



PLANNING COMMISSION MEETING AGENDA

Department of Community and Economic Development
Meeting Date: October 20, 2021

NOTICE is hereby given that the Cottonwood Heights Planning Commission will hold a Work Session Meeting, beginning at 5:00 p.m. in Room 124 (Council Workroom) and a Business Meeting, beginning at 6:00 p.m. in Room 5 (Council Chambers) at 2277 E. Bengal Blvd., Cottonwood Heights, UT 84121, on **Wednesday, October 20, 2021**. The public may remotely hear the open portions of the meeting through live broadcast by connecting to <http://mixlr.com/chmeetings>.

To View the Work Session: Each citizen desiring to view the Work Session must register in advance to view the online video broadcast at the following link:

https://cwh.zoom.us/webinar/register/WN_iPAnCib6TU-x5Na06vNOiQ

To View or Participate in the Business Meetings: Citizens will be able to make live verbal comments during the “General Public Comment” or public hearing portions through the City’s online video broadcast via Zoom. Each citizen desiring to make a citizen comment must register in advance to view or participate in the online video broadcast at the following link:

https://cwh.zoom.us/webinar/register/WN_7oY-R04QRviFBfHvRNRghg

5:00 p.m. WORK MEETING

1.0. Review Business Meeting Agenda

The Commission will review and discuss agenda items.

1.1. Additional Discussion Items

The Commission may discuss the status of pending applications and matters before the Commission and new applications and matters that may be considered by the Commission in the future.

6:00 p.m. BUSINESS MEETING

1.0 Welcome and Acknowledgements

1.1 Ex parte communications or conflicts of interest to disclose.

2.0 General Public Comment

(Please note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comments will be limited to three minutes per person per item. A spokesperson who has been asked by a group that is present to summarize their concerns will be allowed five minutes to speak. Comments which cannot be made within these limits should be submitted in writing to the Senior Planner at ahulka@ch.utah.gov prior to noon the day before the meeting.)

3.0 Business Items

3.1 Project CUP-21-015

A public hearing to receive comments and take possible action on a request from Mark Mabey (Canyon Centre Residential LLC) for a Conditional Use Permit to update the Canyon Centre multi-family building (to be located at 7358 Canyon Centre Parkway) that was previously approved by the Planning Commission in 2015.

4.0 Consent Agenda

4.1 Approval of Planning Commission Minutes

4.1.1 July 21, 2021 Planning Commission Minutes

4.1.2 August 4, 2021 Planning Commission Minutes

4.1.3 October 6, 2021 Planning Commission Minutes

5.0 Adjourn

Meeting Procedures

Items will generally be heard in the following order:

1. Staff Presentation
2. Applicant Presentation
3. Open Public Hearing (if item has been noticed for public hearing). Written public comment received prior to the meeting will be distributed to the Planning Commission.
4. Close Public Hearing
5. Planning Commission Deliberation
6. Planning Commission Motion and Vote

Planning Commission applications may be tabled if: 1) Additional information is needed in order to act on the item; OR 2) 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 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.

Submission of Written Public Comment

Written comments on any agenda item should be received by the Cottonwood Heights Community and Economic Development Department prior to 12:00 p.m. on the day before the meeting date to be entered into the record and distributed to the Planning Commission. Comments should be emailed to ahulka@ch.utah.gov. Comments received after 12:00 p.m. on the day before the meeting date will be distributed to the Commission members after the 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, October 15th, 2021, 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 15th DAY OF OCTOBER 2021, Paula Melgar, City Recorder



PLANNING COMMISSION STAFF REPORT

Canyon Centre Multi-Family Conditional Use Amendment

Meeting Date: October 20, 2021

Staff Contact: Mike Johnson, Comm. & Econ. Development Director
(801-944-7060, mjohnson@ch.utah.gov)

Summary

Project #:
CUP-21-015

Subject Property:
7358 S. Canyon Centre Pkwy.
22-25-180-001

Parcel Size:
2.52 acres

Action Requested:
Update to previously approved
2015 conditional use permit

Increase of maximum multi-family
units from 112 to 140

Applicant:
Mark Mabey

Property Owner:
Canyon Centre Residential, LLC

Recommendation:
Pending (waiting for updated
traffic impact study)



Aerial View

Request

The applicant is requesting an increase in the maximum number of multi-family units from 112 (originally approved in 2015) to 140. The additional units are proposed through modifying the interior unit plans from the previous approval, and by minor horizontal building expansions. No additional building height is proposed with this request.

