Space.** Interior building space regularly occupied by the building users. It does not include storage areas, utility space, or parking.
- 67. Office/Professional.** A category of uses for businesses that involve the transaction of affairs of a profession, service, industry, or government. Patrons of these businesses usually have set appointments or meeting times; the businesses do not typically rely on walk-in customers.
- 68. Open Space.** A use of land for active or passive, public or private, outdoor space, including such uses as parks and town squares. See Section 7.0. Open space uses may also be utilized to host temporary private or community events, such as a farmer's market or art fair.
- (a)** Parking lots are not permitted in open space in any district.
 - (b)** Open space that incorporates stormwater management on a site or district scale is encouraged.
 - (i)** Stormwater facilities shall be designed to accommodate additional uses, such as an amphitheater or a sports field.
 - (ii)** Stormwater facilities shall be designed not to be fenced and shall not impede public use of the land they occupy
- (c)** An open space may include small scale food and beverage service use, no more than 200 square feet in space, located in a kiosk, with no service access.
- (d)** Buildings located directly adjacent to an open space use shall treat facades facing this use with primary street facade requirements.
- 69. Open Space, Minimum Access.** This requirement ensures access and visibility for the open space. It is described in two ways:
- (a)** The percentage of the total perimeter that must be adjacent to a public right-of-way.
 - (b)** The minimum number of and/or spacing between access points into the open space.
- 70. Open Space Type.** The permitted and regulated types of open spaces in this code. Refer to 7.0 Open Space Types for more information and a list of the permitted types.
- 71. Open Water.** A pond, lake, reservoir, or other water feature with the water surface fully exposed.
- 72. Owner.** The legal or beneficial title-holder of land or holder of a written option or contract to purchase the land.
- 73. Parcel.** A tract of land that is specifically defined in legal terms for both taxation and ownership purposes. It is the smallest portion of land that may be defined in this way.
- 74. Parking Lot.** An uncovered paved surface used

- solely for the parking of vehicles. Parking lot locations are regulated by frontage type.
- 75.** Parking Structure, Attached. A structure used solely for the parking of vehicles, intended for use by the occupants in an adjacent building on the same lot. Parking Structures within the buildings are regulated per building type.
- 76.** Parking Structure, Detached. A shared parking structure owned by the city, a parking district, a government agency, or other public entity intended to accommodate public and leased parking.
- 77.** Pedestrianway. A pathway designed for use by pedestrians; it can be located mid-block allowing pedestrian movement from one street to another without traveling along the block's perimeter.
- 78.** Pervious Surface. Also referred to as pervious material. A material or surface that allows for the absorption of water into the ground or plant material, such as permeable pavers or a vegetated roof.
- 79.** Plat. A map or chart of a division and/or combination of lots.
- 80.** Police and Fire. A facility providing public safety and emergency services; training facilities, locker rooms, and limited overnight accommodations may also be included. Police and fire facilities require a special use permit. The facilities shall be housed in a permitted building, but shall have the following additional allowances:
- (a)** Garage doors are permitted on the front facade.
 - (b)** Exempt from maximum driveway widths.
- 81.** Post Office. See "Library/Museum/Post Office".
- 82.** Primary Facade Divisions. The means by which longer building facades, common in modern buildings, can be built while maintaining the visual building massing of the local neighborhood. Primary facade division requirements require long primary facades to be divided into individual bays that are visually similar to individual buildings.
- 83.** Primary Street. A street designated on the Zoning Map that receives priority over other streets in terms of setting front property lines and locating building entrances.
- 84.** Professional. See "Office/Professional".
- 85.** Property Line. Also referred to as lot line. A boundary line of a parcel of land or lot.
- 86.** Property Line, Corner. A boundary of a lot that is approximately perpendicular to the front property line and is directly adjacent to a public Right-of-Way, other than an alley or railroad.
- 87.** Property Line, Front. The boundary abutting a right-of-way, other than an Alley, from which the required setback or build-to zone is measured, with the following exceptions.
- (a)** Corner and Through Lots that abut a Primary Street shall have the front property line on that Primary Street.
 - (b)** Corner and Through Lots that abut two Primary Streets or do not abut a Primary Street shall utilize the orientation of the two directly adjacent lots, or shall have the front property line determined by the DRC.
- 88.** Property Line, Rear. The boundary of a lot that is approximately parallel to the front property line; this line separates lots from one another or separates a lot from an alley.
- 89.** Property Line, Side. The boundary of a lot that is approximately perpendicular to the front and rear property lines; it is not adjacent to the public right-of-way.
- 90.** Residential. Facilities in which people reside. Often called "housing", this includes several different building types and configurations of dwelling units meant for individuals and groups of people, such as a family. Units are typically occupied for long periods of time and may be leased or owner-occupied.
- 91.** Residential Care. A facility offering temporary or permanent lodging to the general public consisting of an unlimited number of sleeping rooms with or without in-room kitchen facilities. Residential care includes such uses as independent and assisted living facilities, nursing homes, and residential care homes. Assistance with daily activities may be provided for residents. Secondary service uses may also be provided, such as restaurants and meeting rooms. Rooms shall be accessed from the interior of the

- building.
- 92. Retail, General.** Retail uses occupying a space larger than 12,000 square feet, and engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods, including, but not limited to, convenience stores, department stores, grocery stores, hobby shops, etc.
- 93. Retail, Neighborhood.** Retail uses occupying a space smaller than 12,000 square feet, and engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods, including, but not limited to, convenience stores, department stores, grocery stores, hobby shops, etc.
- 94. Retail Tobacco Specialty Business.** A commercial establishment in which:
- (a)** the sale of tobacco products accounts for more than 35% of the total quarterly gross receipts for the establishment;
 - (b)** 20% or more of the public retail floor space is allocated to the offer, display, or storage of tobacco products;
 - (c)** 20% or more of the total shelf space is allocated to the offer, display, or storage of tobacco products; or
 - (d)** the retail space features a self-service display for tobacco products.
- 95. Right-of-Way.** Land dedicated or utilized for a Street Type, trail, pedestrianway, utility, railroad, or other similar purpose.
- 96. Roof Type.** The detail at the top of a building that finishes a Facade, including a pitch roof with various permitted slopes and a parapet. Refer to 6.10 for more information and a list of the permitted Roof Types.
- 97. Scale.** The relative size of a building, street, sign, or other element of the built environment.
- 98. School.** An education facility with classrooms and offices, that may also include associated indoor facilities such as ball courts, gymnasium, theater, and food service.
- 99. Service, General.** Service uses occupying a space larger than 12,000 square feet and are primarily engaged in providing assistance, as opposed to products, to individuals, business, industry, government, and other enterprises, including, but not limited to, entertainment uses, repair of small goods and electronics (not including vehicles), home furniture, restaurants, etc.
- 100. Service, Neighborhood.** Service uses occupying a space smaller than 12,000 square feet, are primarily engaged in providing assistance, as opposed to products, to individuals, business, industry, government, and other enterprises, including, but not limited to, entertainment uses, repair of small goods and electronics (not including vehicles), home furniture, restaurants, etc. Multiple neighborhood service uses can be aggregated in one development.
- 101. Semi-Pervious Surface.** Also referred to as semi-pervious material. A material that allows for at least 40% absorption of water into the ground or plant material, such as pervious pavers, permeable asphalt and concrete, or gravel.
- 102. Setback.** The horizontal distance from a property line toward the interior of a lot, along a line perpendicular to the property line, beyond which a structure may be placed. Structures or other impervious surfaces are not permitted within a setback, unless specifically permitted in this code.
- 103. Sexually Oriented Business.** Nude entertainment businesses, sexually oriented outcall services, adult businesses, seminude dancing bars and seminude dancing agencies.
- 104. Sign.** An object, device, or structure used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by such means as words, letters, figures, images, designs, symbols, or colors. Flags or emblems of any nation, state, city, or organization; works of art which in no way identify a product; and athletic field score boards are not considered signs.
- (a) Wall Sign.** A sign attached directly to the building facade and coplanar with the building facade.

- (b) **Awning Sign.** A sign that is mounted, painted, or otherwise applied on or attached to an awning.
- (c) **Hanging/Projecting Sign.** A sign that is attached to and projects from a building face or hangs from a support structure that projects from the building face.
- (d) **Freestanding Post Sign.** A sign that is mounted to or hanging from one or two freestanding posts.
- (e) **Monument Sign.** A sign attached to a freestanding structure which is typically constructed with brick, concrete, metal, wood, or stone.
- (f) **Window Sign.** A sign that is posted, painted, placed, or affixed to or near the interior surface of a window for public viewing from the exterior of the window.
- (g) **Directory Sign.** A sign that lists multiple businesses which are located within the same development in order to provide one collective sign rather than many individual signs. May be mounted on any of the other sign type support structures.
- 105. Solar Reflectance Index (SRI).** A measure of a constructed surface's ability to reflect solar heat, as shown by a small temperature rise. The measure utilizes a scale from 0 to 100 and is defined so that a standard black surface is 0 and a standard white surface is 100. To calculate for a given material, obtain the reflectance value and emittance value for the material; calculate the SRI according to ASTM E 1980-01 or the latest version.
- 106. Story.** A habitable level within a building measured from finished floor to finished floor.
- 107. Story, Ground.** Also referred to as ground floor. The first floor of a building that is level to or elevated above the finished grade on the front and corner facades, excluding basements or cellars.
- 108. Story, Half.** A story either in the base of the building, partially below grade and partially above grade, or a story fully within the roof structure with transparency facing the street.
- 109. Story, Upper.** Also referred to as upper floor. The floors located above the ground story of a building.
- 110. Street Face.** The facade of a building that faces a public right-of-way.
- 111. Street, Front.** The street in the lot's primary frontage.
- 112. Street, Side.** The street in a corner lot's secondary frontage.
- 113. Street Type.** The permitted and regulated types of streets in this code. Refer to 4.0 Street Types for more information and a list of the permitted Street Types.
- 114. Streetwall.** The vertical plane created by building facades along a street. A continuous streetwall occurs when buildings are located in a row next to the sidewalk without vacant lots or significant setbacks.
- 115. Structure, Accessory.** The general term for a subordinate structure detached from, but located on the same Lot as the Principal Structure; it may or may not be inhabitable.
- 116. Structure, Principal.** Also referred to as the principal building. A building that contains the dominant Use of the Lot. It is typically located toward the front of the Lot in the front Build-to Zone or behind the Front Yard Setback.
- 117. Swale.** A low lying, naturally planted area with gradual slopes that facilitate the transport, absorption, and/or filtration of stormwater.
- 118. Tobacco Product.**
- (a) Any cigar, cigarette, or electronic cigarette,
 - (b) a tobacco product, including:
 - (i) chewing tobacco; or
 - (ii) any substitute for a tobacco product, including flavoring or additives to tobacco; and
 - (c) Tobacco paraphernalia
- 119. Transit Station.** A covered passenger boarding and alighting facility for a bus or other transit mode.
- 120. Transparency, Minimum Ground Story and Upper Floor.** The minimum amount of transparency required on street facades with street frontage.

- 121.** Transparency. Any glass in windows and/or doors, including any mullions, that is highly transparent with low reflectance.
- (i) Ground Story Transparency, when defined separately from the overall minimum transparency, shall be measured between two feet and eight feet from the average grade at the base of the front facade.
 - (ii) A general Minimum Transparency requirement shall be measured from floor to floor of each story.
- 122.** Tree Canopy. The uppermost area of spreading branches and leaves of a tree.
- 123.** Tree Canopy Coverage. The area of ground covered or shaded by a tree's canopy, measured in square feet.
- 124.** Use. Also referred to as land use. A purpose or activity that may occur within a building or a lot.
- 125.** Use, Accessory. A use customarily, incidental, and subordinate to the principal use or structure and located on the same lot with such principal use or structure.
- 126.** Use, Principal. The specific, primary purpose for which a lot or building is utilized.
- 127.** Utility/ Infrastructure. A lot that is primarily utilized for the City's infrastructure needs. Utility and infrastructure includes such uses as electric or gas services, sewage treatment, water treatment and storage, and energy conversion systems.
- 128.** Vehicle Access Type. The specific structure that vehicles traverse when entering a lot from a right-of-way.
- 129.** Visible Basement. A half story partially below grade and partially exposed above with required transparency on the street facade.
- 130.** Water Body. A body of water, such as a river, pond, or lake that may be man-made or naturally occurring.
- 131.** Yard. The space on a lot which is unoccupied and unobstructed from the ground to the sky by the principal structure. Lots without a structure do not have yard designations.
- 132.** Yard, Corner Side. A yard extending from the corner side building facade along a corner side property line between the front yard and rear property line.
- 133.** Yard, Front. A yard extending from the front facade of the principal structure along the full length of the front property line, between the side property lines or side and corner side property lines.
- 134.** Yard, Rear. A yard extending from the rear building facade along the rear property line between the side yards or, on a corner lot, the corner side and side yards.
- 135.** Yard, Side. A yard extending from the side building facade along a side property line between the front yard and rear property line.

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

Wednesday, March 6, 2024

5:00 p.m.

2277 East Bengal Boulevard

City Council Work Room

ATTENDANCE

Members Present: Chair Dan Mills, Vice-Chair Lucy Anderson, Commissioner Mike Smith, Commissioner Mike Shelton, Commissioner Dan Poulsen, Commissioner Sean Steinman, Commissioner Jonathan Ebbeler

Staff Present: Deputy City Recorder Maria Devereux, Associate City Planner and Sustainability Analyst Ian Harris, Community and Economic Development Director Michael Johnson, Senior City Planner Samantha DeSeelhorst, System Administrator Alex Earl

Excused: Commissioner Jessica Chappell

[VERBATIM TRANSCRIPT]

WORK SESSION

Chair Dan Mills called the Work Meeting to order at 5:05 PM.

1.0 Review Business Session Agenda.

Chair Mills: We're on.

Michael Johnson: Make sure that your table mics are on. If they are not then there is one other one.

Chair: And we're excusing Commissioner Chappell. Commissioner Ebbeler is three.

Commissioner Ebbeler: I'm on.

Chair: Welcome. We'd like to welcome everyone to the March 6, 2024, Cottonwood Heights Planning Commission Work Session. We're going to start out by reviewing our Business Session Agenda here. We have one major project to talk about and I hope you've had a chance to review this. I think we've got a lot of interest from the public and former leaders of the City and all sorts of folks that are interested in this project. So, looking forward to hearing about it. And then it looks like we've got one set of minutes from January 3. So, if you haven't had a chance to review those, make sure you get a chance to glance through those.

Samantha DeSeelhorst: I have them in your packet so if you need to take a look.

Chair: And with that, we'll turn it over to Staff to review project SUB-24-001.

Johnson: Thank you. All right. This is a subdivision amendment of an existing subdivision plat, the Golden Hills Canyon Subdivision. This request constitutes a proposal to consolidate three lots into one. The applicant is Justin Jones, who's the Project Engineer and this is Preliminary Plat consideration. I'll explain later what the next steps are in this whole process. This Preliminary Plat is kind of the first step. For context, these three lots are located way up on a private road called Golden Hills Canyon Road, 3874, 3892, and 3889 East Golden Hills Canyon Road. Those three lots total 1.68 acres so they're all just over half an acre. I'll take one step back. You can see just to the east property line of the two eastern lots is the City boundary. So, these are as far east as you can go in Cottonwood Heights.

Chair: Have you just for clarification, have any of you had a chance to walk this yet?

Anderson: Yes.

All: Yes, yes, no, no, no.

Johnson: The request as was stated is to consolidate three lots, Lots 6, 7, and 8 of the Golden Hills Canyon Subdivision plat into one lot. This is just another zoom in of the plat, this plat was recorded in 1970 so these eight lots were platted and entitled way before the City was a city and have been existing since 1970. They're accessed via Golden Hills Canyon Road, which is the private drive that you access off of Kings Hill Drive. Some background, like I said, it was an eight-lot subdivision entitled for development by a Subdivision Plat and we approved and recorded in 1970. There are currently homes existing on Lots 1, 2, 3, and 4 and then 5, 6, 7, and 8 are undeveloped and then Lots 6, 7, and 8 are what's in front of you tonight to be consolidated. So, there's one undeveloped lot between the existing home to the west and these three lots. You'll see here, this is the County aerial imagery of Deaf Smith and Little Willow Creek that run right through this subdivision. It actually crossed through one of the lots or two of the lots in different places that we're considering tonight. The City boundary and US Forest Service property is to the east. This is a very colorful graphic but this is their current preliminary plat with the three parcels outlined that would become one parcel. Basically there's a bunch of different overlays included on this graphic. Anything that's not green is over 30% slope. That is a requirement to show sloped areas on the subdivision plat, so anything that's not green is just from a topography perspective over 30% to varying degrees.

DeSeelhorst: Can I just mention, the color is a little easier to see on this one. The color on this one kind of looks like it's more golden but.

Johnson: So, the central area is what is supposed to be green or yellow or whatever we're looking at on the two screens but you can see to the south and to the north, it slopes up pretty steeply. That's relevant because in City Ordinance, any natural slope of 30% or greater is considered unbuildable except for a public trail, which is relevant to the conversation tonight and I think why probably a lot of people will be here. There's also - it's hard to see on the plat, but the waterway runs through the property. I'm tracing it here with my cursor. The applicant is ultimately interested in developing in this kind of hashed central area although this is not being reviewed right now for actual construction of the home. That will come at a subsequent step. We'll start with the zoning analysis just from what the zoning district is and that allows. The zoning designation of this property is F-1-21. That's a Foothill Residential requiring a minimum lot size if a new lot were to be created of half of an acre. A .5 acre so 1.68 acres, which is the total area, would comply with this. Interestingly, the stated

purpose of the F-121 zone is to provide residential development opportunities for property owners within steep slopes and hillsides in the City while providing preservation of the natural landscapes of hillsides. There's a few other interesting provisions in the F-121 zoning chapter. One of them being any Building Permit is required to go through watershed analysis by the Health Department. The applicant has been made aware of this even though again, we're not at that step yet. They will have to do a water quality analysis for how any development will impact the natural watershed. Also, there's no minimum setbacks in the F-121 zone. They are as determined by the Community and Economic Development Director and can be referred to the Planning Commission with the purpose of limiting disturbance to hillside areas. So, that's how setbacks work in the zone. Building height and other standards are the same. It would be a 30 or 35-foot maximum building height, so typical to other development in the City, but the setbacks are analyzed on a case-by-case basis with the stated purpose to preserve as much natural hillside as possible.

Shelton: Is that true of the set back from the stream as well?

Johnson: So, the stream setback would also be subject to the recent SLEDS ordinance that was adopted. There's a minimum 20-foot setback from top of bank. That's also a County Flood Control requirement, which this will have to go through - I think I'll talk about it later - stream alteration and flood control approval. So, they could expect a top of bank setback of 20 feet from that natural feature.

Steinman: So, with this current zoning of the three lots, technically they could get three separate homes on this parcel? That would have been the appropriate setback.

Johnson: I'll talk about that in a minute because there are hazards but it is meaningful in Staff's analysis here that this subdivision is already platted, meaning these lots do have an entitlement to be developed. Even if there are hazards on site, like steep slopes and other natural hazards, having a Development Entitlement, which was granted here in 1970, can go a long way in a variance application or other accepted request being successful. Recent example, on Top of the World Drive to the north up above kind of Ferguson Park, there is a lot that is mostly 30% slope entitled and platted well before we were a City, not buildable under current City Ordinance. The applicant of that lot requested five or six different variances and the Appeals Hearing Officer found that because it was an entitled lot from back in the County days, that it did warrant approval of some of those variances. So, it got exceptions to steep slope development, lot coverage, to other things to be able to be built on. So, that's a long way to answer your question. Yes, there is a potential here that three lots could be developed if this consolidation doesn't take place.

Mills: How long ago did that happen?

Johnson: Within the last year.

DeSeelhorst: Last spring. They're in the Building Permit process now.

Steinman: So, they're looking at three separate lots that could be developed right now. Is this a PUD or...?

Johnson: No, this is just a private subdivision.

DeSeelhorst: I think it's fair to say it would still have some extra layers to it versus just developing a lot in the City that meets all the current standards, but because it is entitled to development from the 70s, there has to be some recognition of that right.

Johnson: You'll see to the west it's R-1-8 standard residential single-family zoning and then all around it on the hillside is F-20, which is a Foothill 20-acre designation. So F-1-21 is not a common zoning in the City but it does apply here. Additional things that have been analyzed and continue to be are sensitive lands hazards. Those are listed here. The sensitive lands hazards that will apply to this development – debris flow hazard, landslide, slope stability, rockfall, and then riparian. The first four have been studied. There was some site scoping that was performed between 2022 and 2023 to assess debris flow, landslide, flexibility, and rockfall hazards, which is why we have this colorful plat that shows all those hazards as they've been documented. Part of the subdivision process is disclosing that these hazards are present on the site and then that is a note that goes on the plat. That's also a disclosure that goes on the title of those properties that there are hazards present. What those studies resulted in were engineering reports that recommend certain mitigations for development. Those would then be required to be demonstrated at the time a Building Permit is submitted. In addition to avoiding any unbuildable areas per City Code, there's engineering recommendations that they would need to implement.

Mills: Can you go back to that for a second? Were these cities done before after the property owner took down the trees?

Johnson: Yeah, I think some of the site clearing was part of the scoping for the Land Disturbance Permit to be able to dig test pits and do the studies that that they needed to do.

Mills: Got it.

DeSeelhorst: We've got other items on the business agenda to go through so we are able to dedicate the time that we need to this one. I think it's probably a projector thing if it's coming up on my screen. Oh yeah, there you go.

Johnson: That seems to work. Let's try.... Okay. I want to talk about trail connectivity now. The Golden Hills Canyon Subdivision and I will explain some of this, there's some City Council context here with prescriptive easements and prescriptive roadways that I'll update you on in a minute. But currently Golden Hills Canyon Subdivision is a private road. There's no existing legal public access to Deaf Smith Canyon, but the City is confident enough to say this is public, everyone go use it. That being said, trail connectivity is identified in, among other Master Plans that have been adopted over the years, most recently the Parks, Trails and Open Space Master Plan. The screenshot that's provided here is showing a potential trail access point to the north leading up through the Golden Hills Canyon area beyond City boundaries into Deaf Smith Canyon and the other canyon that's up there. This is notable because the Subdivision Ordinance states, and this is verbatim, but I'm going to read this because I think it's important, "Dedication or grant of easement of trails necessary to provide public access to public lands and other trails shown on the City's General Plan or Adopted Area Master Plans or required by the Planning Commission", and that's the kind of title of the Section, "Trail shall be located so that the route is feasible for both construction and long-term maintenance. Insurmountable physical obstructions shall be avoided. The specific location of the trail right-of-way shall be verified on the ground before final approval of the subdivision. The amount of land required for trail dedication without compensation shall not exceed 5% of the land within the subdivision, excluding

trails located within a standard street right-of-way.” What this means is anytime there's a subdivision amendment or consideration at the subdivision level, if there is a Master Plan that documents a trail connection through the subject property, the City has an Ordinance that requires dedication of an easement to provide future public trail access only through that property. We cannot require the properties way on the east to make the full connection down to the public right-of-way to the west but we can require a dedication or grant an easement on the properties that are subject to the subdivision request. We do not have this provision if they were to just come in with Building Permits on the existing lots today. We could ask for it and certainly would make an effort to get trail easements during Building Permits in this area, but the trigger here is in the Subdivision Ordinance at the subdivision level.

Mills: Can you give this group the history a little bit because this has come up before. Are you coming to that?

Johnson: It's in two slides. I want to get to what is being proposed first and then I'll talk about the history. We received this Correction Letter or Correction Plan Set just very literally this morning. So, this was not in your packet because it wasn't ready but this does show the three lots and again, there's a lot of colors, a lot of things going on. But you can see up here, the northern portion of Lot 8, which is that northern parcel is proposed to be dedicated to the City. So, not an easement but a full fee title dedication to the City for the purpose of providing future trail connection through the parcel. And I have a zoomed-out context that shows some additional improvements being proposed by the applicant that I'll show on the next slide. But this is the applicant's response. When we did our first review, we sent that Code provision there that they need to show dedication of trails through the property. They responded with the following: “The owners are offering to get a northern portion of Lot 8 to allow the City to own the property connecting the parcel to the west and the Forest Service land to the east of Lot 8. In addition, the owners plan to pay for a portion or possibly all of the cost of the trail construction that will cross the northern portion of Lot 8 as well as the portion of the trail that connects Deaf Smith Canyon to Willow Creek Canyon.” So, that's to the east. That's not on this property. “It is anticipated that trail construction will occur during the beginning phases of construction on the subject property. The proposed location of the trail is shown on the plat maps and will be staked on site at a future date.” So, Staff's analysis of this is as follows. The proposed trail dedication area generally does align with the City's Master Plan but it also must be field verified to make sure it's viable, if there is a feasible connection, there's not physical obstructions in the way that make it impossible to use that as a trail access. The City, again, cannot require dedication construction beyond the proposed extent of lot consolidation but it has been proposed by the applicant. They have said they are willing to construct all or a portion of the trail through this property. “Trail development on adjacent lands will require approval from applicable landowners”, in this case the Forest Service. “The proposed dedication provides the first piece of formal legal access to Deaf Smith Canyon and Staff's analysis furthers the goal of the City's Parks, Trails, and Open Space Master Plan, moreso than the current condition of the lots today. A parcel being dedicated to the City is going to require negotiation with the City to finalize what that looks like. We will be emphasizing an amount of flexibility to make sure that wherever that trail connection ultimately hits, we're putting this piece of the trail in the right spot so that it does serve the purpose of future connectivity.

Steinman: Could that be accomplished with an easement instead?

Johnson: Yeah. So, this is this is a zoomed-out version of that trail alignment. This has been walked – staff has walked this with the applicant's Architect a year and a half or so ago. Not in any sort of

formal engineering capacity. It hasn't been staked and fully surveyed but this shows the alignment as it exists in the Master Plan, but also as the applicant believes it's feasible coming from Golden Oaks, the dead-end road that's a block to the north of here. So, you can see there is a portion of that trail alignment that would come along private property not owned by the applicant, but in a similar location to where that kind of informal access pathway exists today. Although I think today some people drop down into the private road but this is what's being shown. And then you can see on the red parcel there that top portion of the red parcel is where the dedication is proposed with that trail alignment running through that. And then this is the portion the applicant said is willing to construct a part or all of which we're continuing that that trail down the slope here including a bridge that crosses the waterway so that it provides access this way into Deaf Smith but also to the south and east into Little Willow, into that Canyon as well. So, this is their analysis, again to be staked and verified on site before final approval of how the area they're proposing to dedicate could serve a future trail network. Okay, now I want to go over the City's history with prescriptive easements and prescriptive roads and I have an e-mail from the City Attorney that I'll reference here in a minute. There are two different things and I think they get interchanged sometimes. One is a prescriptive easement and for something to be considered a prescriptive easement it must be demonstrated that there's been 20 years of continuous open use of whatever that is. Trail, I think this would apply to fence lines and other things like that. Only the user that has used whatever it is for 20 years can claim that easement. This is not something the City can claim because the City is not out there using it. But anyone that has used, say this this private area for their for their enjoyment, for a period of 20 continuous years without interruption, could claim prescriptive easement in that area. That's not enough for the City to say yeah, because that person did that and was successful, it's now a public right-of-way. So, the City and the State Property Rights Ombudsman came to a City Council meeting a handful of years ago and presented on this. The statute that the City has pursued previously is this prescriptive road statute and it's different than a prescriptive easement but it allows, and this is not the updated version of the presentation, but continuous use of an area as a roadway for 10 years, it's not seven, it's 10, can result in that being deemed a public road. So, the City could claim a road that meets this condition as a public right-of-way. Let me read what the City Attorney wrote because the City has gone down this this pathway and met with some property owners in an effort to establish this as a prescriptive road and this being not only on this piece, but the whole kind of Golden Hills Canyon Trail Network that lead up to Deaf Smith Canyon. This is a verbatim quote from the City Attorney. "Several years ago the City explored whether feasibly to assert creation of one or more public trails above Wasatch Boulevard under the Prescriptive Road Statute. Information from trail users was solicited. The City Manager and City Attorney ultimately met with about seven trail users who were willing to speak to the City about their use of trails over the years. Of those, several had not used the trails for the necessary 10 years. Of the others, not all had used the same trails although there was some overlap. Ultimately, the City felt that it hadn't found a sufficient body of compelling evidence of the necessary open, continuous, adverse, uninterrupted use for the required time period. During the time, the City also consulted with outside legal counsel on the issue of whether it felt that the City could successfully use the Prescriptive Road Statute for the purpose. That legal counsel advised that success was possible but not assured. Given that and perceived evidentiary challenges, further inquiries on the issue were suspended." The initial plan here was that go back to the City Council and make an effort to meet with the property owners to see if they would be willing to voluntarily give access to a prescriptive road based on the evidence gained in these interviews with property owners and users. And if they were willing, then we'd go into that negotiation process. If they were unwilling, then we would have needed additional Council direction to pursue litigation and try to force the issue. Neither of those steps happened. And that's from the City Attorney. I wasn't involved in all those meetings, but he was in all those. That's the update on that.

Shelton: Can I ask you your memory but maybe you don't remember. So, I was part of that conversation. But my memory wasn't on the prescriptive road statute that it had to be a single user with continuous 10 years but that it had to be shown that it was used by the public. Is that your....?

Johnson: I think that's correct. Yeah. And there were more trail systems than just this one that were were discussed at that time in other areas. So, this was kind of a piece meal approach where one person used certain trails but another use another. And again gearing up for potential conflict with property owners, you have to build a case of evidence. And at the time, you know, based on the interviews and whatever evidence, it didn't feel like there was enough there to proceed. All that is to say, today we consider this still private access because none of that was ever explored down to saying this is now a prescriptive road. Prescriptive easements are based on private users and they can make that claim, but it's a civil process not involving the City but the prescriptive road issue was never finalized or concluded by the City. So, but hopefully that helps. This has been most of the public comment we've received. So, I think it would merit spending some time on it. I'll go now into just procedure and staff findings and then we can turn it over to the Commission for questions. So, this is kind of the procedure. What I didn't mention here is the pre scoping and sensitive lands analysis that started really well before we ever had a subdivision lot consolidation application. And I think it started before the owner had a full plan of how they wanted to use the property. So that scoping process started in 2022 and they've done some of those land disturbance projects as approved by the City and now they're applying for lot consolidation and Preliminary Plat approval. This is basically proof of concept and the staff review at this level is, are there things here that would make a lot consolidation blatantly violate ordinance in some way and make it not feasible or is there a pathway to Code compliance for this lot consolidation to be approved. This doesn't mean all the technical issues are resolved and they are far from resolved. This is a very technical piece, but Preliminary Plat is essentially proof of concept. This could go forward as long as it meets all the future City requirements. Likewise, Preliminary Plat approval, if granted, does not mean that tomorrow there's one lot and the applicant can start building the house. There's a long step of engineering and back and forth dialogue with the applicant and their team to resolve and approve all of the technical staff corrections. And that includes coordinating approvals with outside entities like the State of Utah, Salt Lake County Flood Control, there's irrigation companies that own easements through the area, the US Forest Service. A number of regulatory agencies need to provide their approval of what's being proposed. That happens between Preliminary and Final Plat. Assuming all of those technical items get addressed, then they move to Final Plat and this is the document that gets recorded and executes the lot consolidation. So, that now three Salt Lake County parcels become one. Along with the Final Plat is a set of final site construction plans and this is your Grading Plan, your sensitive lands mitigation, your engineering being implemented on a plan set for how they're actually going to build on the property. And then you get into Building Permit, which is the actual house itself. So that's the step and the bullet points after Preliminary Plat can take months, especially if regulatory agencies outside of the City are required to be involved. This is not all of the preliminary review comments. This is just kind of the nature of them. I have printed out the review comments and they're pretty substantial, but they're all right out of the City Ordinance. But they are of this nature. The applicant must show hazard areas on the Subdivision Plat, which you've seen a resubmittal all that shows a lot of those that I showed earlier. The applicant shall show trail easement or dedication through the property. The applicant must obtain approval from water and sewer districts and other outside regulatory agencies. Buildable area must be approved and labeled on the plat. Submittal must first obtain Fire Department approval. The Fire Department has granted conditional approval. They have a number of conditions here regarding the width of the driveway and the requirement for the future

home to be installed with automatic fire sprinkler. But they have offered conditional approval. The applicant must demonstrate implementation of previous sensitive lands hazard studies. Impacts and mitigation around the existing waterways and irrigation lines must be demonstrated and approved. That's not only riparian standards but that's modifying the culvert that exists with the irrigation company and negotiating the relocation of easements and all of that must be must done. There's a bridge that's proposed to go over the creek to access the home and that must be designed, engineered, and permitted. And then Flood Control and Stream Alteration Permits must be provided before final approval. So again, a pretty long runway between preliminary and final but nothing that Staff feels would make the lot consolidation violate Code in some way. The burden is on the applicant to demonstrate that it can resolve these items but the lot consolidation itself and the basic requirements here do seem, at least there is a pathway there where if they can comply with all of these things then the lot consolidation can occur as shown on the Preliminary Plat.

DeSeelhorst: That's especially true given the dedication they've provided for the trail access. So, I think as an example of like what staff would flag as a circumstance to recommend denial of the lot consolidation is if they weren't complying with the requirement for trail access. But given that that has been provided on their plans, I think that's kind of the differentiation between the technical comments that we catch during final plat versus those overarching issues that we would need to see resolved before we came to Planning Commission.

Johnson: Yeah, that's a good point. Thank you. And if there's a technical item that cannot be resolved, then final approval doesn't happen. It doesn't happen until these things are resolved and it's all items out of the City Ordinance. Staff findings. We are recommending approval of this and the findings are here. They're a little more detailed in the Staff Report. Consolidation of three entitled lots into one results in more natural preservation. This is more compatible with the F-1-21 Zoning District than the current condition. I do want to emphasize it's not approval of one lot or denial of development altogether. It's approval of consolidation of three lots into one or denial, which results in no public trail easement and the potential to see three lots built because those lots are still entitled and that doesn't change. So, it's not development or no development. And I think that's a distinction that's worth pointing out. Providing partial trail dedication for Deaf Smith Canyon access. Especially at the level of detail that was shared by the applicant just today. Furthers the goals of the City's General and Master Plans and the project will continue its technical review process until all review items are completed and found satisfactory. So, then I've got the recommendation at the bottom with motions there. Turn it back to the Commission for questions.

Chair: Who wants to start?

Smith: So, if I wanted to go hike on that now, can I go onto that road or is that.....

Johnson: We get asked this question all the time and the City says it's all private. So, you doing so is at your own risk. We don't advertise it.

Smith: The owners could say you're prohibited....

Johnson: That's the City findings today.

Chair: My experience is if you knock on a door, many of those people are sitting behind us, and if you're going there with the intent to understand the situation, they're very accommodating.

Smith: So if I say I'm on the Planning Commission, they might let me?

Chair: They were very nice to me yesterday.

DeSeelhorst: I think a distinction to point out too is according to the City Attorney, an individual who has been utilizing that trail over private property for a certain duration of time could make the claim for a prescriptive easement but it would need to be an individual doing that. It cannot be the City. Certainly, an individual could make that claim on their own but I'm not sure if anyone has.

Johnson: It's not a formal public trail today. It's not on an existing trail map. It's on a future trail map because it's all private property.

Poulsen: What about that trail that you had on the map that we don't have? It's higher up above the property and it goes through Lot 8. What does that trail look like today?

Johnson: So, there's like a utility access pathway that you can access from this dead-end street to the north. Again, that's all on private property.

Poulsen: But you were labeling it either a prescriptive trail or road. And how does that work in with the proposal by the current landowners?

Johnson: Yeah, so maybe this is a good distinction, this large line coming north to south is future Bonneville Shoreline Trail alignment. This this is what we're talking about here, this Deaf Smith access from the dead-end road here coming up. That hits about right where my cursor is right in this area is where that Lot 8 access point would be. So, where they're showing the trail alignment is kind of a convergence of all of these potential trail alignments. And for further clarification, these two are shown as alternate options. We're not proposing both trails there. We're just saying, hey, somehow we want to get the public up Deaf Smith Canyon.

Poulsen: Do those trails exist now, or they just....

Johnson: Not formally. People use them.

Poulsen: They didn't find them. If you going there is parking up by that circle up on the upper left?

Johnson: No.

Poulsen: ... and just park in the neighborhood. Is there access to those two proposed trails presently?

Johnson: Yeah, you do see people walking in those areas.

Shelton: There is a trail there today.

Steinman: Is that a public trail or is that?

Shelton: Well, depends on what you mean. There's a dead end. It ends at a lot and from that lot you can access this trail. That lot is privately owned.

Johnson: In the City's finding not publicly.

Poulsen: But there's not a home there but there could be at some point.

Johnson: That's a private parcel and they have done some recent scoping work on that parcel. We haven't received a development application yet but they have done some sensitive land scoping on that piece. The same thing would apply there if they subdivide that land and come in, this is a different owner, but if they come in with a development application that subdivides land, the City would again require dedication of trail easements through that property to formalize public access.

Poulsen: But if they don't subdivide it, there's really no action that we could be taking.

Johnson: Again, we try to work with them and get that public access regardless. The subdivision Code triggers the requirement.

DeSeelhorst: Similar to what you guys have seen happen, like on Fort Union Boulevard where we know multiple plans call for grade separated trail and bike lane on that road. We can't require it until somebody redevelops the property with a subdivision. You know, if someone's just changing a house that's there, we can't require that. So, in some ways that bigger current of change coming through can be a good thing and it allows us to require these things that we couldn't otherwise.

Poulsen: I'm just wondering if all that trail were to come true you can't get to it because you've got to go through somebody's private property at the very beginning. That doesn't seem like a really good idea.

DeSeelhorst: I see your point.

Johnson: It's a challenge because this is all private land, but it's long been a goal to get people from the public right-of-way to the west to the public lands to the east and this is the section here that needs to be bridged. Besides the applicant, it is all the same landowner. So it's just working with one party to try to get that. There's not a lot of different parcels along this alignment.

Poulsen: Is that Forest Service that we're talking about as the other party?

Johnson: No, this is a private landowner.

Steinman: So that western parcel for the current access, is there an opportunity for that private landowner to close that off currently and not allow for any trespassing for access? Is that a possibility?

Johnson: It's private land, yeah.

Chair: I mean, we've been hiking that since 1983 as Boy Scouts like pretty much continuously.

Shelton: I think here if you go back to what the attorney said, there's a really important set of points. What do you have to show for it to be a prescriptive road is that it has been used by the public for 10 years to get from one point to another. Now what he evaluated when the evaluation was done previously was a whole bunch of trails. But I think it's pretty easy to demonstrate that multiple trails

in this area have existed for more than 10 years and are trails from Point A to Point B. It's how you get there. Including the private road that goes right up through these homes. So, the Prescriptive Road Statute is, in my opinion, and it's just my opinion, but is the landowner's major risk in trying to make access difficult because it's not a real high burden for the City to meet, to claim that there are roads there and once those roads are claimed, the landowner has no right to relocate them. They are where they are. But that's my understanding. But I think in this one particular instance, it's pretty easy to demonstrate that many of these trails meet the standard to be roads.

Johnson: I think Staff's finding here is regardless of that, formalizing public access is going to be better, and this limits the future amount of private development you could see up there which helps preserve some of that natural area.

Chair: I'm curious about the – you mentioned that it's really your prerogative to make exceptions to the SLEDS Ordinance and its application with this property is that.....

Johnson: No, that's not correct. I cannot make exceptions to the SLEDS Ordinance.

Chair: So, because it looks like the building envelope for the plat we saw was less than 20 feet from the water and that they shaved the top off of one of the contours.

Johnson: So, that needs to all be reviewed. We have not done a Building Permit Review. I did measure from the creek to house today. The closest point is 24 feet or something like that. But that all needs to be finalized so they need to show that their home location and construction complies with everything.

DeSeelhorst: I'll make the same distinction that I often make and did with the lot consolidation we just saw on the end of Danish Pine Lane. Do you guys recall that one? We were just looking at the consolidation of the property itself. So although we have some of the very preliminary concepts of what may come, the purview tonight would just be the land itself. So, any structure would be subject to full Building Permit review. That is not being reviewed in the Work Meeting.

Johnson: The discretion I have is over setbacks but not over obstruction or development in otherwise unbuildable areas.

Chair: But set back from the creek?

Johnson: Just setback from the property lines.

Chair: Setback from property lines?

DeSeelhorst: In most zones, it'll say your front setback is 25 feet, your rear is 20. In this zone, the Code simply reads, it is the discretion of the Planning Commission through the designation of the Community and Economic Development Director to designate setbacks. So it's very open and we don't get a lot of projects in this zone. So it's not something you that comes to you often.

Anderson: Is the discretionary also applicable to riparian?

DeSeelhorst: No.

Anderson: I think that's maybe where some confusion.

DeSeelhorst: Very good clarification to get, yes. If they were to request a deviation from those standards, that would be the variance process, which is what the individual on Top of the World Drive did and that was upheld in an Appeals Hearing. Was their right and their entitlement to build.

Chair: So a couple more questions. Our riparian requirements for a bridge over water and the idea that we've got - I mean, there's like three or four potential water entities and then the potential to even get water pumped up that street. I mean, we dealt with the Harris property down below way back when you know trying to figure out okay, who's going to have responsibility for even accessing water in there. To me, in addition to your list, I can think of another 10. I hate to give somebody false hope by just taking one step. Are the water entities aware that this is even under consideration?

Johnson: They are. They have been meeting with the applicant. They've met with Salt Lake City. I know the irrigation company I believe is planning to attend and share public comment tonight. So, they are aware of this.

DeSeelhorst: One of the benefits of our Pre-Application Meeting style is Salt Lake City is privy to those and has been hugely helpful in giving preliminary feedback about that forum. And Salt Lake City is the water provider to make that distinction.

Steinman: What are the current entitlements for each individual lot currently? Are there any variances that were granted due to the slopes as well as the waterways?

Johnson: Not that I'm aware of. So it's three entitled lots that if they came in for Building Permits, you may run into some sensitive lands' issues. Again, staff's concern is because they're entitled they could be good candidates for variances.

DeSeelhorst: I will just note to your point, Commissioner Mills, the bridge over the waterway, that is feasible in the recurring ordinance with analysis required. So, it's not outright prohibited. That would be under the recent changes of possibility.

Chair: So the other question I have is that where the current existing use has taken place, not for the people that walked up the street, it appeared to me that people were joining the road west and then the main trail after the terminus of the road was right along - I mean it looks like it's smacked up where the house is.

Johnson: The Creek is here. Some people come up this way.

Chair: But it wasn't double wide. It wasn't vehicle traffic. I mean, this was the dead of winter. So anyway I'm just noting that. We're not going to use that as a finding.

Johnson: The trail dedication has to happen. Where it ends up and how it happens has to be feasible. And it has to be compliant with the Master Plan and we've got to find that it works. And actually we think that the applicant has actually gone above the minimum requirement by Code, which is just providing an easement, nothing else, and has stated that they will construct it and will with permission of the Forest Service go in and help provide future access not only to one canyon but to both of them.

Steinman: So Dan, I live about three blocks away from this and I frequent this trail all the time. Based on this map right here and you know, I illegally frequent this right now because I have to go through a private lane. So we access from the top that trail that you mentioned, that's been there for you know 20, 30, 40, 50 years. We access that, go through and then we always cut left of the stream there. I believe that's the only way to get through and then from the top, I guess that's the north, we then drop back in. So, I think that from an access point by having that easement or, of course, the land granted it just makes it comfortable for everybody. You know, when we moved into the neighborhood, I was like, how do we access the trails here? And Ferguson, of course, is one of the best access points because there's a good, feasible place to access. And then, of course, Deaf Smith Canyon, you have very illegal access but as you mentioned, if you go and talk to somebody up there, you might be able to be granted rights to it. You know, I've heard of people get yelled at. I've never seen anybody up there yelling at the residents or the hikers back there, but they have right to because there's a liability as a private property owner that if they get hurt in that space, there's some issues there. And if it is a prescriptive easement or if there is, you know, longevity behind it, there's a lot of different factors here but the interesting thing about this is being able to now have that dedicated is quite beautiful and being able to access that point. My worry is if we get three homes there that's a bigger worry for me at the end of the day.

Anderson: You mean if not....

Steinman: Exactly. If three homes are built there, you know, three modern homes that now we don't have that access point and now we have to go up to that steeper side, I mean, that's a big concern. So, I think that across the board, you know, the SLEDS provisions and the riparian provisions on this are going to make it a very difficult development either way. And I think if there's intension behind it. I think that that's one of the key factors.

Chair: Great insights. I might challenge - you know, I appreciate the point of being grandfathered in because of the consideration 1970, but boy, building on a 30° slope because of a legal technicality actually, given the disaster with Edge Homes, I mean, I wonder if that would be in our legal best interest to approve people building on slopes that steep because of liability for the City. And that would apply to two out of the three lots.

Johnson: We have very recent precedent that - and variance criteria are handed down from the State of Utah. It is not a City process. It is a State-mandated process and you have a Hearing Officer following those requirements. Again, property rights state a Plat Entitlement means a lot. If we were talking about parcels of land here, that's a completely different conversation. But I do want to just bring up the very recent example of a variance directly granting development on 30% slope, you know not two miles to the north of here.