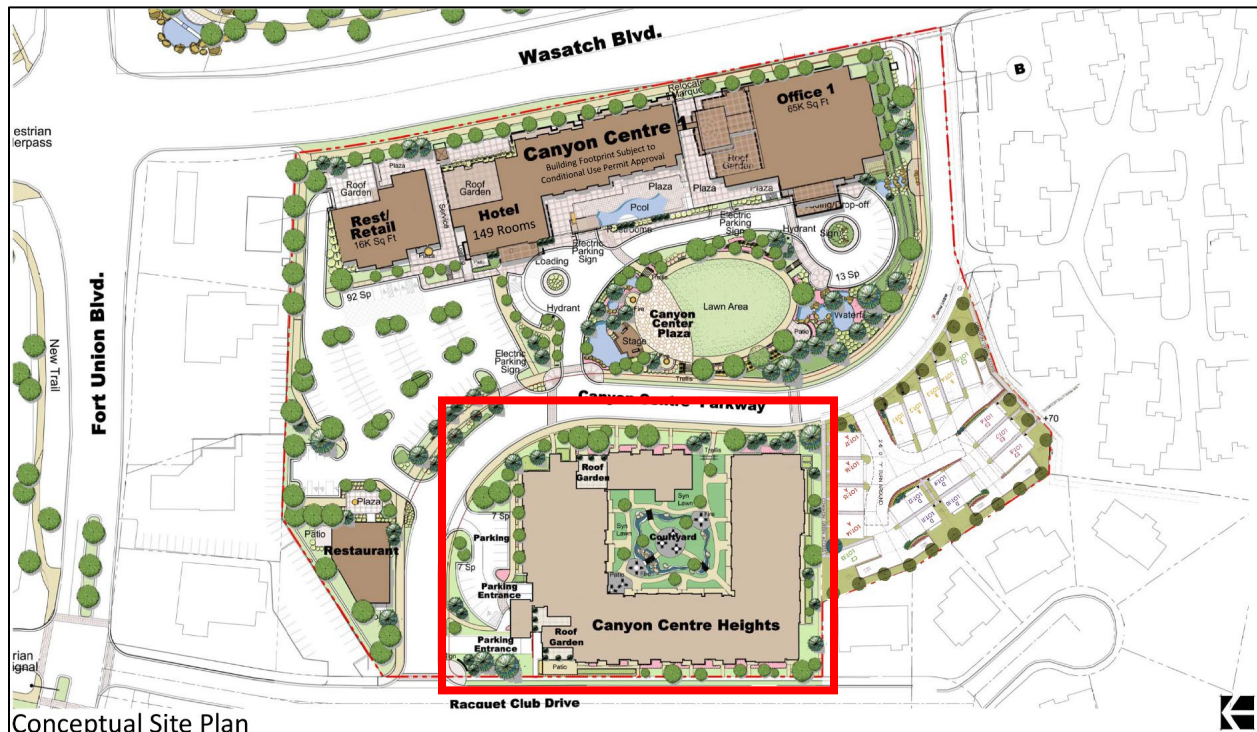
Planning Commission Authority

The Commission's role in the request is to consider the impact of the additional 28 units on the overall Canyon Centre project and surrounding area. Previous approvals have granted entitlement for the surrounding uses and 112 multifamily units. **Any recommended conditions may only address perceived negative impacts resulting from the additional 28 units.**

Background

Original Project Approval (2014-2015)

Original approval of the proposed multi-family residential building was granted in early 2015, approving 112 residential units in the building. At the time of this approval, most of the Canyon Centre project (parking structure, restaurant, office, single-family) had received approval. Subsequently, an additional restaurant, the hotel, and two small retail pads were approved. To date, the full Canyon Centre project has received land use approval. **If not for the requested additional units, no further Planning Commission approval is required for any use in the project area.**



Approved Master Development Plan (2015)



Approved architecture from original Certificate of Design Compliance (2014)



Certificate of Design Compliance – 1st Amendment (2016)

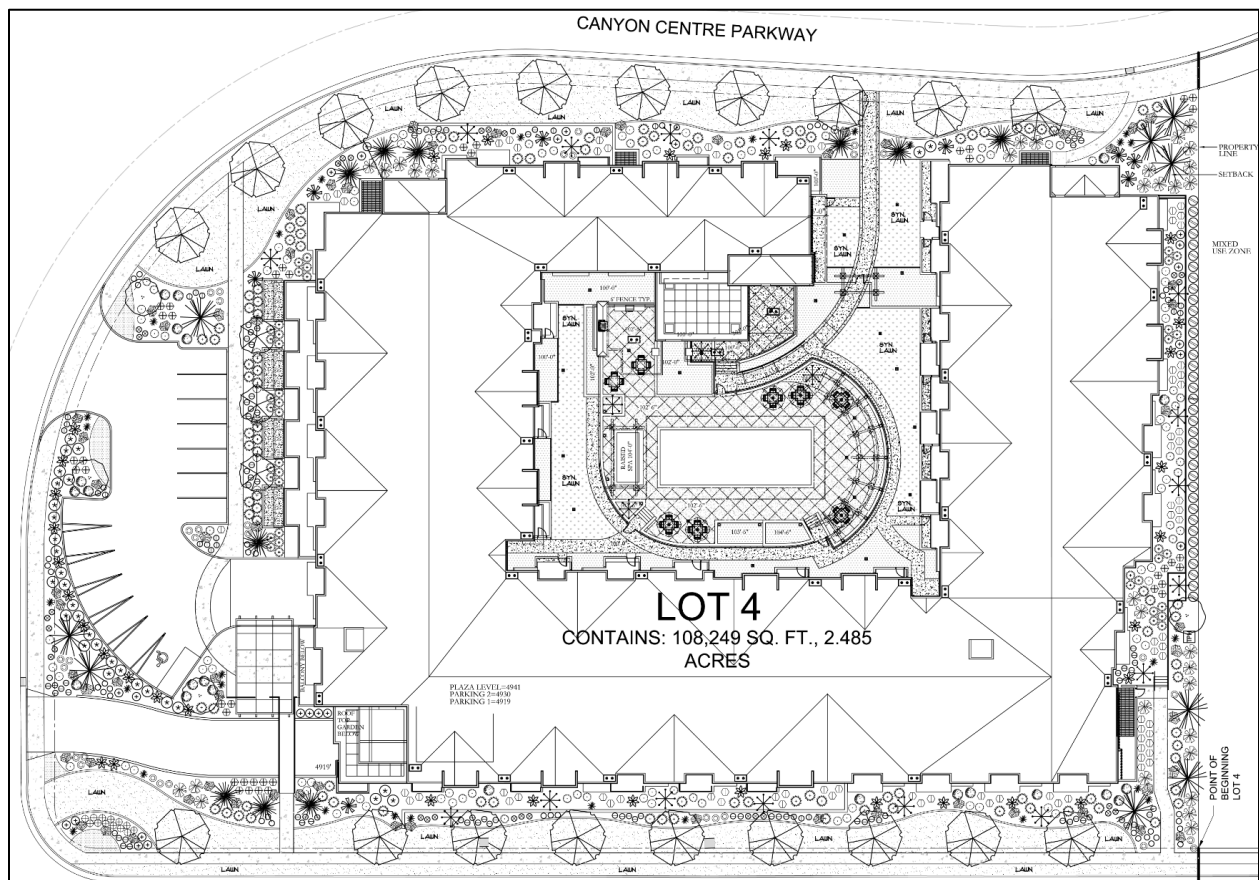
In 2016, an application was made by a new property owner to amend the Certificate of Design Compliance for the multi-family residential building. At the time, no building expansion or increase in

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units was proposed or approved. The request proposed an updated architectural style and materials. and was approved by the ARC.