Steinman: I think there's mitigation opportunities. So if somebody wanted to develop three lots here, you know, just as you build up in Alta, there's mitigations with building and construction and you know piers that you can use to build on that. So, if this isn't granted, that's feasibility. It's just going to be costly at the end of the day.

Chair: I don't think there's any doubt that - I mean the if we were to poll Cottonwood Heights, the vast majority would love to have access to Deaf Smith Canyon for one and number two, there's no doubt that the potential, well the existing and long standing inconvenience to the residents that live

along that that that little road has been significant and has led to no trespassing signs and some vigilant homeowners that I think are present here tonight. Is there any consideration to going to the south at all in terms of the easement and potentially connecting it to our ideas for Parks, Trails, and Open Space on the Little Cottonwood Canyon side?

Johnson: So continuing this on to south?

Chair: Instead of having the north access, having the south access as an alternative.

Johnson: I mean this follows the Master Plan and this follows generally the current pattern of use. So, that's where they proposed it. I don't think we've done any analysis of accessing to the south other than it does get really steep up in here and I don't know of any informal trails that are as commonly used to the south.

Shelton: There is a trail I believe, and someone who walks it more frequently than me, that goes right through the middle of these parcels. Not that direction. If you went right up the road and right through the middle of those parcels.

Chair: That's what I walked yesterday.

Shelton: So I mean, just to keep it in mind if that is a prescriptive road it has no bearing on whether you consolidate these or not. It either is or it isn't, but if it is a prescriptive road then the next step for the applicant will be really difficult because he's going to have a road right through the middle and across the top.

Chair: In defense of the property owner, is there any advantage to, I mean, I'm anticipating that there is significant desire to answer that question. Is it in the best interest of the property owner for that question to be answered before or after we consider this?

Johnson: We can look at it before final approval. Like I said, the road is long between preliminary and final and that does require you know, plat review and legal review. So, I think that's a valid point to bring up and something that that we can look into and analyze before we get to any final approval.

Shelton: Can you tell me – my memory of the prescriptive road is that there is no action required by the City for it to be a prescriptive road. That you don't have to take a formal action to formalize it as being a prescriptive road. Is that your memory of it?

Johnson: Yeah, other than if you start using it and it's challenged, it can still be litigated.

Shelton: There is a challenge but if it is a prescriptive road, it is today a prescriptive road.

Johnson: Technically true. Functionally, not always how it works. Like if you walk through someone's property they can challenge it.

Steinman: I want to look at that really quick. I just pulled up the parcel map for this specific neighborhood and if you go through, I think you might be looking at the one just to the west because there is that parcel between the current home in this project.

Shelton: If you look at an aerial.

Steinman: Yeah, if we could pull up the aerial that'd be great.

Shelton: Actually go to the aerial Google Map.

Steinman: And all the trails go off to the north, so it would actually really only impact the - and I've I've walked this quite a bit - it would only impact the northern parcel from what I can see here. So, the way I see this, the trail that I've used is –

Johnson: These are the three I can zoom out one.

Steinman: It just cuts through. So if you can see that northern lot right there. Yep. What I have seen on this is the trail system goes - here's that last house and then the road stops roughly right here. Then the trail goes like this and you can kind of see it.

Chair: Did you cross the creek because when I walked it yesterday, I crossed the creek.

Steinman: So, the creek is right here.

Chair: So I crossed the creek over the culvert and walked on a trail that was on the south side.

Steinman: Over in this area?

Johnson: The culvert is to the east.

Steinman: So yeah, the culvert is over this way.

Johnson: You can see the culvert right under the word Smith.

Chair: So, right here. Okay, so we're below that.

Johnson: Which is off the property.

Steinman: So this the road, the trail, is this right here.

Shelton: Where is, dead end in the road?

Steinman: The dead end in the road is right here. It's actually right here.

Johnson: It's two parcels away from this.

Steinman: This is where it becomes dirt and this is not the parcel here. So we're only focusing on this parcel. So you kind of walk over – so, you have a little bit of the trail that walks through here and then as you can see, it goes a little bit to the top of here and then this is the northern parcel. And actually I think it might follow closer to the Creek.

Chair: See right there where your cursor is, go left a little bit. That's where I was walking right through there.

Steinman: So I think that the road from a prescriptive standpoint, I don't know if we're going to have that issue just based on that from the standpoint of roads.

Shelton: It's not going to cut through the middle of it. It might cut the corners but you know. But it goes right through the

Chair: If we're consolidating the three, anyway, I think we're all recognizing this. I'm excited for the - we have a number of members of the public and I think we're open. So let's be open and we are almost at time here.

Johnson: Procedurally, this is a Subdivision Amendment. It's not something you put conditions on. It's a yes or no and no should be based on some finding that violates the _____ somewhere.

Chair: Great.

2.0 Adjournment.

Smith: Motion to Adjourn.

Anderson: Second.

Chair: We have a motion and second. All those in favor of adjourn say aye.

All: Aye.

Chair: We're adjourned. For the public we will move to the other room and we'll begin the Business Session in few minutes.

The Work Meeting adjourned at 5:59 PM.

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

Wednesday, March 6, 2024

6:00 p.m.

**2277 East Bengal Boulevard
City Council Chambers**

Members Present: Chair Dan Mills, Vice-Chair Lucy Anderson, Commissioner Mike Smith, Commissioner Mike Shelton, Commissioner Dan Poulsen, Commissioner Sean Steinman, Commissioner Jonathan Ebbeler

Staff Present: Deputy City Recorder Maria Devereux, Associate City Planner and Sustainability Analyst Ian Harris, Community and Economic Development Director Michael Johnson, Senior City Planner Samantha DeSeelhorst, System Administrator Alex Earl

Excused: Commissioner Jessica Chappell

VERBATIM TRANSCRIPT

BUSINESS SESSION

1.0 Welcome and Acknowledgements.

Chair Mills: Are we recording? Okay. We would like to welcome everyone to the March 6, 2024, Business Session of the Cottonwood Heights City Planning Commission. We have a full house tonight and we're grateful in this city for citizen engagement. We know that this the issue that we're discussing is of lots of interest to many of you and I think that many from the surrounding area. We first of all, just as a matter of business, if you just arrived, if you have interest in making a public comment when we get to that period, if you'll please fill out a comment card and deliver to staff here for us to keep things in order a little bit. We also have a number of individuals online including Commissioner Jonathan Ebbeler who serves with us on the Planning Commission and we acknowledge him as well.

1.1 Ex Parte Communications or Conflicts of Interest to Disclose.

Chair: And just as a matter of keeping things in order, are there any ex parte communications or conflicts of interest that need to be disclosed by any of the Commissioners? I'm seeing none. Commissioner Ebbeler?

Commissioner Ebbeler: No.

2.0 General Public Comment.

Chair: We do have a quorum. What is in order at this point is that we have a period of General Public comment. That means that if you have something that you would like to present to the Planning

Commission that is unrelated to the item that we have on our agenda, this would be your opportunity to share for three minutes. We have a good stack of Speaker Comment Cards. I'm going to presume that all of you are here to speak on the issue on the agenda. If you would raise your hand if you were here to speak on something other than the issue that we are going to consider. And I am not seeing any hands.

3.0 Business Items.

3.1 Project SUB-24-001 - A Public Hearing and Possible Action on a Request from Justin Jones, on Behalf of Kade and Kalli Huntsman, for a Subdivision Amendment to Consolidate Three Lots within the Golden Hills Canyon Subdivision, located at 3874 East Golden Hills Canyon Road.

Chair: So just as a reminder, just for you to be thinking we're going to turn the time over to staff to present on this item, but just as a reminder, our public comment policy. Verbal public comments are accepted during the General Public Comment component of the 6:00 PM Business Session but not during the 5:00 PM Work Session. Note that public comment periods are an opportunity for individuals to share public comments as they see fit but are not an opportunity for question-and-answer dialogue. Questions can be directed specifically to City Staff at planning@ch.utah.gov. Verbal comments provided during the Public Comment Period will be limited to three minutes per individual or five minutes per a spokesman who has been asked by a group that is present to summarize their concerns. Alternatively, we also accept written comments. Relative to our deliberation today, that deadline has passed. I would encourage you nevertheless, if you have something you feel is relevant, it may not affect this deliberation, but nevertheless, the Planning Staff is always anxious to receive public comment. So at this time, what is in order? We will hear a presentation from Staff on Project SUB-24-001, A Public Hearing and Possible Action on a Request from Justin Jones on Behalf of Kade and Kalli Huntsman for a Subdivision Amendment to consolidate three lots within the Golden Hills Canyon Subdivision located at 3874 East Golden Hills Canyon Road.

Michael Johnson: Thank you, Mr. Chair. So maybe for the benefit of the public, I'm on staff. My name is Mike Johnson. I'm the Community and Economic Development Director for the City. So I'll be providing an overview to the Commission. If you were in the Work Meeting, it'd be very similar. It's pretty detailed, but I think it's important given the public interest in this item tonight. So this is Project SUB-24-001. The reason it's in front of the Planning Commission is it, it represents an amendment to an existing subdivision, Golden Hills Canyon located within the City. Let's hope this presentation stays with us this time. This is a request to consolidate three lots in the subdivision - the eastern three lots, into one lot. The applicant is Justin Jones. Staff's recommendation is approval of the Preliminary Plat and over the next 20 minutes I'll explain why that is. Some contacts - the address of these properties is as shown on the screen there. It is owned by the Huntsmans under that LLC name. The total area of the three lots combined is 1.68 acres. So, each of those is just over half an acre. And again, the request is to consolidate three existing lots in the Golden Hills Canyon Subdivision into one. This on the screen here is the existing subdivision. It's an eight-lot subdivision and Commissioner Smith, I put the mouse pointer up as big as I could. So, hopefully that's a little more visible now. It's comically large. So, there's eight lots. They are all accessed off of Golden Hills Canyon Road and that is a private roadway. You can see the road on the Subdivision Plat. It goes all the way up through Lots 7 and 8. In reality that road dead ends right about here at the eastern

edge of Lot 4 today. So Lots 1,2,3, and 4 are developed. They have single-family homes on them. Lot 5 remains undeveloped and then Lots 6, 7, and 8 are the subject of tonight's request.

Again, to consolidate those three lots into just one. I also want to state this subdivision plat was approved and recorded well before Cottonwood Heights was incorporated as a city in 1970, so they received that development entitlement through Salt Lake County back in 1970. Some background, again, it's an eight-lot subdivision originally entitled for development via plat in 1970. I keep saying that because it's an important factor in staff recommendation and review. When a parcel of land becomes entitled through a subdivision, that grants a presumption that that property can be built on. If this were a parcel of land that was not part of a subdivision, the staff analysis would be very different because there's no presumption or establishment of any entitlement for development on an unsubdivided parcel of land. That is not true of a of an entitled parcel and the fact that it was approved and platted under Salt Lake County in 1970 matters a little bit, but not substantially. The example I raised in the Work Session is there is a lot on Top of the World Drive just a mile or so to the north of this location. A very similar situation. The lot itself was not buildable under current City ordinance but it was approved as a buildable lot as part of a subdivision plat well before the City was a city. The owner of that lot applied for several variances to develop that lot and those variances were granted by the City's Hearing Officer with the primary finding that the entitlement of the lot through a subdivision plat factored into that decision to allow development on steep slopes and development with different setbacks and different lot coverages than the ordinance normally allows. So, the subdivision plat entitlement is very important here. Homes currently exist on Lots 1 through 4; 5 through 8 remain undeveloped. Again, access through private roadway and then Little Willow Creek and Deaf Smith Creek run through the subdivision as well as some irrigation lines.

The City boundary is directly on the eastern edge of these properties. This is the furthest east you can go in the City. To the east of that is unincorporated land owned by the U.S. Forest Service. So, this picture here is a little complicated but this shows the preliminary subdivision plat. All of the color on this plat represents a few different things. The red, orange, and pink predominantly on the northern side and on the southern side represent a natural slope that exceeds 30%. That's important to note because in the City's Sensitive Lands Ordinance any natural slopes of 30% or greater cannot be developed. There's a limitation on developing and disturbing 30% slopes, particularly east of Wasatch Boulevard. The green area is areas where the slope is not 30%. Not necessarily all buildable but the slope is not 30% in those green areas. What's a little hard to see on this screen is right along you know about this line that my cursor is following here is the existing waterway Deaf Smith Creek, I believe. The culvert and diversion happens to the east of the property and then that Creek flows through the existing Lot 8 outside of the property and then down through Lot 6 as well. So, that Creek is part of this property. And then the applicant, basically when factoring in the waterway and steep slopes and other hazards that have been assessed, this kind of dark hash area in here is what they have indicated as being the viable buildable area. That will still go through final technical review by the City but that's generally the area free of sensitive lands, hazards, waterways, and other natural obstructions.

Zoning analysis of this property. The property is zoned F-1-21, which is the Foothill Residential Zone. In that zone, new lots must be at least one-half acre in size. There's also provisions in that zone that the watershed must be analyzed before any development can occur, and a few other things that are not as typical in other residential zones in the City. This is meant primarily for these foothill areas and we don't have a lot of this zoning in the City. The stated purpose in the zone and this is quoted right out of the ordinance, is to "provide residential development opportunities for property

owners within steep slopes and hillsides in the City, while providing preservation of the natural landscapes of hillsides.” So, a lot of emphasis on natural protection in this zone. As such, one kind of interesting provision in that ordinance is that property line setbacks. In most other zones, it's a flat 25-foot front setback, 20-foot rear setback – it's very well established. In the F-1-21 zone it is a case-by-case basis proposed to City staff that is approved. The direction in the ordinance given to City Staff is that buildable area should be in areas that result in the least disturbance of natural hillsides possible. That discretion does not allow the City, and this was brought up in the Work Session, does not allow the City to approve variations to the sensitive lands' restrictions or riparian setbacks or other standards that exist. That is simply property line setbacks with an emphasis to avoid sloped areas.

Another big factor on these lots as the City reviews it for development, are the sensitive lands elements of it. There are five identified existing or suspected natural hazards present on the site, which requires screening and analysis through the Sensitive Lands Ordinance. Those being debris flow, landslide slope stability, rockfall, and then riparian hazards. The top four debris, flow, landslide, slope stability, and rockfall were approved for some site scoping and preliminary engineering activity back in 2022 and have continued on and off over the last couple of years. So, there have been some pretty extensive studies done, some land disturbance up there that I'm sure people have noticed of some clearing of vegetation in order to dig pits and things like that. That was all in an effort to identify the extent of these hazards, the impact of these hazards, and then what mitigation would be required to safely develop around these hazards. And then the riparian setback will apply when the Building Permit application comes in eventually. That's a standard basically that that requires any outside regulatory agency that's involved in waterway review to provide their approval to the City. Typically being Salt Lake County Flood Control sometimes being the State of Utah as well, depending on the impact to the waterway. But it also includes a minimum 20-foot setback from the top of bank of any open waterway.

I'll now talk about trail connectivity and I suspect this is the reason a lot of the public is interested in attendance tonight. The Golden Hills Canyon Subdivision has no existing legal, established public access to Deaf Smith Canyon. There's not an existing trail that's publicly dedicated or owned by the City, or public in any formalized way that provides access from the public area to the west on Kings Hill Drive up to Deaf Smith Canyon to the east on Forest Service property. That being said, the trail connectivity that you see on the screen here has been identified in the City's Parks, Trails, and Open Space Master Plan and other Master Plans well before that. There is a desire, a public desire, and there has been for a long time to provide public access to Deaf Smith Canyon. The property between this public right-of-way down here and Deaf Smith Canyon over here on the subject property to the north and to the south is all under private ownership by private parties in the City. None of that is on public lands. So there's long been a challenge in getting public access across private lands. Skip the Code provision.

One of the first requirements of the applicant that the staff pointed out was that provision that's quoted on the screen here. This comes out of our subdivision ordinance and it requires that anytime a subdivision application happens that dedication or grant of easement of trails necessary to provide public access to public lands and other trails shown on the City's general or adopted area master plans or required by the Planning Commission are required to be completed at the subdivision level. And then it states, “Trails shall be located so that the route is feasible for both construction and long-term maintenance. Insurmountable physical obstructions shall be avoided. The specific location of the trail right-of-way shall be verified on the ground before final approval of the subdivision. The amount of land required for trail dedication without compensation shall not exceed 5% of the land within the

subdivision, excluding trails located within a standard street right-of-way.” So, like I said, that is a requirement of any subdivision of land that comes in. If this application did not come in and instead the applicant simply requested a Building Permit to develop on one or more of the existing lots that are there, this requirement does not necessarily trigger because there's no subdivision of land. But because they are proposing a Subdivision Amendment, albeit one to reduce the amount of potential future development rather than increase it, this requirement still is in effect. We have proposed that as a correction item to the applicant.

They responded just early this morning with the exhibit shown on the screen and a Response Letter that I've included the applicant's answer to here. It states, “The owners are offering to give a northern portion of Lot 8.” I'll step forward for one second. You can see Lot 8. The northern portion, which is shaded a little darker on the screen, is proposed to be dedicated, a Fee Title dedication to the City for use as a public trail. The response then states, “The owners are offering to give a northern portion of Lot 8 to allow the City to own the property connecting the parcel to the west and the Forest Service land to the east. In addition, the owners plan to pay for a portion or possibly all of the cost of the trail construction that will cross the northern portion of Lot 8 as well as the portion of the trail that connects Deaf Smith Canyon to Willow Creek Canyon. I will state that that portion of it is off of the subject property to the east and would require coordination with the Forest Service. “It is anticipated that trail construction will occur during the beginning phases of construction on the subject property. The proposed location of the trail is shown on the plat maps and will be staked on site at a future date.” So, Staffs' analysis of this recent submittal is summarized here but the proposed trail dedication area generally does align with the City's Master Plan which is shown there and must be field verified prior to final plat recordation construction plan approval. Again to justify, demonstrate, and verify that that trail alignment is feasible, there are no insurmountable objects in the way, that it does reasonably connect in with the future trail alignment.

“The City cannot require dedication or construction of trail facilities beyond the extent of the proposed lot consolidation.” So, all we are legally required or allowed to require is the dedication of trail easements through the subject property - so through Lot 8. However, the applicant is proposing to construct trail improvements off of their property to the east as well. “Trail development on adjacent lands will require approval from applicable landowners.” In this case, the US Forest Service. “The proposed dedication provides the first piece of formal legal public access to deaf Smith Canyon and furthers the goal of the City's Parks, Trails, and Open Space Master Plan.” And then one thing, the City would be required to approve any dedication of a right-of-way or even an easement. So, we will work with the applicant and the owner to ensure that there's enough flexibility in where that final trail alignment is shown to ensure that it's feasible to connect on both ends in the future.

So, this is a zoomed-out context of the same thing I just showed but this does show that the applicant has done an analysis of where that trail easement could come down from the road to the north, across private property, up near Golden Hills Canyon Road, and then eventually through Lot 8 of the proposed consolidated lot. So, it hits that northern portion and then again how they would propose to construct and grade that trail down the slope there, crossing the creek, and then down to the southeast as well, providing reasonable access to both canyons again to be verified by staff. So again, all the City can require in a subdivision application is this chunk that I'm circling here on Lot 8. What's being proposed is not this piece to the west. That would be something that the City would continue to work with other property owners on, but they are proposing to build a portion or all of this trail connection to the east up into the canyon as well.

I will now discuss, because this has come up as well, the difference between prescriptive roads and prescriptive easements. I'm just going to read the City Attorney's e-mail on this. This is a lot of legalese, but I think it's important and it's a key distinction. "A prescriptive easement is created through an individual's open, continuous, and adverse crossing of another's property for at least 20 years. The right to a prescriptive easement belongs to the individual user who meets those criteria, who can enforce it legally through the courts." So that's an individual right. A prescriptive easement isn't something the City can impose on a property. A prescriptive road on the other hand, is different. It requires demonstration of continuous use of an area as a road for 10 years and then that is then recognized as a public roadway. And the City Council - a previous City Council, I should say, heard from the State Property Rights Ombudsman on this matter a number of years ago in relation to this area but also other informal trail areas on the east bench of the City. And this is the City Attorney's summary of how that started and where that went. Excuse me, a lot of talking, sorry.

Several years ago, the City explored whether it feasibly could assert creation of one or more public trails above Wasatch Boulevard under the Prescriptive Road Statute. Information from trail users was solicited and the City Manager and City Attorney ultimately met with about seven trail users who were willing to speak about their use of trails over the years. Of those, several had not used the trails for the necessary 10 years. Of the others, not all had used the same trails, although there was some overlap. Ultimately, the City felt that it hadn't found a sufficient body of compelling evidence of the necessary open continuous, adverse, uninterrupted use for the required time period. During this time, the City also consulted with outside legal counsel on the issue of whether it felt the City could successfully use the prescriptive road statute for this purpose. Outside counsel advised that success was possible, but not assured. Given that and the perceived evidentiary challenges, further inquiries on the issue were suspended and this would have been in the last couple of years. That is all to say that there's never been a legal establishment that this is a prescriptive road. It could be if the City started recognizing it as a prescriptive road. It is also likely that some property owner along that prescriptive roadway would challenge the City's assertion and that would result in litigation. And that's where the statement comes in that based on the interviews and the evidence that the City collected, there was not enough there to pursue that given the risk of litigation at the time. That is a long way to say there is no formalized, recognized public access there today, and that has not been challenged or pursued further than what I just explained.

So, as it relates to the lot consolidation, getting a dedicated portion of that future trail access in a way that's feasible seems beneficial given some of the uncertainty regarding the prescriptive easement and prescriptive road statutes. Back to the procedure that the Commission is considering, we are at the preliminary plat phase and as I explained in the Work Session, this is essentially a proof of concept. Approval of a preliminary plat does not immediately result in the lot consolidation happening. It doesn't mean there's going to be a Building Permit issued tomorrow and construction is underway. Proof of concept inasmuch as there are no obvious ordinance violations resulting from the lot consolidation. It is at least feasible that the applicant could meet all ordinance requirements and the lot consolidation could be approved. There's a long road between preliminary plat and final approval, however, and that requires resolution and approval of all technical staff correction items resulting in a final plat that would execute the lot consolidation again from three lots down to one. And then there's another piece of that that would be final site construction plans - civil plans like site grading and erosion control and utility plans and how they provide water and sewer to the site and things like that. Finally, that would culminate in a Building Permit for any eventual home on the property. And while there is a home footprint shown on some of the plans that have been shown tonight, that has

not been reviewed by the City yet. That doesn't happen until that Building Permit step at the very end. So, all we're considering tonight is whether the lot consolidation is feasible or not.

This is not all the review comments, but this is a summary of the nature of the comments given from staff to the applicant. It's pretty extensive. It's numerous pages of review comments. But this is a summary that I think is helpful. The applicant must show all slopes, hazard areas, waterways, and other natural conditions on the plat. So, we need to know what areas of the plat are buildable, which are not, and then on top of that we need to see the engineering. Even if there are areas that are buildable, they can still impact the hazardous areas and that requires engineering design and mitigation and they need to demonstrate that as well. The applicant shall show trail, easement or dedication through the property, again in a way that's feasible for future public access. This is a big step - this third one here. The applicant must obtain approval from water and sewer districts and any other outside regulatory agencies, including, but not limited to, Salt Lake County Flood Control, the State of Utah, the US Forest Service, the irrigation company. There are a number of easement rights on this property that are proposed to be dedicated. We need to see approval of all those things and resolution of those matters between the outside agencies and the applicant before we can cross that item off the list.

The applicant must show and label buildable areas on the plat. Submittal must obtain fire department approval and it has been granted preliminary approval by the Fire Department. To summarize their initial requirements, they are requiring the access road a minimum I think of 15 feet wide so that a fire apparatus could reasonably get up there and then that any future home is required to have automatic fire sprinklers installed, which will factor into the Water District's review because that requires a certain fire flow to provide that service. The applicant must demonstrate implementation of previous sensitive lands hazard studies, impacts and mitigation around existing waterways, and irrigation lines must be demonstrated and approved. This can include all the way up to state approval, Stream Alteration Permit, Salt Lake County Flood Control approval, the Health Department's Watershed Analysis would fall into this, and then any negotiations required with the irrigation company as well. There's a bridge proposed to cross the creek and access the home. That must be designed, engineered, and permitted. And again, Flood Control Plan and Stream Alteration Permit required prior to final approval. Each of those has about, you know, three or four different specific Code references associated with it but that's a summary. It's very technical. It's very complicated. Development on this lot will not be easy and will be an extensive review process but staff has reasonably assessed that there is a pathway from preliminary plat to final plat if they can achieve all these things. So, Staff's findings, consolidation of three entitled lots into one results in more natural preservation. This is more compatible with the F-1-21 zoning district than the current condition. I want to make this very clear from Staff's analysis, the consideration tonight is not one lot being potentially developed or no development. The consideration is there are three entitled lots, which means there is a potential, not a guarantee, but a potential for three lots to be developed if this were denied or found not to be compliant with code, or if they hadn't made this application. Potential for development on three lots. Not necessarily an opportunity for the City to require a trail easement, either if those don't go through the subdivision process as opposed to what's being proposed, which is a single-family home being developed on one lot instead of those three with trail dedication and all the other technical review by the City against sensitive lands codes and other ordinances.

Providing partial trail dedication for Deaf Smith Canyon access furthers the goals of the City's General and Master Plans and actually the applicant goes beyond what the City could actually require and proposes more construction that even implements those goals in a better way. And then the

project will continue its technical review process until all items are completed and found satisfactory. So thank you for bearing with me. That's a lot of information, I understand. Staff recommends approval of the preliminary plat based on all the findings I've presented and those in the staff report. And then I've provided model motions there. So I will just go back to an overview. I'm happy to turn it back to the Commission for any questions.

Chair: Any clarifications from the Commissioners?

Commissioner Steinman: I had one question in regard to the prescriptive easements on roadways. So, is it possible for prescriptive easements to be applicable for a private roadway if the City hasn't been using that as a private roadway or is this managed by the City as private and is there an agreement with the City to manage this?

Johnson: The City does not manage or maintain or remove snow or provide any services on the private roadway. So that's all up to the - I don't know if there's a Homeowners Association or just the collective of private owners on this roadway.

Steinman: So, is there any precedent as far as a prescriptive easement for private roadways versus public roadways and, you know, kind of the access or thoroughfare through that?

Johnson: I think the public use portion of the prescriptive road requires continuous public use of the road for 10 years. I don't know that a private roadway serving eight lots would constitute that. That would be a better question for the City Attorney but that is just based on reading the State Code. My best guess.

Steinman: Thank you.

Chair: Any other questions for staff?

Shelton: I had another question about the following up on that.

Chair: We do have a stakeholder. Oh, we do have the applicant here. Okay. Would the applicant like to speak to this?

Justin Jones: I'm here. Justin Jones with Civil Science, the applicant on behalf of Kade and Kalli Huntsman. We appreciate the level of detail that staff has gone through in this and in their recommendation. We concur that this is going to be a technically challenged project to finish but we do see a pathway to finish as well. So, that's why we're excited to move through the next steps and hopefully get a plat amendment approval and then move forward with all the technical design and calcs that we'll have to do to move this project to completion. Any questions for me as the applicant?

Chair: Okay, no questions at this time.

Jones: Thank you.

Chair: OK. We have I think a stakeholder that may be helpful to our discussion representing the Big Willow Irrigation Company. Am I understanding that correctly? So Elliott Christensen, we're happy to give you your three minutes. For the public, well, I'll let you describe your role relative to this and

we don't we don't have that available for the public, which I'm a little dismayed. So, I'm going to ask you to be descriptive about what you've put in front of us because this is a little bit unusual.

Elliott Christensen: We just obtained it yesterday from our Surveyor. Elliott Christensen, Big Willow Irrigation Vice President, neighborhood occupant, and served eight years with the City Public Utilities Board, President of three irrigation companies. This one, Big Willow, I'm serving as Vice President. We've been in cooperative mode with the architects and trying to relocate our facilities in the future but we....

Chair: Just may interrupt for just one second, if you could move the microphone a little closer. Some people are straining to hear what you're saying.

Christensen: 6 foot 6 doesn't help me in that regard. They don't call me Big L for nothing so. Shorty is the other nickname. But anyway, we have thought that we were in a prescriptive mode on this following State Statute 73.1.15.5, which is where we've been laboring but now we've understood that there is an actual recorded easement that we've obtained a copy of and rerecorded it with the County Recorder yesterday. But what we have is an absolute right under a 1967 agreement when the area from Wasatch Boulevard up to the Forest Service, the Golden Hills Development was originally approved. There was an easement recorded that we've discovered that not only gives us absolute right to the specific roadway as an easement to access our diversion box that's now located on the Forest Service but because in those days people were drinking the water, there's still a couple of old timers left that still drink it. Because of the water quality we have an absolute right to fence the Forest boundary there to protect the drinking water quality. And then State of Utah approval is needed to move our diversion box from the east side of the lot on the Forest Service to the west side of the lot. So, unlike the waterway pipeline easement itself, the diversion box requires a State of Utah approval. So, we're open to negotiating both the removal of the fence requirement in the original documents in 1967 and to relocate our pipeline easement. But we would expect some compensation according to appraisal from the landowner. So, those are the two technical items on your findings and the technical correction item number two and also under number seven with our recorded easement there. It is a specific recorded easement rather than a prescriptive easement both for the roadway and for the waterway. Just in time. I have a copy of the new document for the applicant.

Chair: Thank you, Mr. Christensen. We appreciate that. And as a member of our community and also in your role with the big Willow Irrigation Company, we appreciate your contribution. Thank you. Hopefully 100 more. Okay, what is in order now are the public hearing portion and as a reminder, three minutes and this is not a chance to interact with the Planning Commission or to ask questions but to simply make a public comment. So, we will take these in the order that we've received them. We'll first hear from Ellen Birrell. If somebody can get her attention in the hallway. Council member? Okay, we're going to move on to the next one, Jim McDowell.

Jim McDowell: Thank you. I'm Jim McDowell. I live on 3601 East Kings Cove Way at the top of the hill there. And I've been.

Chair: Sir, can you really lean into the mic? Thank you. Or you can pull the microphone down closer to you as well. Thank you. Are you doing better in the back row? Can you hear okay?

McDowell: How's that?

Chair: Smiles from the back row.

McDowell: There we go. 3601 East Kings Dove Way. I have been in the neighborhood for 21 years. I've been accessing the wilderness in Deaf Smith and Little Willow drainages over those years. Currently people access it by going up Golden Oaks, crossing the Traverse Trail, getting on the private road, and going up the bottom. With this proposal, it's difficult to tell from the latest proposal from the applicant showing that piece of Lot 8 up on the hill where that's going to be but it looks to me like it's going to push it up onto the hill, which you know, currently there's no access from up on the hill. So, if the trail did exist across that Lot 8 and beyond, there would still be no access to the beginning of that trail. It kind of begs the question, how are people going to get from what they're currently doing to where this trail would be up on Lot 8. So, until that can be addressed and looked at more, I would hope we could have a chance to look at the information that came in today before that gets approved. Thank you.

Chair: Thank you, Jim. Ross Hinman.

Ross Hinman: Hi. Thank you to the Planning Commission for allowing us to speak on this important matter. I've been in that neighborhood for 40 years now and I was really happy to come and speak to you about what my beef is with this particular thing but I'm upset. You know, I was one of the seven people that came in and talked about the prescriptive easement. I met for an hour with you people and apparently it didn't do any good. So, I've been hiking that trail for 40 years. But that's not why I'm here. Why I'm here is I'm really concerned about what is the public good that's derived from combining these three lots. Apparently there's some people that think it's a good idea. I personally do not. Since I've been in the neighborhood for 40 years now I have real concern about some other developments that I see going up around us. Tavachi, it's great. It's a beautiful neighborhood, but I don't want Top of the World Drive in my little corner there on Top of the World Drive and Top of the World Circle to turn into another Tavachi. If we set a precedent by allowing these people to combine three lots that were originally plotted as three separate lots, what precedent do we send to the rest of the people in the neighborhood or the entire City? Are we now going to allow people to buy 3-4 houses, tear it down to build their castle and their special place on this earth? I would hope not. That's my concern. That's all I really had to say when I came here, and I appreciate your time and I would certainly hope that we consider the public good and if we're going to allow these people to combine three lots, I'm afraid it doesn't end there. It continues on for the rest of the City. That's my concern. Thank you for your time.

Chair: Thank you, Ross. Melissa Fields.

Melissa Fields: Hi, I'm Melissa Fields. I live at 8421 South Kings Cove Drive in Cottonwood Heights. First, I just want to thank the staff for all the work on this because I'm on the Parks, Trails, and Open Space Committee and I know that there was hours of work put into this process. But I'd also encourage the staff before the Council, I guess who renders the decision on this consolidation to work with the Forest Service on the alignment of the trail so that it not only aligns with the Cottonwood Heights Parks, Trails, and Open Space Master Plan, but with the US Forest Service, Bonneville Shoreline Trail Lands, and I'd like the final plat to also reflect the trail. I wasn't clear in the presentation if the plat will actually reflect the trails so that moving into the future that this trail will be preserved into perpetuity, the trail easement. So, that's all I had to say. Thank you.

Chair: Thank you, Melissa, and thank you for your service on Parks, Trails, and Open Space. Let's see. Pronounce it for me, Brenna?

Brenna Weigel: Weigel. Very hard to pronounce. You'll be surprised how many people stutter over it. I guess you won't, but my name is Brenna Weigel. I'm an 8th grader at the local middle school. Thank you for your service to our community. Many adults complain about not seeing kids outside anymore and expressed how they when they were young they had all sorts of fun with their friends in the streets. However, since Cottonwood Heights has not made it a major priority yet to provide reliable public transportation in many cases, consistent planning for sidewalks as well, kids must rely on parents or older siblings to ferry us from houses to from friends houses and after school programs. This leaves children like me, an unlicensed driver and the child of two working parents, unable to access resources outside of walking distance. Still, when we kids persevere and fulfill our need for recreation and find a trail to hike, there are adults who prohibit access to open space and trail areas and we find ourselves barred from nature, exercise, new experiences and a form of autonomy that we cannot find in our day-to-day lives. These local and accessible trails are not only sections of land, but sections of our hearts and formative pieces of our childhood. These trails are not only places where the air is fresher, but places we thought would remain forever preserved, untouched for generations. And with that, I will add my voice to the crowd and ask for access to Deaf Smith Trailhead to be provided for all the kids who can't make it here tonight and ask for their hearts back. Once again, thank you for your service here tonight. And as for the new information that has just came up, I am also worried about how the more public and well-traveled areas would be connected to this new path to Deaf Smith Canyon. Thank you.

Chair: Thank you, Brenna. Come back up for a second. That was amazing.

Weigel: Thank you.

Chair: We don't usually clap, but we will clap for everybody under 16 that comes to the microphone. We appreciate your engagement. Hopefully we see a lot more of you in Cottonwood Heights into your adult life. So, we very much appreciate and that was very articulate. So, thank you.

Chanel Stewart: Brenna, I'm glad I'm not the youngest one here anymore. I also wish I had been involved in City Council and things like that when I was your age, but here I am as a grown adult and I get to speak my mind and hopefully have an impact. I am a hiker. One of the reasons that I love living in Cottonwood Heights is the accessibility to our canyons. I love the trails that are in our City and start in our City but there are also a lot of trails like this proposed one that run through people's properties and they're just not as fun. It feels very uncomfortable. For example, Rocky Mouth Falls, it's literally fenced off to get through this entire trail. Hughes Canyon, so much development up there. It's very uncomfortable. You feel like you can see into these people's houses and you're not supposed to be there because you feel like you're trespassing, but you're not. So even though the applicant has met the proposal of allowing the trailhead, is it really the right option? Is my proposal and I hope like everyone else, that it feels like here is in consensus that it probably isn't. So, I'm here as a local hiker that loves the outdoors to be able to still have that access to our trails and mountains. That's all.

Chair: Thank you, Chanel. Scott Davis.

Scott Davis: Hi, Scott Davis. I've lived in Cottonwood Heights for the last 10 years. I live on 2816 East Bridgewater Drive. One of the reasons we moved to Cottonwood Heights was this exact trail. I love this trail. Go up there a dozen times a year for the last 10 years. I think preserving access to that Canyon, that's the one access point to 20% of the Twin Peaks Wilderness Area. Thousands of acres. So critical to maintain that for our community that is so into those kinds of activities and the whole reason that we live here. I echo a lot of the sentiments about the access feeling uncertain and looking at that access many times as we've hiked that trail. I am a little concerned about the proposed access. That's a very rough section of hillside to cut down into the canyon from that high point. I would recommend keeping the access in the bottom of the canyon where it currently resides until those other trails that connect an appropriate trail building could happen to make that a feasible option. Thank you.

Chair: Thank you, Scott. Brian Norberg or Norberry – Nordberg. Sorry about that, Brian.

Brian Nordberg: Brian Nordberg. I grew up in Sandy and have lived in Cottonwood Heights now for around 25 years. Been hiking that trail for a little over 30 years. I was not one of the seven hikers asked to speak about that area but that area has been contentious forever - since high school. Every time you go there, you prep for a fight. And you know, it's unreasonable to go for a hike and be annoyed at the very start of it and wonder, geez, am I going to get yelled at by the property owners again. This solution is interesting, but it kind of creates a fragment and I'm concerned that it does not contain a contiguous trail that would connect up with everything. So, I'd like to see a little more information about how this is going to connect up and make a real trail versus something that's just like, yeah, we did this, it's good enough, we fulfilled our obligation. But it really doesn't provide access to the property. It doesn't provide access to that resource as we know, pardon me, that's critical for our youth. It's critical for everyone to have these recreational opportunities. Part of why we live in this area. So, I would recommend that we review this and try to create a contiguous plan that doesn't just set aside some property that we can't get to anyway.

Chair: Thank you, Brian. Mike Libeck.

Mike Libeck: Well, I appreciate the time and energy and I do believe the builder/owner is here tonight and I echo, first of all, everything everyone has said as far as public comment. I raised my daughter hiking up this canyon. It's one of my favorite places for the magic, power, and beauty of solitude in Cottonwood Heights and the Wasatch. And my comment is mainly I hope the builder will keep his word and have integrity to make sure that there is accessibility to this amazing canyon. So, if they're here tonight, please keep your word. I feel like money is going to win over development but I just hope the builder will keep in mind integrity and quality of life, and keeping your word to make sure this is accessible to everyone to enjoy. Thanks.

Chair: Thank you. Matt Urick.

Matt Urick: Hello, Matt Urick. I think I'm an 18-year resident of Kings Hill Drive – 17, 18, 19, something like that. I've been accessing Deaf Smith Canyon through the Golden Hills Subdivision for that entire time and I think I can document at least for the last 15 years by permission of current residents. I don't know if that factors into the prescriptive use or how we look at it. I'm not opposed to the project. I think it's probably an opportunity if I were a landowner, I'd be looking to do that as well. I'm not certain that I agree with the assessment that consolidating three lots into one is better for the canyon or the community. In their current configuration, development of three parcels would

really allow for more sympathetic development to the natural aesthetic of the canyon and the character of our neighborhood. I'm thinking that drawing that was presented today is probably a 7,000 or 8,000 square-foot house. Anyone?

Chair: We'd ask you not to interact.

Urick: Oh, sorry, my apologies, I forgot. Where is the current prescriptive use of the lots I think from Code compliance and technical assessment probably keeps that in line with what the neighborhood is used to seeing. Thank you.

Chair: Thank you.

Urick: Oh wait, sorry. And I believe we're here today for preliminary approval, not actual approval. Correction in earlier comment.

Chair: Thanks. Anya Gayle. Am I saying that correctly?

Anaya Gayle: Thank you. It's Anaya Gayle.

Chair: Oh, Anaya. Excuse me.

Gayle: No, it's all good. I am an attorney with Holland and Hart here representing Christine Michael, who is a long-term neighboring resident and resident of the City. She was previously on the Council and first of all strongly disagrees with the staff's characterization of the City's previous efforts related to prescriptive rights and this issue as a whole. As we are clearly all aware, there are a number of unresolved issues relating to public access to Deaf Smith Canyon that have been raised and could be affected by this proposed consolidation. In addition to the inclusion of a trail to Deaf Smith Canyon on the City's Bicycle and Trails Master Plan and Parks, Trails, and Open Space Master Plan, our client asserts that prescriptive easement rights that benefit the public have been established. These prescriptive rights provide public access to and across these parcels. We respectfully request that the Planning Commission do the reasonable thing and table this matter so that the public and individuals have an opportunity to discuss concerns with the City and the applicant in order to preserve the public's right of access to Deaf Smith Canyon and to allow residents and neighbors to make a formal claim to secure and formalize their prescriptive rights. Further, neighbors and residents can then review the location of the trail and proposed improvements. Though this proposed new trail seems like a certainly a reasonable give from the applicant, the staff was very clear that there is no connecting point for this trail and that it would require additional negotiations and decisions that would allow that trail connection to anything else. So again, on behalf of my client, we ask that you take the reasonable action and table this matter until more of these issues can be fleshed out and there can be an actual agreement and something that resolves these issues to the satisfaction of the applicant and the public.

Chair: Thank you,. Analya. Jeffrey McKell

Jeffrey McKell: I respectfully appreciate all you guys do. A thoughtful proposal. I guess, ditto everything everybody said. Avid Trail user. Probably would say I'm opposed to the project. I guess, 1970, that's 54 years ago, and due respect for the plat master who snapped the lines and we could take pictures of what it looked like back in 1970 and who could imagine that you know, we're up the

canyon building things but the bottom line is it was platted for five or seven. That's what it is today and that's what is, in the words of you guys, is entitled. So that's what's entitled and it may or may not be buildable, but I don't know why the City would change something and it's not a shame on what happened in 1970, but if we could undo that, we've come a long way since then. Why would we change something? We have an entitlement and the gentleman has an entitlement, but it's not entitled to combine three lots. That said, we all are in modern day times due respect to the Huntsman party. He's got a respectable proposal. I might ask a couple comments to the to the ditto, I mean the three lots, maybe there's two, I don't know what you do on the north side of the creek. The other one that isn't this Council, but you know, kind of got the shame on the 1970. But due respect. Then, we got kind of the shame on past and present. We're all guilty here of that. Everyone's that has spoken is saying, hey, it would be neat to preserve that place and I was around when Cottonwood Heights, you know, informed the City was part of the General Plan. The greatest City between the canyons, and we're going to have the Bonneville Shoreline Trail. We haven't really done anything. And you guys are great. This is you're a new Council and there's other councils, we just haven't done much and it's a great thing with the Huntsman that we're now talking about the trail, but it isn't connected. We've really done nothing. If we had a Bonneville Shoreline Trail that connected everything and we're talking about combining a few lots that might change my opinion, but we don't have a trail system. We do kind of live in a state that is developer-friendly and there are certain rights that come with that and maybe we support that. But we haven't really focused as a community on preserving things, building a trail network in our community. We've got this great City between the canyons but we've been at it for 20 years and we got a few paved trails and a few gravel paths through town but nothing in the foothills. Nothing compared to what I challenge us in our community and you guys is look what they've done in Draper, look what they've done connecting other parts of the Bonneville Shoreline Trail. I just find it a little bit, and it's not anybody here, it's us as a community over time. Shameful that we're talking about combining three lots for a new home and we don't really have a trail network. Thank you.

Chair: Thank you. Tyler Harris.

Tyler Harris: Hi, I'm Tyler Harris and I'm the homeowner of Lot 1 Golden Hills Canyon Subdivision and I'm here to make some comments on behalf of three of the four existing homeowners. So, I respectfully request five minutes.

Chair: I think that's in order. Go ahead.

Harris: Thank you. Ladies and gentlemen, first and foremost, I want to I want to thank you for your time and dedication on this project. I know it's not an easy job or an easy task, so we appreciate you. That being said, as much as we value your recommendations, we do believe that they miss a few main points. As a lifelong resident of the subdivision, I want to highlight several of several of the concerns I and my neighbors view as most pertinent. First, consolidation and development of these lots would disrupt a public access trailhead to two canyons that has been crucial for over 50 years. Even if a right-of-way is obtained, control by the new homeowner risks hindering access, conflicting with our Master Plan for public land, not to mention eliminating a prescriptive easement enjoyed by the local community since 1970. Next, this land is sensitive. It's surrounded by steep slopes pushing any potential home dangerously close to creeks. The slope into the waterways poses a challenge in preventing pollutants from entering our watershed, threatening our precious resources. Third, our close-knit community operates without an official HOA. The Huntsman family's actions thus far from damaging the City Street as well as our private lane to neglecting fire hazards, which they have

created prove they are not aligned with our way of living. Fourth, the City Water Department refused culinary water to the top four lots from day one. Updating our pump house again poses major inconveniences and renegotiating contracts, which is extremely undesirable. This should have been addressed by the previous owner who was well aware of the issue during the pump house renovation four years ago. Fifth, our 50-year-old road is ill equipped for large construction equipment. Burdening longtime residents physically and financially for a newcomer's sole benefit is completely unfair. Sixth, the 20-acre swaths of privately held land between Kings Hill Drive and Deaf Smith Canyon is already likely subject to a prescriptive easement which connects public streets to the property in question. Furthermore, the vast majority of this private land is in excess of 30° and unlikely to ever be developed. Lastly, I'd like to draw attention to a crucial aspect concerning the combination of three lots. This amalgamation permits the construction of a massive home, a stark deviation from our community's ethos. Our neighborhood thrives on the harmony of individuality and the prospect of one oversized residence stands in stark contrast to the existing structures. The character of our neighborhood is a vital part of our identity and we implore you to consider this when deliberating on the future of these parcels. Thank you all for your consideration.