Approved Certificate of Design Compliance – 1st Amendment (2016)



Updated Landscape Plan (Approved 2016)

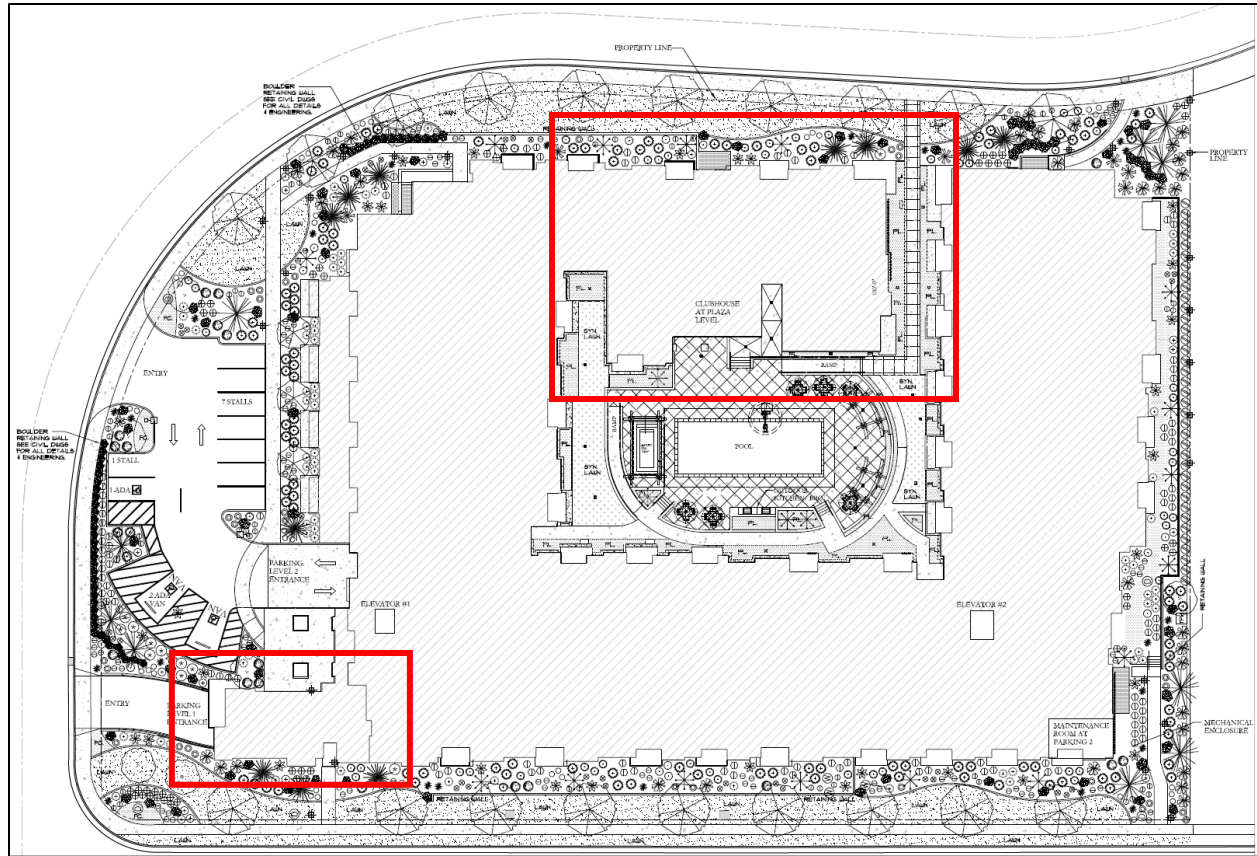
Certificate of Design Compliance 2nd Amendment

In 2020, the applicant submitted a request for an updated Certificate of Design Compliance for consideration by the Architectural Review Commission (ARC), which preceded the current request for additional units. Some of the proposed additional units are a result of modifying the layout and floor plan of previous units within the existing building footprint.

However, the increase in proposed units also results in additional building massing. This change affects the approved site plan by modifying the existing building footprint and reducing the size of the landscape courtyard. The same architectural materials and style from the previous approval are proposed, and there is no increase in building height. The ARC approved the updated site plan and building elevations in April 2020. The following are elevations and site plans with the massing and site plan changes highlighted.



Proposed Building Elevations (significant changes highlighted)



Proposed Site Plan/Landscape Plan (significant changes highlighted)

Project Impact Analysis

The following analysis pertains only to the additional 28 units proposed. The full Canyon Centre project was previously approved over multiple project phases. Each phase included traffic studies, and each received conditions of approval specific to those approvals. The city may not impose conditions on the additional 28 units that are meant to address concerns for any portion of the project that has already been approved.

Parking

To determine parking requirements for any development, the city uses the current version of the Parking Generation Manual from the Institute of Transportation Engineers (ITE). Multi-family buildings with less than 5 stories are considered Low/Mid-Rise Apartments in the manual:

- Minimum Parking Ratio Required (per ITE): 1.23 parking stalls per dwelling unit
- Total Number of Stalls required (140 units): 173 parking stalls
- Total Number of Stalls proposed: 249 total stalls (1.77 stalls per dwelling unit)

Traffic Impact

Staff has requested an updated traffic impact study to assess the impact of the additional 28 proposed units on the Canyon Centre project and surrounding roadways. An update memo will be provided to the Commission when this study is received.

The various phases of the Canyon Centre project have been approved under previously completed traffic impact studies. Previous conditions of approval have been made to address any perceived negative impacts generated by the project area. Additionally, there are existing traffic concerns in the area resulting from ski parking, employee parking for the Porcupine restaurant, and on-street parking on Canyon Centre Parkway that blocks lanes of traffic. These existing conditions will continue to be monitored by the city and addressed as necessary. However, it is not within the scope of the Commission's land use authority to impose conditions that are meant to address existing traffic patterns or concerns. Conditions may only be imposed to offset any additional perceived negative impacts of the additional 28 units on the project.

Utilities

The applicant was required to submit updated utility will-serve letters to ensure that water and sewer services could be provided to serve the additional units. Both utility services are provided by outside service areas (Salt Lake City Public Utilities for water and Cottonwood Improvement District for sewer). Both have submitted will-serve letters, and the applicant will be required to obtain permits from both service districts prior to final approval. The city is responsible for the stormwater utility, which is generally based on the amount of impervious surface in a project and the amount of runoff it creates. The additional 28 units have a minimal impact on the stormwater runoff projections that were previously reviewed by the city.

Building Height & Massing

No changes in the building height have been proposed, and the project is required to comply with the height requirements imposed at the time of original approval in 2015. Modifications to the building massing and site plan are proposed in the interior courtyard/plaza area as well as the northwest corner of the building. Both areas are away from the adjacent single-family homes and do not create any substantial negative impact. The modifications were previously reviewed and approved by the ARC in April 2020.

Density

The mixed-use ordinance permits residential densities up to 35 units per acre within mixed-use projects. For the Canyon Centre project area, the maximum density allowed would be approximately 385 residential units. The total residential density of the project area including the additional 28 units (140 total) plus the 17 existing single-family homes is approximately 14.2 units per acre, which is well within the allowed density limits.

Community Development Area

The building is part of the Community Development Area (CDA) project area created by the city's Community Development and Renewal Agency (CDRA) to create tax-increment financing that utilizes a portion of increased taxes generated from the site to assist with development costs within the Canyon Centre project, most notably with the costs of constructing the public parking structure. None of the projected tax-increment financing is intended or set aside for the completion of the multi-family

structure. The project will be developed and completed privately. An amendment to the CDA development agreement may be required to update the total number of units in the multi-family building. However, this is likely to result in minimal change, if not a positive change, in the projected total tax increment generated from the project area.

Recommendation

Staff has requested an updated traffic impact study prior to making a recommendation on the additional 28 units. A supplemental memorandum will be sent to Commissioners and publicly posted when the traffic study has been received and reviewed.

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

3
4 **Wednesday, July 21, 2021**
5 **5:00 p.m.**
6 **2277 East Bengal Boulevard**
7 **Council Workroom**
8

9 ***ATTENDANCE***

10
11 **Members Present:** Commissioner Jesse Allen, Commissioner Craig Bevan, Commissioner
12 Lucy Anderson, Commissioner Jonathan Ebbeler, Commissioner Bob
13 Wilde
14

15 **Staff Present:** Community and Economic Development Director Michael Johnson,
16 Deputy City Recorder Heather Sundquist, City Attorney Shane Topham
17

18 **WORK MEETING**

19
20 In the absence of Chair Christine Coutts, Commissioner Jesse Allen called the Work Meeting to
21 order at 5:03 p.m. and read a statement regarding conducting the meeting from an anchor location.
22

23 **1.0 Planning Commission Business.**

24
25 **1.1 Review Business Meeting Agenda.**

26
27 The agenda items were reviewed and discussed. Community and Economic Development
28 Director, Michael Johnson, reported that the first agenda item was withdrawn by the applicant.
29 There was some feedback that when a use is changed from residential to commercial, parking and
30 accessibility plans must be provided.
31

32 Mr. Johnson reported that with regard to the Short-Term Rental Ordinance, there has been a desire
33 on the part of the City Council to explore a text amendment as part of the City's effort to improve
34 enforcement of illegal short-term rentals in single-family residential areas. Short-term rentals are
35 allowed in certain areas of the City, primarily in private developments and multi-family areas.
36 Enforcement has been very difficult largely due to how these types of violations are required to be
37 enforced. By State Code, the City is not allowed to use short-term rental websites as a basis for
38 enforcement. Maximum penalties are set forth in the ordinance and it is very time-intensive to
39 collect evidence, the court process takes a long time, and many people are left frustrated by the
40 process. In the end, often the penalty is nowhere near the maximum allowed by Code.
41

42 One of the options staff would like to present to the Planning Commission is how to define short-
43 term rentals. In the current ordinance, it is defined as more than three but fewer than 30 days. The
44 ordinance also specifies that less than three days is prohibited, however, some residents have
45 expressed confusion with that provision and felt that some may misinterpret it and believe that
46 rentals of less than three days are allowed. Accordingly, City Attorney, Shane Topham, drafted

1 two alternative definitions. Feedback was received from Code Enforcement who prefers fewer
2 than 30 days. They felt there could be reasonable doubt if someone was caught violating the
3 ordinance and under the current definition believe that fewer than three days was allowed. The
4 Police Department felt that the simplest solution was to match the State Code definition. From a
5 staff perspective, they feel that the language is strong enough to go either way. A recommendation
6 was sought from the Council.

7
8 Mr. Johnson clarified that short-term rentals are strictly prohibited and illegal in R-1 residential
9 neighborhoods. An exceptions section was also included. There had been a strategy of people
10 operating short-term rentals and having renters sign leases that are 30 or more days and then
11 terminate the lease after a few days. Clarification was added that any rental of more than 30 days
12 in duration must be bona fide and not a sham designed to avoid the classification of such a rental
13 as a short-term rental. The pros and cons of the proposed changes were discussed. Mr. Johnson
14 stated that there are several units that staff receives complaints about and when they go out to
15 enforce them they voluntarily comply. Alternatively, many operate rentals illegally even though
16 they know the rules. Those who cause the most issues are doing it intentionally and usually have
17 strategies in place to subvert the ordinance and make enforcement difficult.

18
19 Action neighbors can take were described as taking pictures and providing evidence. They should
20 then contact Code Enforcement when illegal activity is taking place. Mr. Johnson described the
21 various proposed changes and explained that short-term rentals that are operated without a permit
22 are punishable with a maximum violation of a Class C Misdemeanor. Each day that a violation
23 continues is a separate offense. The matter would go to court and the judge would decide the
24 outcome. Those types of cases have come far under the maximum allowed. Clear language has
25 been added to the ordinance.

26
27 Mr. Johnson stated that the City receives a handful of complaints every year, some more persistent
28 than others. The issue is before the Commission as a result of a neighborhood experiencing a
29 difficult property owner. Those residents approached the City Council and the Mayor, which led
30 to further discussion. The Council looked to staff to clarify the ordinance and improve
31 enforcement.

32
33 Commissioner Allen raised the possibility of discussing the issue with Airbnb and VRBO to
34 require property owners to publish their permit or specify whether they have a permit. This would
35 allow the renter to choose whether to rent from a property that is not permitted. The process for
36 notifying adjacent neighbors of a rented a property was reviewed. Mr. Johnson stated that they
37 view the ordinance as a cleanup and clarification. Direction was requested from the Council.