Chair: Thank you, Tyler. Oh no clapping, please. Joe Clay. Joe, still with us? Okay. We'll move on to the next one. Frederick Frederickson.

Frederick Frederickson: I'm Freddy Frederickson and I live at the mouth of the canyon. I have for 18 years. Hi, Dan. Had a nice meeting with Dan yesterday. We walked up the canyon and we saw what this canyon is. My big thing is it seems all to be connected to the trail. The trail, the trail, the trail. But what Mr. Harris offered up by combining these lights, if you've ever been in this trail system, it is a very sensitive area and it has been denigrated over time. I've been there 15 years and right now it is a hazard what exists there. The promise of having a fence. that's great. You know, the promise that we're going to build a trail where I think you're going to find is going to be not feasible. It is all a part of it and you have many trail hikers. I've been living with them, dealing with them, talking to them, helping them over the last 15 to 17 years. I also bought my house simply because that trail was there. It's a beautiful place, there's no doubt about it but I think it is going to break down to what it will do to the land, what it has already been done to the land with the minor. This is not compared to what will be done when a large home or any home, any structure would be built there. I think you're going to find if you go up in this area, it's going to be virtually impossible to do that without changing the water system, without changing what we get below. But of course, the future of the neighborhood. I agree with pretty much everyone here. Tyler made the best points. He's been there a long time and we do have a very unique neighborhood here. Maintaining that, that's what we hope to do. Anyway, we can help people get to that trail. I am all for that but maintaining the land, the water, I think that's most important. Thank you.

Chair: Thank you. Jordan Tenney.

Jordan Tenney: Hi, my name is Jordan Tenney. I live on 3641 Golden Oaks, which happens to be on the street where the prescriptive trail happens to be heading over into the canyon. This has been an issue that's been on my mind for as long as I've lived in the neighborhood. We've lived in three different locations within the Golden Hills area. I've lived there 30 years and this has always been an issue. I want to say first of all, the very fact that we're considering putting a home right in the confluence of these two canyons is, in my opinion, a kind of a travesty. I think that the idea to develop in that particular spot is wrong. I want to clarify, I work in construction and I happen to work with a crew that has built some of the largest homes anywhere in the state, one of them being 30,000 square

feet. And many others. And so, I have a unique look at a view of what happens when construction occurs. It is actually very disruptive to the landscape. You have forklifts and you've got mud and you've got concrete trucks and you have workers that have 10 cars that have to park during that process, etcetera. This would be extremely disruptive but considering my time here there is a prescriptive easement, there is no doubt, and even the owner of most of the land in this area knows that there is has been continual use for decades. And without actually giving some way for the trail to be there, this is very problematic. The north part of that lot that would allow an easement is on a very steep hillside, tallis slopes and all kinds of things like that. I personally don't think the home should be built there but additionally these lots honestly, you wouldn't be able to build three houses on the separate lots because of the slopes and those types of things. The only way that something could be built is if you do consolidate them. But should we be doing that? I don't think so. I have much more to say. I don't have a lot of time, but additionally, one last point I want to make is that it doesn't consider the Bonneville Shoreline Trail connecting back over towards Little Cottonwood Canyon. It would actually sit right on where a potential connection to that section of trail would be. Thank you for considering my comments.

Chair: Thank you, Jordan. Kade Huntsman.

Kade Huntsman: I just want to take a couple of minutes again. Kade Huntsman. I am the new landowner up there for the last couple of years. I just want to clear up a few misconceptions for everybody. First off, I grew up there too and I've hiked that canyon since I was, you know, five or six years old. My favorite place on earth. The purpose of trying to consolidate these three lots was so that we don't damage the hillsides and kind of ruin that space. We're not building a giant mansion. I think that's been mentioned a few times today. Right now, the square footage is right around 5,000 square feet and we're actually trying to cut that down a little bit. So, we're not going to build a giant mansion in the middle of this walkway. We're trying to solve multiple problems, which is you know, we worked this with the City and the Bonneville Shoreline people and everybody along this trail system to try to figure out moving forward what we could do with this piece of land to get people access. I do not want to cut off access for anybody. Like I said, I've hiked it forever. In fact, I drove a Jeep up there in about 1982, so for me, this is a very sacred piece of property. We're trying to not destroy it. We're trying to create something that's pretty unique and we've had to combine the three lots so we've got enough room around the creeks and stay away from the hillsides. So, we're not damaging the land. The house is a little bit of a unique style because we don't want to go flatten the entire earth there and just build a box on top of it. So, it's going to be a little bit unique so that we can avoid the creek. So that we can avoid all of that. So we're taking all these things into consideration. We're trying very desperately to make sure that everybody's needs are met. We are not asking for anybody to build a new road for us. We will do that. We're not asking for anybody to solve the water situation. We are doing that. There's no ask in those areas. So, I just want those kind of misconceptions to be put to bed. We've worked really hard for two years to make sure that the community understands what we're trying to do and you know I'm grateful for their comments. I think we anticipated a lot of those. We put a lot of work into, you know, answering some of those before we got to this stage and we will continue to do that. So, I've used up most of my time, but I just wanted to clarify a couple of misconceptions and tell you all that we value that land tremendously. It's dear to my heart too and I'm not trying to cut anybody off of that piece of property. Those two canyons are amazing.

Chair: Thank you, Kade. Alex Brownley.

Alex Brownley: Good evening. I currently live downtown but my parents have lived on Kings Hill Drive just down the road at 8892 for approaching two decades now. I've just seen this canyon be something that is literally the reason why my parents and a large majority of the people in the neighborhood truly enjoy living in this neighborhood is because of the access to both the canyons and to that Deaf Smith Canyon. I really do hope that they are willing to live up to their words, but I'm skeptical on it based off the previous landowner who I've worked for previously. In my dealings with them, he has done everything possible to go into gray areas versus into the true linear, black and white. So, I'm just concerned that this is him shunting it to someone else to do what he couldn't. So, I hope that this works out well, but especially as a gardener and landscaper that has worked in that area and on the plots in question, it's a very dangerous area to do this work for the sake of the safety of even just the water quality, which we are fortunate enough to live in a place where we don't have to have our groundwater as much because we have this natural resource, but the farther we build up canyon the more we're impeding our ability to get clean drinking water that can actually be used in our City. I fully support the things that others have said, like Tyler and Freddie, but I know that my words alone can't sway you. Have a good evening.

Chair: Thank you for your comment. Carrie Slater.

Carrie Slater: I live on the private road. I have people hiking through my property every day and so and I take my kids up the trail all the time and they love it and I appreciate what was said, we want our kids up there, not on iPads and on screens. I emailed someone in the City today and they told me they wouldn't authorize this unless there was an easement. I appreciate what the Huntsmans are offering and I think they're sincere, but it doesn't seem like an actual trail easement. It seems like an island unless the City guarantees that they will look into putting a trail through that. Otherwise, I don't think that actually is an easement and I think the City should look at this prescriptive easement issue again. Thanks.

Chair: Thank you, Carrie. We have a we have a hand raised. Holly Upholt. Bring her up. Okay, Holly, can you hear us?

Holly Upholt: Yeah. Can you hear me?

Samantha DeSeeholrst: I'll just clarify. She's on zoom, so I think she'll be making her comment remotely, but thank you.

Chair: Yes, Holly?

Upholt: Can can you hear me?

Chair: We can hear you, Holly.

Upholt: Awesome. Thank you. So, I would just like to offer a different opinion regarding the combining of the three lots.

Chair: We're not hearing her. Hold on just a second, Holly.

Ebbeler: The Audio's fine on zoom.

Upholt: Can you hear me now?

Ebbeler: I can, but I don't. I don't think the rest of the Commission can.

Chair: All right, Holly, try again.

Upholt: OK, what about now?

Chair: Still, we still can't hear you yet, Holly.

Upholt: So who's the person that can hear me? Can you just relay what I'm saying?

DeSeelhorst: We're getting the transcript of it but we're not hearing the audio, so.

Ebbeler: Yeah, I don't. I don't think they. Can hear me either.

DeSeelhorst: I think Alex is looking into it to see what the setting we can tweak.

Upholt: I see. Thank you.

Chair: Do we want to try to just read the transcript? I want to make sure everybody can be heard. While you're working on that. Holly, stay tuned. Let's go to Kim Almore and then we'll come back to Holly.

Kim Almore: Hi. Thank you for listening to all of us. I've been hiking this canyon for 30 plus years and it's always been a secret special place to me that anytime I would take my nephew on a little adventure or a friend, I would make them promise to not tell anybody else. I wanted to keep it private and secret. The water is beautiful. It's pristine and I would like to ask for the prescriptive rights on that private land, the private drive to be reviewed again because I know I can list 20 people that we have actively used that trail. We sneak through quietly because we don't want to upset any landowners and I personally became friends with a lot of landowners and no one ever was upset about the use except for Dr. Larry Walker who has the home at the top of the drive and he's the one that's been trying to rezone the land for the last umpteen years. I've collected articles from *The Tribune* since like 2008, and the corporation I worked for, I had a land guy that I actually asked to pull up easements, pull up right-of-way access and its pre-existing mining areas. It's a pre-existing public right-of-way is the information that had been given to me years ago by my land guy. But anyways, I just would ask that the prescriptive easement be reviewed again and perhaps there's a way for public access to be used on the road that's now considered private. You know, perhaps that's another possibility, but I do know the Bonneville Shoreline Trail and some Utah Trails committees have been actively looking at this area. I reached out to a lot of people today and they just didn't have time to become involved tonight to speak up. So, thank you for looking into this and listening to us on all this. I hope I was clear.

Chair: Thank you for your comments. Okay. Are we ready to try Holly one more time?

Earl: Let's try. I think it might be an issue with the system. Holly?

Upholt: Yes. Can you hear me?

Earl: I'm sorry, it looks like our AV system is not functioning. I don't know that we could even hear Commissioner Ebbeler either.

Ebbeler: Can you hear me either?

DeSeelhorst: I would be happy to read a comment into the record if Holly could e-mail it over to me. I would be happy to read that in if you find that that's appropriate.

Chair: Holly, are you agreeable to that?

Upholt: I don't know if I can type it up fast enough. I'm on my phone right now. I feel like I'd have to get to a computer and turn it on. I don't know if I would make it in time.

Chair: Maybe we'll take a chance and we'll read the transcript, cause the audience was able to read that and Sam, I'm going to ask you to read it for us for it to be in the record. Are you up for the challenge?

DeSeelhorst: Be happy to do it.

Chair: So much for your passive role tonight.

Ebbeler: Chairman Mills, can you hear me now?

DeSeelhorst: You don't grow up the little sister of four sisters and not learn how to speak fast. Okay, Holly, if you want to start type talking, I will try to read it out.

Upholt: Awesome. Thank you so much. I really appreciate you guys making all this effort. Sorry, it's hard to talk now because I hear you reading it, but hopefully I can get through my train of thought quickly. I know it's late, I just.

DeSeelhorst: I think I'll wait for Holly to say her whole thing and then I'll read it, because otherwise I'm interrupting her.

Chair: That's okay. You probably have access to more of the transcript than we do. We're just seeing that one line at a time.

Upholt: Awesome. Okay. Thank you so much. I really appreciate all the effort you guys are making for me to voice my opinion and I will be quick. I have lived in Cottonwood Heights for 10 years. I have three young children and I feel like I constantly hear from friends and community members about how they wish Cottonwood Heights was more affordable for young families. You know, I feel like our City is aging rapidly. There's been discussions of closing down elementary schools etcetera, etcetera. And where I'm going with all of this is that I guess I'm really concerned about the combining of three lots simply from a supply and demand perspective where we're reducing the amount of supply in an already highly expensive area and sort of I would say even restricting access to young families who want to move into the area. So, just another perspective to consider and thank you for your time.

DeSeelhorst: Okay, Holly, I think I've got the rest of your comment. Was that everything?

Upholt: Yes, thank you.

DeSeelhorst: All right. So, not a dialogue between commenters, but I'll go ahead and read Holly's comment into the record. I videotaped the caption, so hopefully I get this right all. Right. So, from Holly Upholt. I appreciate all the effort you guys are making for me to voice my opinion and I will be quick. I have lived in Cottonwood Heights for 10 years. I have three young children and I feel like I constantly hear from friends and community members about how they wish Cottonwood Heights was more affordable for young families. You know, I feel like our City is aging rapidly. There's been discussions of closing down elementary schools etcetera, etcetera. And where I'm going with all of this is that I guess I'm really concerned about the combining of three lots simply from like a supply and demand perspective where we are reducing the amount of supply and in an already highly expensive area and I would say even restricting access to young families who want to move into the area. That is the end of Holly's comment.

Chair: Thank you, Holly. We appreciate that. And thank you to staff for quick pivot. Michael Malone. No, he did not wait us out. OK. Nicole Ziegler. With Mike. Okay. We're going fast here, Luke Hoffman.

Luke Hoffman: Thank you, Luke Hoffman. I'm resident of Cottonwood Heights. I've been frequenting that canyon since the 1990s and really love both of those canyons. I think it would be appropriate to table combining the three lots until we have a trail system plan that's been adopted, approved, and in cement, so to speak, right so we know exactly where those trailheads are going to be and where they go and where they can be accessed. Secondly, I think that the environmental impact will be so great on that land that I worry that any remediation that's need is going to cause you know, further environmental impact and it can be pretty disastrous for this area and the water supply. I think that keeping it natural and the way it is now and improving upon the access point and trails that can access that canyon is probably more important and would be more in favor of the residents of Cottonwood Heights and the, you know, long standing history of access to that canyon and preserving the beauty that it is. Thank you.

Chair: Thank you. Okay. I think we've gotten through all the comment cards. Okay, please come to the microphone and introduce yourself. And take your time.

Shannon Cochran: Hi, my name is Shannon Cochran, Cottonwood Heights resident for lived here 15 years, been accessing this canyon for at least 28 years. I just wanted to make sure that we realize that this is a beautiful, rugged place. It's not a simple trail. It's not an easy hike. The walls along the sides are extremely steep. The access proposed on Lot 8 like for one lot is probably not developable to begin with but also, the proposed plan doesn't make a lot of sense because it continues to ruin the hillside. Continuing with the trail that exists makes the most sense. So, if the Huntsmans are really willing to work with the community They should be able to figure out a way to build their property that allows for the current trail to exist and the damage that's already been done at the mouth of that Canyon on their surveying is preposterous. The debris that's been left, the fire hazard, even the water, the taking of the water for irrigation and the loss of the big, beautiful cottonwoods is a shame. In their surveying efforts they've already damaged the area irrefutably. And if they can promise to bring it back and make it beautiful again, that's what would be expected. Sorry, I really love this canyon. I understand development and change and progress but it needs to be done with keeping this beautiful place in mind. And I've been hiking there for at least 28 years and we just need to keep it. So, thank you.

Chair: Thank you for your comment. Okay, go ahead. Come to the microphone and give us your name.

Vladimir Makarov: My name is Vladimir Makarov. I live on Golden Hills Avenue pretty close to the area under discussion. My main concern, like most people who spoke here, is the ability of the public to access public lands and especially our canyon, which is really beautiful. As long as that access is guaranteed and given to us I will be okay with that. Thank you.

Chair: Thank you. Any other comments? Please come forward and give us your name.

Tad Turgeon: Hi there, my name is Tad Turgeon. I'm a resident of Cottonwood Heights. I'd just like to discuss the legal precedent here. In the Work Meeting we discussed the easement and the road. This area meets both those requirements. We also heard from the water company and they have an easement on there, so I don't see how there's any question about what. If we could put the slide back up with the map. Either way, whether you combine the lots or not, we have a public easement through that area. These landowners, if they could keep us out, they would do it. There have been problems for years. We have public access to it. We have an easement there. If we need a lawyer to go figure that out and not interview seven people, then that's what we need to do but we have an easement there. It's a road. It's an easement. It's established there. Now the legal question is we've established eight lots in 1970. Built on eight lots in 1970. What's the legal precedent to combine these? How does it benefit this Council? How does it benefit the people of Cottonwood Heights? Those are the questions I asked, so I don't see legal precedent to combine these. I see legal precedent to move forward as noted, and you can have the three lots separate and you have your giant road right through the middle of them that's owned by Cottonwood Heights. So, that's where I see this moving forward to. I respect everybody's comments here. I respect the applicant's efforts here. Thank you for letting me make comments.

Chair: Thank you. Any other comments? Okay. Thank you for your engagement. This is one of the great things about living in Cottonwood Heights. It's such an engaged citizenry and we appreciate the respectfulness especially that you've treated one another and the applicant and the Staff and the Commission. This has traditionally been a wonderful bubble to see where civic engagement and dialogue is a healthy thing, and so we appreciate and respectfully express gratitude for everybody's involvement here. So, with that, I will close the public hearing. And this will now be the opportunity for the Planning Commission to deliberate.

Johnson: Commissioner Mills, I emailed Commissioner Ebbeler my phone number. If we can probably rig up a speakerphone into the microphone situation, just letting him know. If he needs to weigh in, he's got my phone number and can do that.

Mills: I have a feeling Commissioner Ebbeler is going to have something to contribute to this conversation. He's smiling and nodding. So, let's go ahead and get him queued up – or we can make him use sign language. That might be a little limited. He's very talented, but I don't know if he's there yet. Okay, to the Planning Commission. What are your thoughts? Who wants to start? You know, I'm going to ask from all of you. So you can go now or you can go later.

Poulsen: I've got my finger on the button. I guess I'll go. There's a lot of great participation here, as you've noted Commissioner Mills. I am of the opinion that we have to have a pretty good reason as

a governmental agency to intrude on property owners' rights to do what they want to do with their own property. Having said that, there's a lot of interest here in assuring public access to a public resource. And I'm sorry I've not been on this hike but I will fix that soon. So, I'm left with a lot of confusion. I would like to respect the property owners' rights to do what they want to do with their property but I also know there's a lot of other interests here and I'd like to make sure that we have access to that beautiful trail that I'm hearing about. So that's my initial reaction to this. There's probably more.

Chair: Thank you.

Steinman: I'll jump in. So, being a resident and a neighbor to this community, you know, we're just a few blocks away. I've got two young kids, so we frequent this hike often. I brag about being able to, you know, walk to a cave in my backyard and walk to the waterways up there and every time that I go on this hike I'm concerned that I'm going to get yelled at and, you know, show my kids something that is inappropriate because we're breaking the law by accessing this private lane and we're breaking the law by trespassing. There's signs - no trespassing the whole way to get to this. So, I'm looking at this and I'm looking at a couple different factors. I'm looking at the factor of property rights and I'm looking at the factor of trail usage and I think this is a much bigger issue than this small little piece of property that's accessing this beautiful open space. And I think the issue that we have here is it is a County issue. I think it is a trail system issue. I think it is something that once again you know Weigel is so beautiful for you to come up and hear and talk but you know our kids are using the our backyard here and our backyard and the playground of Cottonwood Heights is our mountains and the cohesiveness and the connectivity of our mountains right now it's so segmented because of these properties that there's not enough people that are playing ball to make this work. And I think with Bonneville Shoreline and I think with a lot of these you know hiking groups out there, they're working with private landowners to make these adjustments and to grant a hike in their private land. Now, that's why I bring up property rights and I think specifically on this property rights if you have an acre of land here in Cottonwood Heights and in the backyard somebody uses it every single day. And it's a beautiful thing. And then, you know, somebody else catches on and starts using that every single day. And now you've got a dozen people using it every single day. And in that situation, when it becomes a nuisance, that's when you can make it hard and now you're the bad guy for cutting that off and putting a fence up. And I think in this regard, we need to look at how do we connect these four groups. We've got Cottonwood Heights; we've got multiple private landowners around here to create these connectivity points to then create trail systems. And I think for us the applicant has property rights on this, so if they decided to, you know, cut off access, they can and right now there is a private road to access this point. So once again anybody that's accessing it is illegal right now. And you know from that perspective, I think that we need to really evaluate this and figure out a way to number one uphold property rights for Cottonwood Heights and for the citizens and ownership in common heights. Number two figure out trail connectivity. And I think that, you know, there's a lot of different ways. If Mike, could you pull up the trail maps for the Master Plan currently? Because the Master Plan was done within the last 10 years, is that correct?

Johnson: Yeah. Within the last like two or three years, that Master Plan was done.

Steinman: Okay. So, currently this is the Master Plan for Bonneville Shoreline is that correct?

Johnson: Well, this this shows the potential access to Deaf Smith from Golden Oaks Drive – I don't know if that's the name of it to the north. And then the dark line that runs here is the Bonneville Shoreline Trail alignment. So, it shows both.

Steinman: Is there any overlay of this to show the property that's in question currently?

Johnson: Possibly let me exit here. I can probably pull that up.

Steinman: And as he's pulling that up I think our goal as a Commission, as a Council, if we send this up to that point is to uphold once again land use and I think land use is such an important component with this and you know when we have these Master Plans and especially trail map Master Plans, it's incredibly important for us to be able to uphold that because I think the majority of the concerns for this project is that it's going to restrict access. And I really, I think that that is a big, big issue across the board.

Johnson: It doesn't have exact parcel lines on it, but it's in this general area here.

Steinman: Yeah, it's big on my screen.

Johnson: Oh, sorry, it's, you know, I'll just keep circling it. Right in here. The two lines are not necessarily proposed as two trails. It's just an upper and a lower alignment that were analyzed when this Master Plan was done. So, these two trails are not necessarily both proposed as trails. The goal is to get public access to Deaf Smith.

Shelton: And you can see in the middle of those two green lines a trail.

Johnson: So again, on master plans its general master planning, it's not survey grade accurate data. The intention again is to get public access from this point to the north along private property and up into Deaf Smith.

Steinman: So with this currently, you know, the residents of the private lane would need to also grant access. Is that correct?

Johnson: That's the City's standing is we don't have we don't acknowledge formal public access that we can advertise as being a public trail. So, wherever the trail goes is over private property and that would need to be negotiated with those owners, or a claim would need to be made and potentially challenged and upheld.

Steinman: So, with that currently, you know, if we're looking at it from the standpoint of putting this Master Plan and then restricting residents and their property rights to then uphold this Master Plan, they now need to grant access from what I'm seeing here. So that you now need to grant access through multiple private lots here. And I think that that's more so what's happening and from what I understood from you, Mike, it sounds like by consolidating this, we as a City can make that as a stipulation. Is that correct?