38
39 Regulations for owner-occupied accessory dwelling units “ADU” were next discussed.
40 Mr. Johnson stated that the item is back and at the most recent State Legislative session was voted
41 on to allow Internal Accessory Dwelling Units (“IADU”) as permitted uses in every single-family
42 residential zone throughout the State. An IADU unit is defined as an ADU that is created within
43 the footprint of a home. The legislation specifies that unless specifically provided in this section,
44 a municipality may not regulate or prohibit ADUs but may ensure that they comply with applicable
45 Building, Health, and Fire Code standards. A permit or license may be required to allow the City

1 to inspect the property. Owner-occupancy will require the owner of record to permanently reside
2 on the site.

3
4 Additional requirements were displayed. Mr. Johnson stated that if there is record of an ADU on
5 a property and is it also seen on Airbnb or VRBO, it may be used as a basis of enforcement. As
6 the Bill is written, private homeowner associations cannot prohibit ADUs that otherwise comply
7 with the listed standards and applies proactively and retroactively. He noted that any
8 recommendations should be submitted by August to allow the Council time for consideration and
9 adoption prior to the October deadline.

10
11 Mr. Johnson clarified that IADUs are permitted in primary dwellings under owner-occupancy, lots
12 greater than 6,000 feet, and in any single-family residential zone in the City. IADUs are prohibited
13 on lots smaller than 6,000 square feet. He stated that the previous provisions for detached ADUs
14 were left in the ordinance as the legislation did not provide guidance. Single-family areas were a
15 focus. Where detached ADUs are allowed, with the development standards, a Conditional Use
16 Permit is required in addition to two non-tandem parking stalls in the rear or side yard, fenced or
17 buffered, with similar setbacks as the home.

18
19 Development standards were reviewed. The two parking stall requirements were altered to one
20 parking stall to be compliant with Code and to be non-tandem. Mr. Johnson stated that this was
21 brought before the Council previously who voted against the proposal with parking being the
22 predominant concern. Notice of this item was posted on the City's website and the State's noticing
23 website.

24 25 **1.2 Additional Discussion Items.**

26 27 **2.0 Additional Discussion Items.**

28 29 **3.0 Adjournment.**

30
31 *Commissioner Wilde moved to adjourn. Commissioner Ebbeler seconded the motion. The*
32 *motion passed with the unanimous consent of the Commission.*

33
34 The Work Meeting adjourned at 6:03 p.m.

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

3
4 **Wednesday, July 21, 2021**
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6 **2277 East Bengal Boulevard**
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9 ***ATTENDANCE***

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11 **Members Present:** Commissioner Jesse Allen, Commissioner Craig Bevan, Commissioner
12 Lucy Anderson, Commissioner Jonathan Ebbeler, Commissioner Bob
13 Wilde
14

15 **Staff Present:** Community and Economic Development Director Michael Johnson,
16 Deputy City Recorder Heather Sundquist, City Attorney Shane Topham
17

18 **BUSINESS MEETING**

19
20 In the absence of Chair Christine Coutts, Commissioner Jesse Allen called the Business Meeting
21 to order at 6:03 p.m.
22

23 **1.0 Welcome and Acknowledgments.**

24
25 Commissioner Allen welcomed those in attendance.
26

27 **1.1 Ex Parte Communications or Conflicts of Interest to Disclose.**

28
29 There were no conflicts of interest were disclosed.
30

31 **2.0 General Public Comment.**

32
33 *Joey Buchanan* reported that in his neighborhood they have been doing slurry seal. He stated that
34 it is somewhat cosmetic and wondered if it would be possible to have a street sweeper come and
35 remove the small pieces of gravel so it does not track into driveways, garages, and homes. He
36 stated that there are also children in the neighborhood who have fallen on their bikes because the
37 gravel does not provide a firm surface. He raised the issue with the Public Works Director several
38 days earlier but had not heard back. Community and Economic Development Director, Michael
39 Johnson, indicated that he would bring the issue to the attention of the Public Works Department
40 and makes sure that he gets a response.
41

42 There were no further public comments. The public comment period was closed.
43

1 **3.0 Business Items.**

2
3 **3.1 (Project CUP-21-010) – A Public Hearing to Receive Comments and Take**
4 **Possible Action on a Request for a Conditional Use Permit to Operate an**
5 **Insurance Office within an Existing Building at 2751 East Fort Union**
6 **Boulevard in the Residential Office (RO-ZC) Zone.**
7

8 The above item was withdrawn by the applicant. Mr. Johnson stated that if the application comes
9 back it will be as a new proposal.
10

11 **3.2 (Project ZTA-21-002) A Public Hearing to Receive Comments and Make a**
12 **Possible Recommendation to the City Council on a City-Initiated Zoning Text**
13 **Amendment to Chapter 19.89 – “Short Term Rentals”. *Continued from the***
14 **July 7, 2021, Planning Commission Meeting.**
15

16 Mr. Johnson presented the staff report and stated that it has been brought to the attention of the
17 City Council and staff was directed to prepare an update to the City’s Short-Term Rental
18 Ordinance. They were also asked to explore other options to assist in improving the enforcement
19 efforts on short-term rentals and specifically those in illegal areas where they are not allowed.
20 Primarily, such areas are located in the single-family residential zones in the City.
21

22 Mr. Johnson reported that extensive prior discussions had occurred at both the Planning
23 Commission and City Council regarding the challenging issues pertaining to enforcement and the
24 scope of the City’s Short-Term Rental Ordinance. The City’s approach in updating the ordinance
25 included both looking at specific enforcement measures to consider and engaging with the Utah
26 League of Cities and Towns (“ULCT”) and the State Legislature to obtain a State-wide
27 perspective. The primary focus of the Commission’s role at this meeting was to review the actual
28 proposed amendments to the Ordinance, which were intended to clarify the already existing law
29 and address those provisions that raised questions or confusion.
30

31 The Commission’s primary area of focus was the definition of Short-Term Rentals to make a
32 recommendation. Currently, the ordinance provides that the duration of a short-term rental is for
33 greater than three days but fewer than 30 days. A rental over 30 days is allowed as a Long-Term
34 Rental. Current law provides that rentals of fewer than three days are prohibited in areas where
35 short-term rentals are allowed or in areas where they are illegal. The State definition of Short-
36 Term Rental is any rental fewer than 30 days in length. It does not have the three-day exclusion
37 period that exists in Cottonwood Heights. Public comment revealed confusion about the three-
38 day exclusion period. Individuals identified as operating illegal rental units thought that if a unit
39 had been rented for less than three days, the Short-term Rental Ordinance simply did not apply.
40 The City Attorney and staff addressed this issue previously and added wording in the ordinance
41 indicating that rentals fewer than three days duration were prohibited.
42

43 Mr. Johnson identified two short-term rentals definitional proposals to consider. The first proposal
44 was to keep the same duration language (at least three but not more than 30 consecutive days in
45 duration) but add language directly into the definition indicating that rentals lasting less than three
46 days were prohibited. The second proposal was to amend the definition to comply with State Code

1 which specifies fewer than 30 consecutive days in duration. The changes would affect only legal
2 short-term rentals. A loophole that some thought existed would be closed. Mr. Johnson indicated
3 that the Police Department wanted the Commission to know that they prefer the State's 30-day
4 definition for ease of enforcement.

5
6 Another proposed change identified by Mr. Johnson related to where short-term rentals are
7 permitted. The content of that section was not altered, but a new sub-section was added for
8 emphasis to specify that the ordinance is not applicable in R-1 neighborhoods or in areas where
9 short-term rentals are prohibited or illegal.

10
11 In the next section of the ordinance, Mr. Johnson indicated that some people attempted to get
12 around the ordinance by entering into a 30-day lease and then canceling it after two or three nights,
13 signing long-term leases with the same cancellation practice, or renting the same property more
14 than once in a 30-day period. Therefore, language excluding such practices was added to make
15 sure such practices were no longer attempted.

16
17 Mr. Johnson remarked that the ordinance, in general, works well for areas in the City where short-
18 term rentals are allowed, as it clarifies permit and hearing requirements to approve the rentals and
19 sets forth the requirements for inspection, licensure, etc. Consequently, very few complaints were
20 forthcoming in those short-term rental areas.

21
22 Mr. Johnson next addressed was penalties. Originally, the penalty information was incorporated
23 by reference from another City Code but was added directly into the ordinance. Operating a Short-
24 Term Rental in an area of the City where its operation is illegal or operating a Short-Term Rental
25 without a permit is illegal. Punishment is a Class C misdemeanor upon conviction. Further, each
26 day the violation continues, after being notified by the City, is considered a separate offense. City
27 Code Enforcement still is required to collect evidence and present it to the Justice Court for
28 prosecution. It is up to the judge to assess the penalty. It was noted that often the defendant is
29 assessed a penalty that is substantially less than the maximum penalty allowed under the law.
30 Although some concerns remain, it was considered helpful for the actual punishment to be
31 expressly set forth in the ordinance for each day of the offense.

32
33 Mr. Johnson reported that staff was still exploring State resources to address ongoing enforcement
34 roadblocks and website issues and working with City Prosecutors on enforcement of the terms of
35 the ordinance.

36
37 Commissioner Allen opened the public hearing.

38
39 *Joey Buchanan* asked if the ordinance applies solely to corporations or companies conducting this
40 type of business and if the judge was the only person who can assess a penalty. He also wanted to
41 know if the City could increase the penalties assessed. His concern was if the penalty is minimal,
42 a business might consider the penalty insufficient to cause it to cease its practice or view it only as
43 a cost of doing business.

44
45 City Attorney, Shane Topham, reported that the penalty is applicable to the property owner or
46 operator, whether it is an individual or a business entity. The penalty is set by State law and cannot

1 be increased by the City. Class C misdemeanors are punishable by imprisonment in the County
2 Jail not exceeding six months or by a fine in any sum less than \$1,000 or both. If a corporation is
3 involved, there is a fine that is not to exceed \$5,000.

4
5 There were no further public comments.

6
7 ***Commissioner Ebbeler moved to close the public hearing. Commissioner Anderson seconded***
8 ***the motion. The motion passed with the unanimous consent of the Commission.***

9
10 Commissioner Bevan expressed support for adopting the State language in the definition of Short-
11 Term Rental as opposed to the original language as the State language is very clear. Commissioner
12 Allen agreed.

13
14 Commissioner Allen was concerned that those with legally permitted short-term rentals have gone
15 through the permitting process and were excluded from having rentals of less than three days. He
16 asked if the original language was retained if there was a way to not impose that three-day
17 exclusion on those who had successfully obtained a legal short-term rental. Mr. Johnson stated
18 that if the original language is chosen, the restriction that the property cannot be rented for less
19 than three days would remain. Such was the current practice. If the updated language (fewer than
20 30 days) was selected, it would be a less restrictive law and allow the owner to rent the property
21 for less than three days, which is different from what is currently allowed. Commissioner Bevan
22 noted that by practice, this was probably what was being done.

23
24 Commissioner Ebbeler asked staff, in terms of enforcement calls, if they were more often relate to
25 illegal situations or violations of the three-day exclusion. Mr. Johnson noted that in the cases he
26 was involved in the calls related to illegal unit locations. Commissioner Allen confirmed with Mr.
27 Johnson that the Police Chief was in favor of the State's 30-day language. Mr. Johnson clarified
28 that staff's recommendation was to either match the language with State Code or keep it as-is with
29 the clarification addressed in the definition that rentals for less than three days are still prohibited.
30 Commissioner Anderson was in favor of simplifying the language by using the State language.

31
32 Commissioner Ebbeler was concerned about the focus of the Code Enforcement actions and felt
33 that the focus should be on illegal rentals versus owners of legal short-term rentals renting in the
34 first three days. He noted that prosecution of the latter did not appear to be the best use of
35 resources. Mr. Johnson agreed but explained that Chief Russo's recommendation for the State
36 language definition arose from a concern that if ambiguity remains in the ordinance, people
37 operating illegally could claim that they were unaware of the need to abide by the ordinance,
38 therefore, creating reasonable doubt. The Chief also thought that because the penalties assessed
39 in the past had been light, a clear ordinance using the updated language would be helpful.

40
41 Commissioner Ebbeler concluded that they should either accept the staff recommendation for the
42 State language or vote on a very narrow amendment regarding the three-day period. Mr. Johnson
43 noted that the draft ordinance provides both options.

44
45 Mr. Topham stated that indicated there were two options for Chapter 19.89.020 C. The second
46 matched the State definition and would require Chapter 19.89.040 to be omitted since it deals with

1 the three-day exclusion. He suggested that if the consensus of the Commission was to use the
2 State definition approach, the discussion should be tabled to the next meeting to allow staff to
3 revise the proposal. Mr. Topham stated that one is presumed to know the law and arguments to
4 the contrary should be dismissed.