Johnson: Through this parcel that is correct. So, I want to state as a City we are very interested in getting public access to Deaf Smith for everybody, residents, non-residents, everybody. We want to advertise this as an amenity. It's a priority. There certainly could be merit to individuals making

prescriptive easement claims today but that doesn't make the City realize its goal of getting everybody access. The prescriptive road issue was not carried out to its full extent, so we can't do that today. So anyone in this room, if they feel like they have a prescriptive easement claim, could go do that civilly. Lot consolidation or not, that's not impacted because they could still make that prescriptive easement claim. What we're trying to do as a City is acknowledge and recognize and implement formal public access, which we do feel like we are doing through this lot consolidation request. And again I said it five times in my presentation but the dedication that they're showing does show up on the final plat. It's actually deeded to the City and it does need to be calibrated with all these trail alignments to make sure it is feasible. So that would happen between preliminary and final and we'd end with trail alignment that helps us meet all these goals. Bonneville Shoreline Trail included - if that is affected by this property because that comes through this parcel as well on this map.

Steinman: And if there was a prescriptive easement, is it just on this property or is it also going to be for every other property owner that's on that lane?

Johnson: I think it's both. I think what we've heard tonight is residents have used this entire area and feel there may be some prescriptive easement claims. Again, any resident can go make those claims right now.

Steinman: And that wouldn't affect this consolidation?

Johnson: I don't think so. That's a civil legal claim. I've got Commissioner Ebbeler ready. Do you want me to dial him up?

Chair: Let's first of all, let me just acknowledge Cameron Lewis. We see your hand but unfortunately we've closed.

Johnson: He is with the applicant. I'll just clarify that and let you do what you will.

Chair: Okay, we have closed the public comments and we appreciate your presence on Zoom. So, Commissioner Ebbeler and then we'll hear from Commissioner Anderson.

Johnson: Sorry, I hope this works.

DeSeelhorst: I appreciate everyone's patience with us ad libbing.

Earl: Thank you. While he's doing that, I will sincerely apologize and we'll get this repaired next time.

Chair: We are grateful for the way the City has made so much of this accessible and recorded in multiple formats but it does occasionally get a little wonky despite.... The behind-the-scenes efforts of staff to make these things accessible is Herculean sometimes, and we're grateful for their efforts. So.

Johnson: Okay, Commissioner Ebbeler.

Chair: Commissioner Ebbeler?

Ebbeler: Can everyone hear me okay?

Chair: Very well, actually.

Ebbeler: So, in looking at the application and the interpretation of the prescriptive use interpretation, I went out to the Property Rights Ombudsman and it looks like there's two controlling cases, Wasatch County versus Opal Barry in 2008 in Utah County versus Butler in 2008 and they talk about what the continuous use is and whatnot. My only – and one of them basically is – one of them says trespassers can establish the continuous use and the other one says if landowners do things like establish gates or put up posted signs or yell at people or whatever else, that it interrupts the 10-year standard. However and whatever we do, I think that it would be important to put in the findings of fact on this application of the testimony that we heard in terms of whether or not we believe, you know, a 10-year or 20-year continuous use has been established. For my ears I heard even the landowner say that you know that they've been using that for, you know, 30 or 40 years. So, I'm inclined to think that we should at some level or another formally give our opinion on that piece of the finding of fact of whether or not there's been a continuous use. If you look at alltrails.com on the specific trail, there's plenty of discussion about how there are trespassing signs and people get yelled at. There's some time period in terms of when that started to happen, but I'm inclined to believe that a 10-year standard over the course of the last 40 or 50 years probably has been established and my main comment on this application is I just think it's important however we vote if we do vote, that we do offer an opinion on this. That's it. Thank you.

Chair: Thank you, Commissioner Ebbeler.

Commissioner Anderson: Mike, my comment is about property.

Johnson: Sorry, just talking to my friends.

Anderson: About property, about balancing the property rights and I think Sean brought up a good point about the fact that if development was made on these lots individually, Cottonwood Heights, I want to make sure I'm correct on this, Cottonwood Heights, as the City could not make any kind of requirement of trail correct.

Johnson: There is not a line in the Ordinance that says when you build a house, you have to dedicate trails on master plans at the Building Permit level. Not to say we wouldn't make an attempt because I think we would because again this is an established priority. It's crystal clear; however, in the Subdivision Ordinance that that is a requirement.

Anderson: Okay, thank you again for that clarification because I think that's important to remember and important to see what the landowner has suggested that they are wanting to do. So, I hear about wanting to continue to hike. I hear that loud and clear but also keep in mind it is private property that is being used. If there's something that can be done with the easement, I guess that's something but that's not in terms of looking at lot consolidation, which is what we're looking at, that is our goal here. I think we want to just kind of keep that in mind.

Shelton: All right. So, let me first begin by saying - going to try the best I can, not being a legal expert to rely on the law and it will probably split both ways. The first is that I believe our burden in approving or not the consolidation of these lots is not whether it benefits the public but whether it

meets the legal requirement. And if it meets the legal requirement, if there's no grounds upon which we could deny it, then we must approve it. And that, to the best of my understanding, is the law. Secondly, to the best of my understanding and again, you don't have to take it, but I'm going to give it to you anyway, there does exist on these parcels, one or more prescriptive roads. There also exists on these parcels, in my opinion, one or more prescriptive easements which are different things, but in my opinion they both are fairly easy to establish and are really hard to claim they don't exist. That being said that prescriptive road if you take my position that that it exists, exists across the existing private road because that private road has been used over that period of time to get from the public road to the canyon. If it's been established to have done that for over 10 years then my understanding is that it is a prescriptive road. It comes across the property in another direction and that also is a prescriptive road. Prescriptive roads are different from prescriptive easements but those prescriptive roads exist for the benefit of the public. And so those who worry that they have crossed these properties illegally are probably, don't take my legal advice, but can put your mind at ease, because a prescriptive road exists there today. The big question for the City has been the question of defense of those prescriptive roads and those prescriptive rights. And that's about having a case that challenges it. I think the Building Permit that will follow the question of this consolidation creates a real challenge because I believe that without abandoning a prescriptive road you can't permit a building that encroaches on it. It's the public road. And I may be wrong in that point of view, but that is my understanding of the law. If that is correct then anything that the landowner would like to dedicate is interesting but it doesn't change the fact that there is a prescriptive road that is where it is and the public has a right to it unless the City formally abandons it. All that being said, I think there is nothing in the law that changes based on consolidating these lots and there is nothing in my opinion that gives us a right to deny the landowner his right to consolidate them.

Chair: Thank you, Commissioner Shelton. Mr. Poulson?

Commissioner Poulsen: I knew that was coming. My view is kind of conflicted. One is that I think that there would be some benefit to the City by combining the lots because that really does limit where the house is going to be simply because of the topography of the area. And it would make it possible to put a house there. I don't think that you could – and it would give us as a City some ability to make some changes for access. What those changes would be, I think that's what's up in the air right at the moment. Right now, from Lot 8 it's really quite high up the mountainside and it doesn't really connect to anything. That was my concern in the Business Meeting is where does that trail come from? Where does access begin? And it begins in the neighborhood very remote from the canyon and there's no parking or access there. And it's not like there's parking or access where it is now but I think it just makes access more difficult if that's where the access that is decided upon for this development or else not a development this area. So, I don't know. If we were to table this and look more into that ability to have a better idea of access, it would really more convenient for those who are going to use it from Cottonwood Heights. There's a bunch of people who do that. I'll admit I haven't had that hike and I've lived here 40 years. I just didn't know about it. But that's irrelevant. I just missed out. But if we if we table it, if we get a better resolution of how that's going, fine. If we approved putting the three lots together but had an ability in the in the near future to resolve the issue before that access is going to be, then I think that I'd have to agree that I don't know that we can deny it. I just am torn. Would it be advisable to look into this a little bit more and table it or do you want to move ahead of it now in light that we could do more in the future?

Chair: You make it a number of good points and thank you to all the Commissioners and I'll just add a comment, but I'm anxious that we continue the interactive dialogue here. This is not meant to be

concluding the discussion. You know we are a property rights state. We are very anxious to make sure that people's property rights, everyone in this room included. And so this idea of the consolidation in and of itself in a vacuum is a very simple, easy discussion to have and even in the Staff Report, you know the listing out of nearly 10 different considerations and variables, any one of which complicates our decision making, that that's a long list. And to add to it new information that was handed as we began our meeting and a submission from the property owner this morning, that's a lot of new information. So, I think we have the added difficulty too, to Commissioner Shelton's point that this is kind of Grand Central Station and has been for some time and the problem of documentation of that fact and the legal ramifications of that are unique and challenging. There's a lot at stake for the property owner and a lot of state lot at stake for the City. So, in that in that circumstance, I think it behooves all of us to move carefully and thoughtfully as we try to do what's best and what's legal. And I think I can speak for all of us on the Planning Commission, we understand the passion in the room. I don't know anybody in Cottonwood Heights that says let's shut down trails and block people's access. But trying to open up access in a city that's fully built out is unique and we continue as a City and our staff, painstakingly is trying to solve problems that long predated the existence of Cottonwood Heights. The zone, if you noticed, is a zone that doesn't exist in its same format today and is one of those that we inherit and that we try to address on a case-by-case basis. We risk the possibility or probability of legal action but we also may need to have adjudication in order to determine best practices in this circumstance. I do reflect on the fact that staff has pointed out that we have had precedence and some similarities in the in a case fairly recently. So there are there are difficulties with this decision and with this challenge. Regardless of what the outcome is tonight, the consolidation is not going to be the only question that needs to be answered and it will not be the consolidation immediately leads into a slew of other immediate check boxes that happen without a thorough consideration. I do share Commissioner Poulsen's concerns that we need to figure out the status of this and that might warrant tabling and especially in lieu of more recent information, but I'm curious to hear from the rest of the Commission on that. And from a sequencing standpoint, we will have to address this issue of consolidation at some point and if there is not a legal reason and it is a careful consideration to find a specifically legal reason not to consolidate these three issues. That is a separate issue to the trails issue. So those and Commissioner Shelton, I think you spoke to that issue very, very carefully. So, just because if there were to be consolidation, the trails issue is not determined by that. Those are separate and independent issues but those that are expressing that they have accessed that trail and that's not being document, that's simply talking into the microphone. And as staff has pointed out, this question has been asked before and to Commissioner Shelton's point that the concern that, well maybe was I trespassing and I don't know if I want to have it documented that I was trespassing - if it is being accessed and it is being used, it needs to be documented. If it's not documented, then there's no recourse. That in mind, what are the thoughts you have, Commissioners? That was a long share.

Anderson: Thank you for sharing. I did have one other question and I apologize, Mike, I didn't ask during your presentation. You talked about that one of the requirements for the trail is the feasibility to connect, correct?

Johnson: Yes.

Anderson: So that would mean connecting on outside each end of the property on each - is that what that means?

Johnson: It just means it needs to be feasible. Again, we can't require them to connect it all the way down. It's this line here where it says, "The specific location of the trail right-of-way should be verified on ground. The trail should be located so that the route is feasible for construction and long-term maintenance. Insurmountable physical obstructions shall be avoided."

Anderson: Okay. So it's talking about to be able to connect to other pieces of the trail this trail through this parcel of eight would need to be able to connect to others, correct?

Johnson: Yes. That's my interpretation of that and the requirement to verify that on site.

Anderson: Right. Because I'm hearing a lot of concern about that, where it's - and I apologize, I'm not familiar with this trail - where this is being proposed and Lot 8 that that's not feasible for connectivity purposes and usability and that kind of thing. And so, I think it's just important to remember that that's a requirement.

Johnson: Yeah, and that this was the applicant's intention to demonstrate that the location they're proposing is feasible. Again, we would need to verify this whole thing on site and walk it with experts before we accept the proposed dedication but they've at least done some homework on, you know, they do think this route would be feasible.

Anderson: Okay. Thank you.

Steinman: Could you please pull up the stipulations? After, if this was to be approved on consolidation, what are the requirements if we could just see that just one more time.

Johnson: This?

Steinman: Yes.

Johnson: And again, this is not the exact review comments. This is a summary kind of the flavor of them. The review packet is like six pages long.

Steinman: I think this is such an important factor, especially for us as Commissioners as well as for the public because this battle, if this is to be consolidated, there is a lot of implications on this project that need to be looked at. I think at the end of the day for the legal parameters and what we as the land use body is going to be here is, you know, following the State law and the City regulations on this. You know, the City and the engineers that are going to be involved in this, I think are going to be incredibly important for us to look at from all aspects and you know, water being one trail system, connectivity being another. You know, we have to be looking at the property rights to either approve or disapprove this. And I think that from that standpoint, you have the easement rights. If we were to do lot consolidation tonight, this and this easement that was brought up, that has nothing to do with the lot consolidation. That's an important factor that has something to do with, you know, the current landowner and the water company at the end of the day. So any easements and any prescriptive easements are not going to be necessarily applicable for the lot consolidation. That's going to be another battle that will have to happen, but you know, this is step one of either disapproving it or approving it at the end of the day and there is much more diligence that goes into this to make sure that this is a feasible project and make sure this is a safe project and make sure this is a connected

project for the City and for the Master Plan at the end of the day. So that's kind of my thoughts on this.

Anderson: It's a really good point because I think there could be the misconception that if we approve consolidation that then it's just on your way and everything's great and that's certainly not the case. It's not a done deal until all these other steps happen, all these other agencies approve. It's a long road?

DeSeelhorst: Yeah, for a little bit of perspective there, there was a preliminary plat approved by the Planning Commission in 2018 that just hit the Recorder's desk this week. So, depending on the complexity of the issue, it's not a guarantee it's ever the same, but it's very much still a requirement that they work through every review comment. So take that for what it's worth.

Steinman: And I think that you know, going back into this, everybody's concern here is trail connectivity as well as water. I would say that that's one of the big concerns that I'm hearing here is you the water, the access, and working through that. And that's kind of the consensus that I was hearing. So, I think that those necessary steps will be able to be alleviated here just from my perspective.

Shelton: Turned it off to turn it back on. One last thought. In my opinion, I said this earlier is that the applicant has met the requirement to have their application approved. This application approved. I would tell the applicant, again, my opinion that if you want to not face a big crowd, what you might consider is consenting to the existing prescriptive roads as being prescriptive roads. And I think if you were to do that you would solve the legal question and move it forward. Now, not to say there aren't a lot of other legal questions and a lot of other questions, but you would put at ease a great number in the community who believe they have a right to that prescriptive road and your consent would solidify that.

Chair: So, the last point that I think just as a reminder to see what our comfort level is, we've had lots of discussion about this was this was platted in at the 70s and with what lens are we looking at this piece of property. We have a SLEDs Ordinance that plays in. We have easements and easements as are currently interpreted that play in. That being said, we are in 2024 and we have we have an application and do we feel like we have need for any additional information beyond what's in front of us? Are we capable of making a decision about this tonight? Maybe that will be my first question to each of you. Are you ready to answer this question tonight?

Anderson: I'm fine with moving forward.

Chair: Ready to answer the question? They are. Sir, please.

Johnson: Public comment is closed, sir.

Chair: Sir, sir. Thank you. Commissioner Ebbeler is the one that I - do you have access to him?

Johnson: We're going to get him back on here.

Chair: Okay.

Poulsen: So, just with regard to Commissioner Shelton's comments, do we need more than one property owner to agree to what you just said about the easement or the road?

Shelton: I don't think you solved the whole problem but you can't ask the applicant for more than

Poulsen: Right. They can only do what they can do. There should be a no trespassing signs up.

Shelton: There would be, but there would still be a prescriptive road.

Chair: That would be completely irrelevant to this conversation. It would only be relevant as related to this particular parcel. So, I would ask that we not consider that even as an issue above and beyond in any direction on this property. We are only talking about this piece.

DeSeelhorst: We've got Commissioner Ebbeler on the line for whenever you're ready for him.

Chair: Go ahead, Commissioner Ebbeler.

Ebbeler: Thanks, Chair. So, I just wanted to agree with Commissioner Shelton's comments. I think there's two things that we have to kind of sort out on this. The first one being that we have a legal standard in which we either approve or we don't approve this based upon what our Code and Statute says within Cottonwood Heights and what the State says we can do, etcetera. And I agree that the findings and what the applicant has done is sufficient enough that we would have to vote to approve the consolidation of the lands. I don't think that's a mutually exclusive determination of whether or not a prescriptive easement exists and whether or not the lot is buildable. I think those are two separate things. And as I said before, I think that we do need to make an official comment on whether or not we believe a prescriptive easement has been established or a 10-year use has been established. I agree with Commissioner Shelton that I think the evidence is overwhelming that the easement has been established over the decades and some of some of the trespassing stuff and whatever else is probably a more recent thing, but certainly 20, 30, 40 years ago, you know, it was used continuously. And I think the latter question probably will wind up in civil litigation unless the applicant works with the public to remove and mitigate that issue. But those are where my thoughts are.

Chair: Commissioner Ebbeler, you referenced my original question. Do you feel like you're ready for the question tonight?

Ebbeler: I think given some of the testimony in terms of the easement, that seems to just materialize, I do have some concerns on that, but I don't think that that impacts our ability to approve or not approve the consolidation. I think that is a separate legal question and that we're just bound by what the scope of our duties are. So, I'd be fine voting and I'd also be fine tabling it, but I think the preponderance of the evidence is that we can move forward with the vote.

Chair: Is there anyone that wants to make a motion to table or are we ready to proceed?

Johnson: That was a general question. I would just request if you make a finding regarding a prescriptive easement of road that that's the Planning Commission's finding just given the context I reported on from the City Attorney that may not represent the City Council's finding. It hasn't been discussed recently.

Smith: All right. I move to approve Project SUB-24-001 based on the findings and recommendations listed in the Staff Report dated March 6, 2024.

Poulsen: I second it.

Chair: We have a motion from Commissioner Smith and a second from Commissioner Poulsen. What's in order now is further discussion of the motion. Any additional comments?

Ebbeler: I mean my additional comments, just what I made earlier is that I do think that we should go on record to say whether or not we feel that continuous use has been established.

Smith: Can I add that to my motion that we go on record as understanding that there has been a prescriptive easement established.

Shelton: Prescriptive road.

Smith: Prescriptive road. Thank you.

Chair: I'm going to ask you to state it once carefully for Staff to pick this up.

Smith: I move to APPROVE Project SUB-24-001 based on the findings and recommendations listed in the Staff Report dated March 6, 2024, with the understanding also that there has been an established prescriptive road established as we've discussed here.

Poulsen: I'll second that again.

Chair: Second that again. So, that was from the original motion maker. So, we'll take that as a friendly amendment and the person making a second agreed as well. Any further discussion with the amendments?

Steinman: I think with that amendment, there's a couple of questions that I would have because this is a non-recorded easement that was presented to us in the beginning. Is that correct?

Smith: That's a different question though. This this is not.

Steinman: So we're discussing the use is that correct?

Smith: Right. The trail.

Steinman: Okay, so I think with the use and the prescriptive easement of that use, I would have concern with that because as Ebbeler had mentioned, there's been you know, comments about trespassing on all trails and 3, 4 of us have not actually been on the site. So, I think that we need to further evaluate that to put that on record. What are your thoughts on that, Commissioner Ebbeler?

Ebbeler: So, the applicant themselves testified that in the 80s that they drove a Jeep there and went around. So, I agree with what you're saying but for read of the case law, and I'm not an attorney, the no trespassing signs and whatever else are important but there's nothing in the record for us to consider. Window signs went up when hikers started getting yelled at and whatever else. But I think

given the testimony that we heard kind of ad nauseam from the public that there could be a different situation 20 or 30 years ago than there has been maybe in the last 10 or 15 and I think even the applicant themselves saying that they drove up there and whatever else that there certainly has been an establishment of over a 10-year continuous use. And now be that if that's in the 80s or the 70s or the 60s or whatever else, I think the preponderance of the evidence is that the record has been established, that there's a 10-year continuous use. I understand the point but I don't think that we have to split hairs like that in terms of we just have to say whether or not at any point in time in the history of this property was there a 10-year period in which hikers continuously used it or the public continuously used it.

Steinman: And my understanding of that based on the City Attorney was it had to be an individual if I remember correctly for that continuous use. So, I just want to make sure that we're clarifying that. Is it not individual, it's 100% public.

Shelton: An individual for prescriptive easement but a prescriptive road is any collection of individuals.

Anderson: And the amendment to the motion is specifically prescriptive road not....

Steinman: Now with prescriptive road, I just want to make sure that we're also evaluating that appropriately the size of the road on the parcel that we're seeing here – I mean there's a road, it's more of a trail. So, I think that more of a use so, I don't know if we actually have a prescriptive road on this space.

Shelton: That terminology is a little confusing but the term prescriptive road applies to a road or a trail. So, if it's a small walking trail, if it's used to get from point A to point B, it would be defined as a prescriptive road. That's my understanding.

Steinman: And that wouldn't be a prescriptive easement? I feel like there's a lot of legal that I don't think that we can discern and for me I don't feel comfortable moving forward with this tonight without evaluating and consulting with the with the City Attorney on this and I would say figuring out the terminology between prescriptive easement and prescriptive roads so we can actually vote on that appropriately personally.

Ebbeler: I mean my comment to that is we're not, we're not actually creating an easement with the comment or the amendment. All we're doing is creating a finding of fact that based upon the preponderance of the testimony that we received, that a tenured, continuous use period was established. It doesn't actually create an easement at all.

Chair: And frankly, it may not be germane to the question because nevertheless, we're combining the lots. It's simply an acknowledgement that that was - frankly, I think in from a hygiene standpoint acknowledges the input from the public and clears the space for the understanding and for the public record that the presumption is that this has existed and we are not defining the exact location of it. To your point, we are not getting specific about it but simply that it exists. In my opinion, I don't know that's going to affect how the property owner moves forward necessarily. It simply acknowledges that it exists. And it may or may not be significant to the motion. It simply acknowledges the interaction tonight and I do think it behooves those that are involved and engaged

in this. It does add to the discussion that this ought to be discussed further to Commissioner Shelton's point.

Poulson: I would just add that we have - as we looked to it earlier this evening, this is just the beginning. There are many steps that still have to be talked about, if need be adjudicated, but this is this isn't going to be construction starting tomorrow. There is still a road to go to but this is the start and I don't see that we couldn't move ahead on this tonight with the little part that we've got in just combining those properties. The rest is going to come in time.