5
6 *Commissioner Ebbeler moved to continue the discussion to the next meeting scheduled for*
7 *August 4, 2021. The motion was seconded by Commissioner Wilde. Vote on motion:*
8 *Commissioner Allen-Aye, Commissioner Bevan-Aye, Commissioner Anderson-Aye,*
9 *Commissioner Ebbeler-Aye, Commissioner Wilde-Aye. The motion passed unanimously.*

10
11 **3.3 (Project ZTA-21-001) A Public Hearing to Receive Comments and Make a**
12 **Possible Recommendation to the City Council on a Proposed Land Use**
13 **Ordinance to Create Regulations for Owner-Occupied Accessory Dwelling**
14 **Units.**
15

16 Mr. Johnson reported that Accessory Dwelling Units (“ADU”) are defined as long-term rentals of
17 greater than 30 days within a single-family home or on the same property as a single-family home.
18 Common terms for such units include “basement apartments” or “mother-in-law” units. During a
19 recent State legislative session, HB-82 was passed as part of the Building Code Regulations. Most
20 notably, the State legislation allowed internal ADUs within the footprint of a primary dwelling on
21 a property to be a permitted use in every single-family residential zone in the State of Utah. By
22 this action, the State effectively preempted this portion of the local authority in allowing internal
23 ADUs statewide, effective October 1, 2021. The State legislation also placed strict limitations on
24 what the City can regulate or require for internal ADUs. Updated State Building Code Standards
25 were previously adopted and updated referencing specific requirements for ADUs that differ from
26 other multi-family construction. The legislation also created a pilot program for funding and
27 financing of ADU-related loans.

28
29 Specifically, the State legislation provides that except as provided, municipalities may not
30 establish restrictions or requirements for the construction or use of one internal ADU within a
31 primary dwelling (thereby limiting local authority). A municipality cannot restrict the square
32 footage size of an ADU, the total lot size of where the ADU is located, or the street frontage. It
33 requires that ADUs comply with all applicable building, health, and fire codes. A new provision
34 allows for the requirement that any egress window located in what will be converted into an ADU
35 be brought up to current Building Code Standards. Other Building Codes already adopted at the
36 State level allow for exceptions in the construction of ADUs as they relate to issues like fire-wall
37 separation, return air, and climate control.

38
39 The State legislation additionally provided a list of what cities are allowed to regulate including
40 requiring permits or licenses, restricting ownership to owner-occupancy, prohibiting multiple
41 utility meters, and requiring ADU design in a manner consistent with single-family dwellings. As
42 identified at the work session, a separate bill that was passed no longer allows cities to impose
43 design standards on single-family dwellings, which made the point moot. A city can require one
44 additional off-street parking space. There had been much prior discussion about parking
45 requirements in the previous City’s effort to adopt an ADU ordinance. Now the City is limited to
46 requiring one additional spot.

1
2 Cities can prohibit ADUs in mobile homes, on a property with a failing septic system, and lots less
3 than 6,000 square feet in size. Cities can also prohibit an ADU in a zoning district covering 25%
4 or less of the City's residential zone. Mr. Johnson was unclear of the exact intent of that language
5 but stated that such a proposal was not being considered.
6

7 Cities can prohibit short-term rentals in ADUs (if the property is registered as an ADU) and the
8 website listing the ADU can be used to enforce a short-term rental violation on the property. Cities
9 can place a lien on the property in violation of State Code following a very extensive process
10 detailed in the Code. It can also record a Notice of ADU against property title to ensure that
11 anyone doing due diligence on the property is aware of the ADU's status of being legally
12 permitted.
13

14 The legislation also removed a private Homeowners Association's authority to prohibit ADUs
15 within private communities and, as currently written, is effective both proactively and
16 retroactively.
17

18 Mr. Johnson then gave a summary of the proposed Ordinance. He noted that the process has been
19 ongoing for 1 ½ to 2 years to take public input and prepare a draft ordinance that was felt to meet
20 the City's needs. Staff started with an ordinance that was recommended by the Planning
21 Commission but denied by the City Council. Modifications were made to bring the proposed
22 Ordinance in compliance with the new State requirements.
23

24 The Purpose Statement referenced the subject State Code, and the Definitions were updated to
25 comply with State Code. Additional language defined where ADUs are permitted (within every
26 single-family residential zone) and the allowed exceptions of lots less than 6,000 square feet in
27 size or lots with failing septic tanks were added.
28

29 Mr. Johnson reported that the proposed Ordinance allows for the possibility of detached ADUs (as
30 an accessory building on the property). As detached ADUs are not regulated or governed by State
31 Legislature, the City has more authority to regulate these detached units. The language for
32 detached ADUs in the proposed Ordinance is the same as it was presented previously. A much
33 more rigorous process is required including Planning Commission public hearings, extra parking,
34 extra property buffering, enhanced setbacks, and other requirements. No updating or change to
35 those rigorous standards had occurred since the last publication.
36

37 The approval process requires inspection, either of new work needed to bring ADU in compliance
38 with Code or walk-thrus to verify that an area proposed for an ADU already meets the Code
39 requirements. After that, yearly licensure keeps track of the inventory of the legal and licensed
40 ADUs in the City. Detached ADUs require the same process by way of a Conditional Use Permit
41 from the Planning Commission.
42

43 With regard to development standards, the proposed Ordinance sets forth what the City is allowed
44 to require for internal ADUs. The main difference from the previous ordinance was the
45 requirement of one parking stall versus the previously allowed two spaces. That one space is in
46 addition to the two spaces is already required for any single-family use. The proposed Ordinance

1 prohibits tandem parking. All other details were available for review in the Planning Commission
2 packet. Parking standards for detached ADUs were more stringent than internal ADUs.

3
4 The proposed Ordinance also requires a Notice of ADU to be recorded against each property. The
5 purpose of this requirement is to provide information to anyone purchasing a home to let them
6 know if an ADU advertised has been properly permitted or licensed. Second, such recorded notice
7 is required with a change of ownership to ensure that the new owner is also the resident of the
8 property in order to meet the occupancy requirements.