Steinman: Absolutely. I think that only with the amendment of us putting on record that finding of fact. You know, there's a lot of facts that are going into this and I think for the record of that, I think there's a lot more diligence that needs to go into place. And once again I have spent time on this road. I have accessed this. However, by us putting on a finding of fact that there was a prescriptive easement there that could have been an illegally used prescriptive easement or a prescriptive roadway that's more so of my concern that could actually - make this lot consolidation completely irrelevant I guess you could say. It makes it irrelevant because once again, we're trying to work with the trail systems and we're trying to make this a place where there is going to be trails. And if we're now eliminating opportunity, there's no reason for them to grant that northern piece for the trail. So, there's a lot of different facts that opens up, I would say by putting that and understanding that space. And I think that for us, we want to make sure that we are stewards of the land and the space and we are giving the opportunity so that we can actually create these trail connectivities. And my concern if we create that space of that easement and you know, actually incentivize that easement to be in place there, we're going to be running into more issues and you know, more legal issues that come about on this that I don't think that we would necessarily want to open up at the end of the day. And that's where I would be completely comfortable with moving forward with the lot consolidation without that additional clause.

Ebbeler: So just to clarify one of those points. So part of the problem with not actually as a deliberative body taking an opinion one way or the other, and I don't care necessarily if it gets voted down or whatever else, but I do think we need to take an official position on it because it's been discussed in the record and if is to get litigated and if someone filed litigation for the easement, the record in this transcript will absolutely get brought into those proceedings and several of us have already gone on record to say we believe that has been established, so all we're doing is creating uncertainty within other proceedings versus just taking a position.

Steinman: And I feel like we need to have, you know, once again there's four commissioners that have not walked on this property. You know, of course we've listened to the public here and in fact, I have walked on this property and my thought process in walking on this property was I was probably trespassing at the end of the day.

Ebbeler: That's not a relevant question if the 10-year period was established in the 80s. So, whatever is happening right now doesn't mean anything. So all that has to happen is at any point in time was there a 10-year continuous use where people weren't yelled at or or whatever else. And I haven't heard any evidence other than this is a more recent thing. I've heard evidence even from the applicants saying that they used it, not that they used it and got yelled at. So, I mean the problem is, we've heard evidence, we've heard testimony and all we have to do is fact finders is say what do we find more credible one way or the other. So, if we don't take a position it won't matter because it's already been discussed and it's already in the record and we're just introducing uncertainty.

Anderson: And I think my concern is that our role as a Planning Commission to state that about the prescriptive, easement prescriptive road. Either way, I mean whatever it is. I think our role is to determine the land use piece. These other things in terms of the prescriptive road and prescriptive easements are going to get resolved or established and as was brought up with the Building Permit, Commissioner Shelton brought up about if there is a prescriptive road then there can't be a building built if there's that road. So, I don't know that it's our role as Planning Commission to talk about that. I think our role is to look at the....

Ebbeler: If you look at the model motion though, we do have to come to a finding of fact with whether or not the land use designations are compatible with the General Plan and the purpose and goals of the zoning district and Master Plans and whatnot. So, I mean, given the fact that this was on the Trails Master Plan and whatnot, I mean it's a point of conversation that we can't just ignore that we have some duty to interpret them.

Anderson: No, I'm not saying we ignore it. I'm saying I'm not sure it belongs in the motion that we're talking about doing. Certainly there's plenty of facts, plenty of testimony to talk about the use of the land but is that pertinent to talking about approving or not approving the consolidation of the lots.

Steinman: I would agree with you on that because the finding of fact I think is one factor, as you had mentioned, Commissioner Ebbeler, there were many comments brought up about this property and if we were to be taking the finding of fact in all of the comments of all of the different uses and you know, there might be multiple, you know, potential prescriptive easements, there's not any specifics that we can discern from what was communicated tonight based on that finding of fact. I think everybody agrees that they have access to this land. I think everybody agrees that they've walked through this land. However, I think at the end of the day, you know, that is something that in this motion, I think it's irrelevant to this motion because we should be bringing up all of the different findings of facts in regard to this and either give specifics as to, here is the spot where we're more so throwing out, hey there, there is an opportunity for a potential prescriptive easement on this space or prescriptive right-of-way on this space. So, I would prefer keeping it out of this this motion unless we had more data, I would say and I don't think we have enough data to be able to put this in the motion.

Ebbeler: How do you reconcile our evaluation of the conformance with Master Plans if we're ignoring a fairly major piece of connectivity that exists currently in the land. So, by voting on the consolidation of land and not commenting on an existing unique and current situation where we have an existing Trails Master Plan that comments on this, but we're as a body saying we're not going to deal with that in terms of whether or not we think we think that the consolidation and the removal of a potentially prescriptive road or easement conforms or doesn't conform with the existing Master Plan that provided guidance on the specific area.

Steinman: Because I believe it actually has to do with the roadway standpoint.

Ebbeler: It's connectivity.

Steinman: So, it is the connectivity?

Ebbeler: It's connectivity in terms of whether or not you have access through that.

Steinman: But the connectivity comes down to the roadway connectivity that we are looking at here and I think the roadway connectivity, there's not enough data for us to be able to say that that roadway at that is currently on the existing plat is going to be cohesive to the current trail systems that what we had seen when we had pulled up the Assessor's Parcel Viewer in the working session that that trail system that actually diverts from this parcel here and it also diverts from the existing roadway on the plat. So, I think that that's one of the things that we need to look at here and at the end of the day we need to make sure that once again we have enough data to be able to say hey, this is a prescriptive roadway easement and I believe that's the technical term here of prescriptive roadway easement, that we are looking to be putting here. And the roadway easement, the only thing that we have to go off of is the unrecorded plat that was presented this evening from the Water District as well as the original plat. And right now the original plat, the current roadway is actually not being used in the trail system that's in place. It's being used to the north of that trail system or the current roadway.

Chair: Okay, I'm finding about 50% of the things that you're saying are accurate but I feel like we're diverging a little bit and we need to hear from a few others on the Commission. So, I appreciate your comments.

Johnson: Staff's finding on the connectivity issue is that there's the provision in the Subdivision Ordinance that requires a trail dedication or easement in a place where it creates connectivity. So, that's the finding for connectivity of a regional trail network is we will ensure that that trail easement is in a location. The prescriptive road...

Anderson: That supports the Trails Master Plan.

Johnson: That complies with the adopted Master Plan. Again, I think it's worth bringing up again because this has gone the rounds. This is where the City left off on this issue and you can question the methodology of it but this was investigated. Ultimately, the City felt it hadn't found a sufficient body of compelling evidence of necessary open, continuous, adverse and uninterrupted use for the required time period. Outside counsel said you know, success in making a claim of public or prescriptive roads was possible but not assured. That I would say is the City's official stance on this matter as it is today without additional work on this.

Chair: So, I think it's important that we acknowledge that we do have a new piece of data. We've heard public comment that it appears that there is evidence that there's a prescriptive road that may exist on the plat. We can choose to acknowledge that in the motion and that I think was the intention of the motion maker, or we can choose to completely cut that off and it will have to exist only as it occurred in this meeting. And that's the question. So, let's start with a vote on just whether or not we include the prescriptive road as part of the motion and I'm going to just straw poll that to see where we're at on this. Are you ready?

Shelton: I think you have a motion and a second, though and comment. Don't you have to call for a vote on that motion?

Chair: We can call for a vote on the entire motion or do we want to ...?

Ebbeler: You can call for a vote on the amendment.

Chair: And that's where I'm headed. Is do we want to call for a vote on the amendment?

Poulsen: The amendment being that we have had a discussion that suggests that there may be a prescriptive roadway?

Chair: I think based on a discussion we need to vote on that as a separate issue before we take the main motion.

Anderson: But that's combined. But I mean that's combined with the whole motion. So, we're voting on the motion as it is right now that includes the prescription road. So, we have to vote on that.

Chair: Would you like to vote on the entire motion or would the motion maker consider withdrawing the motion?

Smith: I'm considering withdrawing the motion and maybe restating it differently or having someone else restate it if they prefer.

Chair: Okay, let's withdraw the motion.

Smith: Okay.

Chair: The floor is open then.

Smith: How about I move to APPROVE Project SUB-24-001 based on the findings and recommendations listed in the Staff Report dated March 6, 2024.

Poulsen: I'll second that motion yet again.

Chair: OK, we have a motion and a second. A motion from Commissioner Smith and a second from Commissioner Poulson. What's in order now is discussion of the motion.

Smith: As I understand it, that's really the question at hand as presented to us earlier. The question about easements and access, those are important questions, but I don't think that was our assignment tonight as I understand it. I think those things deserve a lot of discussion still, but.

Anderson: I would agree.

Chair: Any further discussion? Sir, I'm going to ask you to withdraw your comments. Thank you. We're in a formal setting here. So, thank you for respecting our process. Are we ready for the question?

Ebbeler: So, based upon the current motion we're abandoning adding in a finding of fact or even discussing this even though it's actually part of the record and we've actually some of us have gone on the record on that point.

Chair: Commissioner Ebbeler, you are welcome to make a motion at this time if you would like but otherwise, it appears we are ready for the question unless you have some additional comment you'd like to make on the current question. You can make a comment or you can make a motion.

Ebbeler: Yeah, I made a comment and in terms of the existing findings of fact one through four, don't speak to the evidence that was presented today, nor does it comment on certain positions that some Commissioners have taken on that public testimony.

Chair: Are you intending to make a motion to that effect?

Ebbeler: My preference is to add in a finding a fact five that says....

Chair: Is this a motion?

Ebbeler: Yes.

Chair: You're making an amendment to the motion. Okay, let me have you state it clearly for the record.

Ebbeler: I move that we add a finding of fact number five to the existing findings of fact one through four that add that evidence was presented that was found to be credible that an existing prescriptive road exists on the current lot assemblage.

Chair: Okay, we have a motion.

Smith: I'll second that.

Chair: We have a motion and second. What's in order now is discussing the amendment.

Johnson: Commissioner Mill, we have two motions and two seconds.

Chair: Right. We have a we have a motion and we have an amendment to the main motion. So, what's in order is to deal with the amendments and then we'll go back to the main motion.

Anderson: But it's still one thing.

Chair: It's not one thing if there's an amendment.

Ebbeler: ... and then if the amendment dies, you're back on the motion.

Chair: That's right. That's correct. This is Robert's Rules. So, we're discussing the amendments.

Steinman: So. I believe that we had many findings of fact tonight. So, if we are going to go by that rule and that initiative, Commissioner Ebbeler. I believe that we need to document every single finding of fact and in this motion, put every comment of the use and the findings of facts that we had had from the, you know, 70 people that talked tonight and the emails that came in as well. So I would prefer to keep it off of this. Notion because there is many findings of facts this this evening.

Chair: Okay we've heard from Commissioner Ebbeler and Commissioner Steinman have both spoken to the motion. I'd like to hear from anyone else who wants to speak to the motion. Commissioner Poulson.

Poulsen: I think that we could go back and forth all night on trying to decide what we ought to include and what we ought not to include. The clear motion is will we or will we not bring those three pieces of property together into one piece? The rest of it, I think, will be addressed at a later date as we go through the process. I think that's the one thing that's slipping by us right now is that there are several more levels that need to go through before any construction starts that that that goes forward much at all. This is just very preliminary and I think we may be getting ahead of the game. It's true that these issues do need to be resolved but do they need to be dealt with this evening? I think we ought to just go back to what we came here to do. Will we or will we not combine those three pieces of property together and then let the rest of these issues be dealt with in the future?

Chair: Are there any other comments to the amendment to the main motion?

Anderson: I also support not including anything outside of voting on consolidating the lots in the motion.

Poulsen: I call for a vote on the on the secondary motion.

Chair: Okay, a question has been called for a vote on the amendment to the main motion. What is now in order is a vote on the amendment. Commissioner Ebbeler?

Ebbeler: Yes.

Chair: Commissioner Anderson?

Anderson: No.

Chair: Mr. Steinman?

Steinman: No.

Chair: Commissioner Poulson?

Poulson: No.

Chair: Commissioner Shelton?

Shelton: Yes.

Chair: Commissioner Smith?

Smith: No.

Chair: And Commissioner Mills, yes. The amendment fails and we're back to the main motion. So, what's in order now is any further discussion of the main motion.

Poulsen: Call the question.

Chair: The question has been called. What's in order now is to vote on the main motion. Commissioner Ebbeler?

Ebbeler: No.

Chair: Commissioner Anderson?

Anderson: Yes.

Chair: Commissioner Poulson?

Poulsen: Yes.

Chair: Commissioner Shelton?

Shelton: Yes.

Chair: Commissioner Smith?

Smith: Yes.

Chair: Commissioner Steinman?

Steinman: Yes.

Chair: Commissioner Mills, yes. The motion passes. Okay.

4.0 Consent Agenda.

4.1 Approval of Planning Commission Minutes from January 3, 2024, Meeting.

Chair: Next order of business we have tonight is one matter regarding the consent agenda. Approval of Planning Commission minutes from January 3, 2024. Just in conclusion, for the public, we appreciate your engagement and the ability to interact with you. This is not completed by any stretch of the imagination. So, please stay engaged and stay tuned and I think you will find that we have a lot of work to do and I'm not going to put odds on whether or not this project will be completed or not. I would encourage the public to be vigilant and our staff is doing their very best to follow the law and I believe that we're all doing the best we can here. You've had a chance to review the Planning Commission minutes. Do we have a motion regarding 4.1 on the agenda?

Commissioner Smith: Motion to approve.

Commissioner Anderson: Second.

Chair: We have a motion to second all those in favor of approval while Planning Commission minutes from January 3, 2024. Say aye.

All: Aye.

Chair: Any opposed? The motion passes.

5.0 Adjournment.

And one more motion and order.

Anderson: Motion to adjourn.

Smith: Second.

Chair: We have a motion from Commissioner Anderson and was that Commissioner Steinman. Commissioner Smith seconds. All those in favor say Aye.

All: Aye.

Chair: We are adjourned. Thank you everyone.

DeSeelhorst: We'll see you guys back for April. April is the beginning of the new quarter so the calendar does show two meetings. Stay tuned on that. I think the second one may get cancelled. So, please plan on the first April meeting and I'll keep you posted on the second. And I want to wish a very happy birthday to Commissioner Steinman.

The Business Meeting adjourned at approximately 7:45 PM.

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

**Wednesday, April 3, 2024
5:00 p.m.
2277 East Bengal Boulevard
City Council Work Room**

ATTENDANCE

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

Staff Present: Deputy City Recorder Maria Devereux, Associate City Planner and Sustainability Analyst Ian Harris, Community and Economic Development Director Michael Johnson, Senior City Planner Samantha DeSeelhorst (via Zoom), Alex Earl System Administrator

Excused: Commissioner Dan Poulson and Commissioner Sean Steinman

WORK SESSION

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

1.0 Review Business Session Agenda.

The Business Session Agenda was reviewed and discussed.

Chair Mills reported that there was one Action Item on the Business Meeting Agenda. Associate City Planner and Sustainability Analyst, Ian Harris, stated that Project SUB-24-004 is a request from David Bowen for a Subdivision Amendment to combine two adjacent parcels into a single lot. The subject property is located at 6838 South Manorly Circle. An aerial map was displayed. Lot 8 of the Cottonwood Manor Subdivision measures 0.23 acre with the adjacent lot being 0.25 acres in size. Both lots are under the same ownership. He reported that the applicant's home is located on Lot 8 with the adjacent lot containing some planter boxes and an undeveloped hillside. The applicant originally applied for a Building Permit to construct a pool. A pool is considered an accessory structure and may not be constructed onto different parcels, hence the request to combine the two lots.

Mr. Harris presented an excerpt from the proposed Amended Plat that detailed utilities and existing easements. Staff conducted a preliminary review of the project and did not find substantial issues with combining two parcels. By combining the properties, the resulting lot size increases, and the total structural lot coverage decreases. There were no changes made to lot width or frontage by the proposal. Staff recommended approval of the findings listed in the Staff Report. Community and Development Director, Michael Johnson stated that there are limitations on any future

development due to the undevelopable hillside with 20 to 30 feet straddling the property line of buildable property.

2.0 Zoning Text Amendment – Yard Elements.

Senior City Planner, Samantha DeSeelhorst, presented the Staff Report and stated that the Yard Elements Zoning Text Amendment was initially discussed with the Planning Commission in 2023 but put on hold while other zoning text amendments were reviewed. Staff focused on two areas of interest. Both were intended to provide clarification on how yard elements are and are not regulated in the City Code and included the following:

Define but Don't Regulate

- Arbor: A free-standing arch utilized as an ornamental gateway to a path or yard area, not to exceed eight feet in height and three feet in depth.
- Flagpole: A freestanding structure or a structure to a building or the roof of a building on a parcel of record and used for the sole purpose of displaying flags.
- Raised Beds, Planters: Above-ground planting vessels which do not serve a retaining or structural purpose, and are not enclosed by structures.

The Commission Members suggested clarifying further the definition of retaining wall. It was suggested the Building Code trigger of two feet could also be referenced.

- Trellis: A frame of latticework designed to support plants, either freestanding or attached to a structure.
- Water Feature: A design element where water performs an aesthetic function, such as ponds, fountains, or waterfalls which serve a strictly ornamental purpose, and are not utilized for recreation.

Commissioner Shelton questioned the regulation for flagpole height. Ms. DeSeelhorst confirmed that currently, there are no existing flagpole height regulations. Staff suggested putting a cap on height similar to what a building is allowed. She felt it was reasonable to look at both residential and commercial flagpole heights and add allowances to the City Code.

Setbacks with regard to water features were discussed. Chair Mills stated that many large water features connect and run into resident swimming pools. The addition of technical language was recommended. Ms. DeSeelhorst stated that the definition may be amended to state, “A water feature not utilized for recreation.” Staff noted there have not been many complaint cases pertaining to water features. Complaints about pergolas and gazebos were the most common.

Ms. DeSeelhorst continued the Staff presentation detailing the second focus of interest.

Define and Regulate

- Gazebo: A freestanding structure or building or attached structure or building with a pitched-roof design and a maximum area of 600 square feet, not to be used for habitation.
- Pergola: A freestanding structure or attached structure forming a sitting area or passageway that is composed of vertical posts or pillars that usually support crossbeams and a sturdy open lattice.

Proposed Regulation: Gazebos and pergolas shall be subject to the same height, setback, placement, and lot coverage standards for attached or accessory structures in the underlying zone depending on whether the gazebo or pergola is attached to the main building or constructed as an accessory structure. A Building Permit is required if over 200 square feet or has utility connections. Staff recently reviewed how carports are defined should there ever be an issue with it being compared to that of a pergola. They believed it was more important to define an arbor. From a Building Code standpoint, the fire separation standards for Accessory Buildings to Primary Buildings are not differentiated whether they are open-air or closed.

- Swimming Pool, Outdoor: An accessory structure, designed to hold water more than 30 inches deep to be used for recreational purposes, including but not limited to above-ground pools, in-ground pools, hot tubs, swim spas, and plunge pools.
- Swimming Pool, Private: A swimming pool intended to be used solely by the owner, lessee, or tenant of the realty on which it is situated (and their family and friends invited to use it) without payment of any fees.

Proposed Regulation: Swimming pools shall be subject to the same height, setback, placement, and lot coverage standards for accessory structures in the underlying zone but are not required to maintain a minimum distance for buildings. A Building Permit is required.

A question was raised regarding multiple owners of a property or pool. Staff explained that they were referring to a community pool rather than a backyard pool for personal use.

Chair Mills reported that his neighborhood is run by a Homeowners Association (“HOA”) which includes a vacant piece of property. If the HOA were to put a pool on that piece of property, he asked if it would be considered private. Ms. DeSeelhorst believed one direction could be merging definitions to clarify if a pool is in a residential backyard, it is to be only used for personal use without fees. Language regarding charging a fee for private pool use was discussed. Mr. Johnson suggested language be amended to read “swimming pool, outdoor.”

- Playground, Swing Set: An outdoor apparatus with equipment for children’s recreation, such as swings, slides, and climbing frames, not including any water or electricity connections, not occupiable space.

Commissioner Shelton asked that the term *occupiable* be reconsidered. Staff confirmed that they will revisit language. Use of the term *habitable* was recommended.

Proposed Regulation: Playgrounds shall be subject to the same height, setback, placement, and lot coverage standards for accessory structures in the underlying zone. No Building Permit is required.

- Retaining Wall: A wall or terraced combination of walls used to retain more than 18 inches of material and not used to support, provide a foundation for or provide a wall for a building or structure.

Proposed Regulation: Retaining walls that are less than six feet in height may be located anywhere in the yard and are not subject to either attached or accessory structure setback and placement standards. Retaining walls greater than six feet in height shall be subject to the same setback and placement standards for either attached or accessory structures in the underlying zone, depending on whether the wall is attached to a building foundation or constructed as a standalone accessory structure. A retaining wall may be located along a property line, provided it meets fencing regulations. A Building Permit may be required for a retaining wall over four feet in height.

Chair Mills questioned the use of the word combination and its interpretation in the proposed regulation. He asked if language should include “the combination of less than six feet.” Ms. DeSeelhorst distinguished the property owner would be required to obtain a Building Permit should any portion exceed four feet. As far as regulations are concerned, the Code does state if there is a certain amount of linear separation between tiers, they are considered separate elements. Mr. Johnson explained that there is a formula that states if the area measures three times the height of the wall and has a terrace between them, they are considered separate. If the measurement is less, it is considered one retaining structure and permitted as one rather than several. Staff confirmed language would be adjusted.

Commissioner Smith asked who would be responsible for the merging of property if it is located on a sloped hill with a retaining wall and gives way. Commissioner Chappel stated if there is a significant grade drop at a property line, the retention of the grade is the responsibility of the uphill neighbor. If a wall is located below and has a surcharge from the adjacent building above, setback rules have not been followed. She stated that the influence line is located at the bottom of the footing. If one footing is 10 feet below the other, it was recommended they be located within 10 feet apart of up to 15 depending on the slope height.

- Tree House: An outdoor apparatus constructed within a tree for children’s recreation, not exceeding 100 square feet, and not including any water or electricity connections, nor occupiable space.

Proposed Regulation: Treehouses shall be subject to the same setback and height requirements for accessory buildings in the underlying zone, but may be located in any yard area, and are not subject to building separation or lot coverage standards. The height of the structure is measured from the existing grade to the highest roof point. A Building Permit is not required.

Commissioner Shelton stated that there were concerns regarding the location of the treehouse. He felt that the way the language was written a treehouse is permitted to be in the front yard.

Mr. Johnson reported that a treehouse is defined as less than 100 square feet. Anything larger is considered an Accessory Building to be located in the backyard and regulated as such. Staff would review surrounding city regulations and return with adjusted verbiage at the May 1 Planning Commission Meeting.

3.0 Adjournment.

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

The Work Meeting adjourned at 5:56 PM.

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

**Wednesday, April 3, 2024
6:00 p.m.
2277 East Bengal Boulevard
City Council Chambers**

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

Staff Present: Deputy City Recorder Maria Devereux, Associate City Planner and Sustainability Analyst Ian Harris, Community and Economic Development Director Michael Johnson, Senior City Planner Samantha DeSeelhorst (via Zoom), Alex Earl System Administrator

Excused: Commissioner Dan Poulson and Commissioner Sean Steinman

BUSINESS SESSION

Chair Dan Mills called the Business Meeting to order at 6:03 PM.

1.0 Welcome and Acknowledgements.

1.1 Ex Parte Communications or Conflicts of Interest to Disclose.

There were no Ex Parte communications or conflicts of interest to disclose.

2.0 General Public Comment.

There were no public comments.

3.0 Business Items.

3.1 Project SUB-24-004 - A Public Hearing and Possible Action on a Request from David Bowen for a Subdivision Amendment to Combine Two Adjacent Parcels at 6838 South Manorly Circle into a Single Lot.

Associate City Planner and Sustainability Analyst, Ian Harris, presented the Staff Report and stated the above item is a request for a Subdivision Amendment to combine two adjacent parcels located at 6838 South Manorly Circle into a single lot. The applicant was identified as David Bowen who wishes to combine the two parcels to allow for an accessory structure. A Subdivision Plat rendering was displayed. Staff received no public comments and recommended approval. The applicant, David Bowen, commended Mr. Harris for his professionalism and assistance throughout the application process.

MOTION: Commissioner Shelton moved to APPROVE Project SUB-24-004. Commissioner Smith seconded the motion. Vote on motion: Commissioner Anderson-Yes, Commissioner Smith-Yes, Commissioner Shelton-Yes, Commissioner Chappel-Yes, Commissioner Ebbeler-Yes, and Chair Mills-Yes. The motion passed unanimously.

4.0 Consent Agenda.

4.1 Approval of Planning Commission Minutes from January 17, 2024, Meeting.

MOTION: Commissioner Smith moved to APPROVE the Planning Commission Minutes from January 17, 2024 Meeting with changes as noted. Commissioner Ebbeler seconded the motion. The motion passed with the unanimous consent of the Planning Commission.

5.0 Adjournment.

The Business Meeting adjourned at 6:14 PM.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Planning Commission Work Session and Regular Meeting held on Wednesday, April 3, 2024.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: _____

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

**Wednesday, May 1, 2024
5:00 p.m.
2277 East Bengal Boulevard
City Council Work Room**

ATTENDANCE

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

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

WORK SESSION

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

1.0 Review Business Session Agenda.

Senior City Planner, Samantha DeSeelhorst, reported that there were no new announcements for the Work Session, just status updates on current projects.

2.0 City Project Updates.

Community and Economic Development Director, Michael Johnson, provided status updates on the following current projects:

Doverhill Drive Subdivision and Park

Both subdivision phases have now been approved and plats have been recorded for the four western lots and nine eastern lots. Development was underway. Homes are being constructed on the western side and permit applications are starting to come in for lots on the eastern side of the park. The two-year timer for park completion and opening started when work began on Phase 1 in late 2023. In response to a question from Chair Mills, Mr. Johnson stated that Staff has been responsive to questions and there have been several public records requests.

Wasatch Rock (Gravel Pit)

This is the northern 20 acres of the Gravel Pit property, which received entitlement approval in 2021. The hillside reclamation engineering process was complicated and involved three

engineering firms ensuring that the calculations were correct. Due to the large aqueduct pipeline that runs through the property, an Easement Agreement was necessary between the developer, Rockworth, the Metropolitan Water District of Salt Lake and Sandy, and Cottonwood Heights. That agreement should be approved by the City Council in May and work was expected to begin on grading and reclamation in mid to late May. The project includes the demolition of the abandoned buildings on the site. Grading and hillside reclamation will take some time before they begin on the roadway, storm drain infrastructure, and eventually buildings. This is the first step in the actual construction on the site, which will likely take several years.

Commissioner Chappell stated that in her work with the Utah Seismic Safety Commission, they have discussed the importance of aqueducts with Envision Utah. This section of the aqueduct crosses a fault line four times and the community's ability to recover after a large earthquake is dependent on the aqueducts. She asked if there had been a discussion about the Water District's plans, if any, for this section of the aqueduct. Mr. Johnson confirmed that construction on a new water pipeline will begin in the summer. They are embarking on a multi-phase process of reconstructing the old water infrastructure lines. The aqueduct crosses numerous fault and slope stability hazards and the path to avoid them is very narrow. The Water District has been working with the Public Works and Engineering Departments and received a handful of zoning variances to cross the hazard areas. He suggested meeting to review the engineering details later. He would also facilitate a meeting between Commissioner Chappell and the City Engineer on this topic.

Chair Mills indicated that the pipeline will run along Fort Union Boulevard and across Wasatch Boulevard, cut across Nutree Drive, go through Mountain View Memorial Estates, and then proceed due south. Ms. DeSeelhorst added that Council Member Hyland wrote an article for the latest newsletter that includes an outline of the projected path, as well as other infrastructure updates.

Old Mill Property

No plans were up for review for this property at present, but Mr. Johnson anticipates application will be made soon. The owner is interested in using the Planned Development District ("PDD") ordinance tool to make that application. To apply using that ordinance, certain prerequisites must be followed. First is scheduling a Work Session discussion with the Planning Commission to show, at a draft concept level, the general direction they are considering for the development. It was also recommended that they schedule a Work Session with the City Council. After the Work Session discussion, they are required to hold at least two neighborhood meetings to get public input before they are allowed to make application. At that point, the City will begin a technical review. It will then go back to the Planning Commission for a formal public hearing and input.

The developer previously requested to be on the Work Session agenda for tonight's meeting. The City requested that they submit plans in advance but they were not received. Mr. Johnson expects it to be on the agenda for June or July at which point they will see a concept mockup of what the property owner intends to do with the property. That will then lead to the application and public engagement process.

Ms. DeSeelhort added that this will be different from the normal process in that they will present the concepts to the Planning Commission before they make an application. Typically, when a new development is brought before the Planning Commission during a Work Session, a formal application has been made, which means there is some assurance that the provided documents contain a reasonable level of detail. This will be more conceptual in nature and as such, will likely be less granular. She was excited to see their concept and how it is eventually shaped by Commission and community feedback. Mr. Johnson anticipated a similar discussion for the larger Gravel Pit property sometime in the near future as well.

Fort Union Boulevard Bike Lanes / 1700 East Sidewalk Project

Construction contracts will be presented to the City Council at the next meeting and the anticipated start date is May or June. The project will connect the bike lane and sidewalk on Fort Union Boulevard up 1700 East and then to 7200 South. It is a key school walking route, so it will be nice to have it completed. The improvements are in place at the two development projects and grant funding has been secured to complete the space in between. It was being bid out as one project and the anticipated start date is May or June. Ms. DeSeelhorst commented that requiring the bike lane and sidewalk segments at the time of development made it significantly easier to obtain grant funding to connect them.

Canyon Centre Questions

In response to a question about the Canyon Centre, Mr. Johnson indicated that the project developers have approached the Cottonwood Heights Redevelopment Agency (“RDA”) a few times regarding modifying the Development Agreement. The agreement includes two buildings that have not been constructed, an apartment building on Racquet Club Drive, and an office building on the southern end of the parking structure. The office building was intended to be Phase 1 of the project in 2013, but the office market changed in subsequent years. The owner’s intention is to request to change the office building into a residential building with the same massing and height but with condominiums with limited commercial on the lower floors. The RDA asked them to prepare a formal amendment request for consideration that includes financial projections. This property is part of a Community Development Area (“CDA”) with Tax Increment Financing (“TIF”), so changing the building has impacts on the projected revenue generated from the tax increment. They have to make a formal request to the RDA and then the agreement must be renegotiated with the taxing entities that invested in the original project.

Mr. Johnson added that, in addition to amending the Development Agreement with the RDA and City Council, the developer would also need to amend the Conditional Use Permit with the Planning Commission, which will include an updated traffic impact analysis and other information typically required for a Conditional Use Permit.

Commissioner Shelton asked if it will be difficult for the developer to get to the same value. Mr. Johnson reported that they did a preliminary assessment comparing the original 2017 projections with condominium residential in the current year. Primary residential use pays taxes based on 55% of the property’s actual value, which is consistent across the State of Utah. Despite the lower percentage, the increment projections are comparable to the original expectations for the commercial property, mainly due to the rise in property values. If you were to build an office in

today's market that is fully financed and successful, it would generate more tax revenue. However, there is no building there now, and no reasonable expectation that one will be built. The RDA will need to consider if it is better to have a project that they know will move forward soon or a speculative project that may never move forward.

The current agreement contains construction deadlines that stipulate both buildings must be completed by December 2024. The residential project will need to apply for an extension. In exchange, the developer has stated that they are willing to agree to financial concessions, including payouts of tax increment. They are also willing to deed over a portion of the site's City Park Project so work can begin on it. The City will soon sign a contract with a landscape design group to start the Master Plan process for the one-acre park and construction will be funded by the accumulation of tax increment revenue over time. The budget is not yet available to build the park but there are funds to begin the design process. A contractor has been chosen and the contract will go before the City Council in mid-May. This matter will come before the Planning Commission when the developer applies for the Conditional Use Permit amendment.

Form-Based Code

A Public Open House was held in March specifically targeting the property owners who would be affected by the potential Form-Based Code. There was a good turnout and they had productive conversations with residents. The draft ordinance is being formalized and the first Planning Commission Public Hearing is tentatively scheduled for June.

In response to a question raised, Ms. DeSeelhorst stated that there have been no high-level, broad pivots based on community feedback but there have been minor changes such as word choice. Some changes were made based on property owner feedback from the Open House. Staff has been working with the Consultant to fine-tune the ordinance. After many Work Sessions over the last two years, she believes the high-level issues have been resolved.

In response to a question from Chair Mills, Ms. DeSeelhorst indicated that they had opportunities to collaborate with planners from across the country. Form-Based Code is used as a strategy by cities of all sizes and backgrounds to plan town centers and create a more high-quality commercial environment with a real community identity. She has enjoyed traveling and seeing the final products of Form-Based Code and hopes it is as successful in Cottonwood Heights. Chair Mills looked forward to hearing what they share with the Commission as they go through the process and next steps.

East Jordan Canal Feasibility Study

The study will determine the feasibility, challenges, and benefits of extending the existing East Jordan Canal Trail across the back of Mount View Park, as well as how it can potentially tie into other regional trail efforts. The City continues to coordinate with regional partners that are key to seeing the East Jordan Canal extended, including Salt Lake City Public Utilities, which owns the canal, and the Utah Department of Transportation ("UDOT"). A Public Open House was held in February, and residents expressed support for a dedicated canal trail. Staff will continue to refine the Feasibility Study and share it with the Planning Commission when it is completed. The study

will not necessarily lead to implementation, but if the City Council decides to proceed, the Feasibility Study will provide critical information to help move it forward.

Ms. DeSeelhorst reported that the City of Holladay conducted a similar study for trail feasibility along the north side of Interstate I-215. They concluded that study and it ranked very high for potential funding at a state level through UDOT's recently created Trail Fund. She was unsure when they will be moving forward but it may create the potential to connect to that trail. She added that it was interesting to hear from the Open House attendees that they did not want the trails to come through the neighborhoods. There was much more support for a trail along the canal.

Chair Mills noted that there is a history of these types of trails. He was recently on a 45-mile trail in Washington, D.C. that was developed solely on utility, rail, and transportation easements. It does not go through neighborhoods.

Town Center

The Town Center Advisory Committee presented concept ideas to Staff and the project consulting team in February. Rough renderings were generated based on those concepts, which are now being refined. The refined concepts and economic analyses will be returned to the Town Center Advisory Committee within the next four to six weeks. The concepts will then go to the public review process and be further refined to a preferred Master Plan before moving on to the next phase.

Chair Mills stated that the Town Center Advisory Committee slowed the process to ask for more discussion on potential concepts and staff and the contractors facilitated a very healthy dialogue. There has been a lot of input.

Healthy Communities Coalition

This is a public health initiative the City is implementing in partnership with the Salt Lake County Health Department. It is being branded "Health in the Heights." The focus is on community health, wellness, and safety through collaboration with various stakeholders including public safety, police and fire officials, business owners, nonprofit representatives, religious leaders, and other members of the community. The Health Community Coalition focuses on issues specific and unique to Cottonwood Heights. The City has applied for funding for the initiative. It is a competitive process but Ms. DeSeelhorst believes Cottonwood Heights has a strong application. Funding would be used for lecture series, training, community events, public information handouts, etc. The directive of the work is very broad. Some things the coalition can focus on are addiction prevention, aging resources, food access, support for new parents, and mental health resources.

Public Works Building

The Public Works Building is now open. The Ribbon Cutting and tour will take place on May 13.

Trail Access Open House

The Open House was an opportunity to hear from the public on the importance of having established public trail access in the foothills. A lot of comments were focused on the Deaf Smith Canyon Subdivision lot consolidation. Generally speaking, they heard that public trail access is very important to residents of the City. The Property Rights Ombudsman was in attendance at the meeting. He is a state legal professional who provides legal education on the issues of prescriptive roads, prescriptive trails, and what it takes to establish them. Some good information was presented. They spent most of the two-hour meeting hearing from various residents. Mr. Johnson believes it will lead to further discussion with the City Council, but it is established through Master Plans and Public Meetings that public trail access is a key priority to the City.

District 2 Town Hall Meeting

The Town Hall on May 8 will focus on the benefits and impact of annexing the unincorporated areas south of Creek Road between Cottonwood Heights and Sandy. Staff receives a lot of calls from the unincorporated areas regarding things like permits that they direct to the County.

Ms. DeSeelhorst reminded those present that upcoming events are listed on Page 2 of the City newsletter, which is available on the website. Additionally, she mentioned that Cottonwood Heights and the City of Holladay are co-hosting an event celebrating the wayfinding signage on the Cottonwood Trail. It will be held May 15 from 6:00 to 7:00 p.m. at Knudson Park.

Commissioner Anderson asked for clarification on the Planning Commission's role in Conditional Use Permits. Mr. Johnson stated that there are certain types of minor Conditional Use Applications that do not come before the Commission. They still require a public process, but they were delegated from the Planning Commission to an Administrative Hearing Officer. Mr. Johnson currently serves in that capacity.

The hearings are limited in scope. Applications for expansion of a fence or wall above the normal allowed height, for example, require a Conditional Use Permit and Public Hearing, but per the Code, those requests go through the administrative hearing process. Home businesses with clients are also administrative. If a home has a home office, a Business License is required but it is free and there is no approval process. The Administrative Hearing held earlier that day was for a home Pilates studio. A resident applied to have a small number of clients per day in the studio for private Pilates classes. Because clients are coming to the home, it potentially has a different impact on the neighborhood, so it requires a Conditional Use Permit. Short-term rentals are also administrative. There are restrictions on where they are allowed, so all the applications the City receives are essentially in two or three different developments that already have many Conditional Use Permits for short-term rentals. Ms. DeSeelhorst noted that home-based daycares or preschools of a certain size require Planning Commission approval.

With regard to the addition to the home, Commissioner Anderson inquired about, it is for an addition to a legal non-conforming structure. Many structures in Cottonwood Heights are non-conforming because they predate the City's incorporation. The property owner has certain rights to maintain the structure in perpetuity but if they wish to expand it with an addition in a way that

makes it more nonconforming, they must go through the administrative hearing process. The applications are usually for homes that do not meet the setback standards because they were built prior to 2005. The addition makes it more non-conforming because it decreases the setback or increases the height, for example, so the Code requires that those go before the Appeals Hearing Officer. That individual also hears Variance Applications but the expansion of non-conforming structures is more frequent than variances. It is a public meeting, not a hearing, so there is no public comment. The Appeals Hearing Officer is a third-party, contracted lawyer who assesses the application and determines if, by adding on to the non-conforming structure, there is an undue negative impact on neighbors that is different than that of any other construction project. The notice Commissioner Anderson received pertains to an applicant with a non-conforming deck who wishes to relocate and reconstruct it, and they have to go through this process to do so.

Chair Mills asked Mr. Johnson to give an overview of the PDD process, how the City has used it in the past, and what the Planning Commission should anticipate with the upcoming PDD application. Mr. Johnson stated that the PDD Ordinance is a zoning tool that was established in 2016 or 2017. It targets specific areas of the City that were identified at the time as having a high potential for redevelopment in the short-term future. It covered the large intersection nodes along Fort Union Boulevard, the 1300 East area, Highland Drive, and 2300 East, but it will be superseded in some areas by the new Form-Based Code. It also covers the Gravel Pit and Old Mill areas, which were identified as unique development sites.

The Planned Development District Ordinance allows the developer more flexibility in terms of the uses allowed, density, building height, massing, and parking requirements. It is a very flexible ordinance that outlines broad parameters on things like building height and setbacks, but anything inside those parameters can be proposed. What comes out of that process is a property-specific zoning designation with a Master Site Plan tied to it. It allows more flexibility to design a proposed development that works for a specific site but the tradeoff is that it is a legislative process. The City is much more involved in making sure that it meets the intent of the ordinance and is good for the specific area. The Walsh property development now under construction is the first development planned with the PDD tool. It is a multi-family project with live/work spaces and affordable housing units. The Rockworth development in the Gravel Pit also used that PDD.

It is a much more involved process. The Planning Commission takes public comment and makes a recommendation to the Council, which then also takes public comment. Typically, the entitlement process is much longer. It is very front-loaded and technical, but it allows for creative development that better fits the specific site. Chair Mills indicated that the Planning Commission spent a lot of time over a period of two years on the northern Gravel Pit development. There was a lot of back and forth, presentations from the developer, asking questions and getting answers, pivots, etc. The intent is to be collaborative and think in the best interests of the City.

Ms. DeSeelhorst clarified that a PDD is different from a Planned Unit Development ("PUD"). Both are in the City Code, but they are not interchangeable. Mr. Johnson added that there are different PDD levels based on where you are in the City. Tier 1 is the Gravel Pit. Tier 2 is the Old Mill area and major intersection nodes. Tier 3 covered the small properties on Fort Union Boulevard between major intersections. It did not function as intended, so it was removed. The

tiers are different, but both have a minimum acreage requirement. PUDs also have a minimum acreage requirement.

3.0 Adjournment.

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

The Work Meeting adjourned at 5:56 PM.

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

**Wednesday, May 1, 2024
6:00 p.m.
2277 East Bengal Boulevard
City Council Chambers**

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

Staff Present: Deputy City Recorder Maria Devereux, Community and Economic Development Director Michael Johnson, Senior City Planner Samantha DeSeelhorst (via Zoom), Alex Earl System Administrator

Excused: Commissioner Dan Poulson and Commissioner Sean Steinman

BUSINESS SESSION

Chair Dan Mills called the Business Meeting to order at 6:03 p.m.

1.0 Welcome and Acknowledgements.

1.1 Ex Parte Communications or Conflicts of Interest to Disclose.

No ex-parte communications or conflicts of interest were disclosed.

2.0 General Public Comment.

Alan Fletcher identified himself as a member of the Old Mill Estates Homeowners Association. He reported that the homeowners are concerned about density and traffic flow issues that would come with the multiple units included in the plan for the Old Mill site. They appreciate the Walker Development Group's efforts to create a family atmosphere in that area but they are concerned about increased traffic flow and density that would be created if they add the 300 to 400 proposed units. They are excited to see how it plays out but do not want to see too many units in their development.

Tom Etsel also lives in the Old Mill area. He was able to sit in on an initial meeting with the Walker Development Group. At that time, they were proposing all single-family housing outside of the parking lot and to the southeast, and residents were excited about that. Three hundred units will not be good for the neighborhood. Going from the original proposal for single-family houses on smaller lots to a 300-unit condo buildout would not be good for the area. He was opposed to it and hopes the Planning Commission considers this project out of bounds for the area.

Rick Stevenson stated that his property borders the proposed site. The City's Traffic Study indicated that each residence will add seven car trips per home per day, however, another study concluded that it would add nine extra trips per day. He did not believe Mr. Shelby was trustworthy. Mr. Stevenson hopes the Planning Commission and City Council do not consider concessions like moving the setbacks. He shared the concerns of his neighbors. He indicated that lawsuits can be brought by both developers and residents and that area residents are united against a multiple-unit development. He asked the Planning Commission to take their concerns into consideration.

Hal Ford, a longtime Cottonwood Heights resident, was concerned about increased traffic from the proposed development, especially at the intersection of Wasatch Boulevard and Fort Union Boulevard. Traffic on Old Cottonwood Canyon Road is already bad and adding multiple units will compound the problem. Although he understands that it sounds good to add more property and bring in more residents, he believes it would be a disservice to the area and the current residents. He does not live in the area but drives through it. He appreciates the time and interest the Planning Commission is devoting to the development but he hopes they think it through carefully.

Roger Bland, an Old Mill resident, agreed with the other residents' traffic concerns. Everyone he knows who lives in that corridor is opposed to the development and believes it will ruin their lifestyle. The area is beautiful and a City treasure. He has heard the discussions about property owner rights but asked the Commission to consider the rights of him and other Old Mill residents. He understands that the developer needs to be able to build something there, but 300 to 400 units and high-density roads are not the answer. He stated that when the development was first discussed, the roads were not going to connect to Big Cottonwood Canyon Road, but that has changed.

Debbie Bush stated that the Old Mill itself is an iconic building. She referenced historic downtown Warsaw, Poland, which was rebuilt from photographs after World War II, and stated that the Old Mill is a similar treasure. She was also worried about the extra car exhaust that will be trapped in the canyon. She asked the Planning Commission to consider the environmental and lifestyle impacts of allowing that type of development.

Shauna Bland is a longtime resident of Cottonwood Heights and a member of the Old Mill Estates HOA. She was at the Planning Commission Meeting where the Walkers showed their plans. Residents were shocked by the proposed number of units. They knew there would be development by the Old Mill but she hoped it would be individual homes and kept to a minimum. If her neighbors knew about the proposed multi-family development, they would be at the meeting. They are united in not wanting to have a Sugarhouse in Cottonwood Heights. She knows that some development is necessary, but urged restraint.

There was no further public comment. Chair Mills closed the public comment.

3.0 Business Items.

There were no business items.

4.0 Consent Agenda.

4.1 Approval of Planning Commission Minutes from February 7, 2024, Meeting.

MOTION: Commissioner Anderson moved to APPROVE the Consent Agenda. Commissioner Steinman seconded the motion. The motion passed with the unanimous consent of the Commission.

5.0 Adjournment.

MOTION: Commissioner Ebbeler moved to ADJOURN the Business Meeting. Commissioner Anderson seconded the motion. The motion passed with the unanimous consent of the Commission.

The Business Meeting adjourned at 6:26 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Planning Commission Work Session and Regular Meeting held on Wednesday, May 1, 2024.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: _____