9
10 Termination of ADUs could follow the State's process of termination of an ADU license. If a
11 change in ownership occurs without an update in the record, such would be grounds for
12 termination. Other grounds for termination are listed in the proposed Ordinance. Changes in this
13 section were primarily limited to what was required for the difference in the State Code.
14 Mr. Johnson reminded the Commission that the proposed Ordinance needed to be adopted by the
15 City Council by October 1, 2021. Mr. Johnson then asked for any questions.

16
17 Mr. Johnson was asked if he knew why the State legislation allowed cities to maintain control of
18 regulating detached ADUs. Although he was not aware of the basis or rationale given by the
19 Legislature, he stated that only internal ADUs are preempted by the State. The City has full
20 authority to regulate detached ADUs and not be in violation of the Code. As internal ADUs are
21 much more prevalent than detached ADUs, Mr. Johnson indicated that this made it a reasonable
22 starting place for the State. He further noted that detached ADUs are a much greater investment
23 for property owners and are not feasible on many properties.

24
25 Commissioner Ebbeler asked about the scope of permissible actions regarding design issues. In
26 reviewing HB-98, he noted that the new portion prohibits the regulation of design actions but also
27 includes a series of exceptions, which provided some authority to the City. He specifically
28 referenced Development Agreements with Design Standards for residential areas developed before
29 1950, water-efficient landscaping requirements in rear yards, Planned Unit Development plats,
30 overlay zones for high density, and other benefits not available in the zone. Mr. Johnson noted
31 that in the proposed Ordinance, there is a very general reference that internal ADUs and their
32 entrances fit the character of the area. He did not believe that a number of the descriptions
33 referenced would apply to property in Cottonwood Heights. In historic districts elsewhere there
34 might be more stringent standards, however, the proposed language covers the issue to the extent
35 it can be. If any area is regulated by overarching design standards like in a Planned Unit
36 Development, it would presumably continue.

37
38 Commissioner Ebbeler asked if there was anything in the actual written language of the proposed
39 Ordinance that would cover water efficiency landscape requirements, given the current drought
40 situation. Mr. Johnson stated that some language might apply.

41
42 Commissioner Allen opened the public hearing.

43
44 *Robert Jacobs* reported that he has been a homeowner in the Alton Hills R-1 zone area for the last
45 45 years. He first heard about the hearing the previous week via email. After speaking with his
46 neighbors, he found that they were unaware of the topic and did not have an understanding of what

1 ADUs are. He considered it to be a “double-speak” plan to incorporate R-2 units into R-1 zoning
2 areas. Allowing two families to live in one home did not make sense to him. After checking with
3 the Cottonwood Improvement District, he was informed that the District considers ADUs to be
4 R-2 units and expected the fees assessed to be double those paid by R-1 residents. At a minimum,
5 Mr. Jacobs thought the City should notify the Cottonwood Improvement District of properties that
6 have ADUs. He listed some exceptions to this type of development in other cities related to
7 parking spaces, entrance location requirements, and occupancy restrictions related to the number
8 of unrelated people allowed to live in a unit. Specifically, he thought the proposed Ordinance
9 allowing four unrelated people to live on the property to be excessive. He also did not know how
10 such restrictions would be enforced. He also noted that the original ADUs were covered under
11 Conditional Use Permits, which to him were easier to undo. He suggested neighbors be notified
12 of applications for ADU permits and licensure display requirements. He also asked about the
13 specific requirements for each unit.
14

15 Commissioner Ebbeler thought it was important to point out that, even if the City does nothing,
16 the State law goes into effect on October 1, 2021. It was not an issue of the City opting to take
17 action but decisions need to be made at a local level to address requirements that could still be
18 legally addressed.
19

20 Mr. Topham commented that the State Statute allows the City to impose restrictions, which is the
21 reason for enacting a local ordinance. If the City does not impose the required restrictions in a
22 timely manner, State law goes into effect without those restrictions.
23

24 Commissioner Allen commented that this issue has been under discussion for months and stated
25 that it might be helpful for staff to identify how the issues raised by Mr. Jacobs have been addressed
26 in the proposed Ordinance. Mr. Johnson then addressed occupancy numbers, entry requirements,
27 and parking limitations.
28

29 With regard to occupancy requirements, per State Code, a City cannot define a family as fewer
30 than three unrelated people. The proposed Ordinance specifies four unrelated people.
31 Commissioner Allen asked if the City could decrease that number to three but noted that in any
32 event, it could not be any less than three individuals. With regard to entry requirements, Mr.
33 Johnson noted that the City has little authority to limit where entries are unless it meets one of the
34 characteristics of the specific design category standards such as homes built before 1947 or within
35 in a specific Development Agreement Project. In relation to parking limitations, Commissioner
36 Allen indicated that State law limited the number of spaces from zero to one. The proposed
37 Ordinance allows one space as long as it is not tandem. This space is in addition to the two spaces
38 already required for single-family homes. The City cannot make the owner designate actual
39 parking spaces as to types of occupants or specify where the parking spaces are located.
40

41 Commission Allen asked how notice of the proposed ADU is to be published. Mr. Johnson
42 acknowledged the normal notification process and stated that staff will provide a proactive report
43 about what is being addressed in the proposed Ordinance by mid-August or September.
44 Commissioner Allen also inquired about notice of ADUs to the Cottonwood Improvement District.
45 Mr. Johnson explained that the City normally intersects with the District on major developments
46 and new construction projects to make sure they can serve such a property. Assessment of fees is

1 done by the Cottonwood Improvement District. The City has an inventory of licensed ADUs that
2 can be provided to the District. He did not anticipate any further action.

3
4 There was no further public comment.

5
6 *Commissioner Wilde moved to close the public comment. Commissioner Anderson seconded*
7 *the motion. The motion passed with the unanimous consent of the Commission.*

8
9 *Commissioner Wilde moved that the Planning Commission recommend to the City Council*
10 *approval of the proposed Chapter 19.75 Accessory Dwelling Unit (ADU) ordinance, compliant*
11 *with HB-82 from the Utah Legislative Session, which allows internal ADUs as permitted uses*
12 *in all single-family zones across Utah as identified in each section on Purpose, Definitions,*
13 *Where Permitted, Approval Process, Development Standards; Affidavit; Inspection and*
14 *Termination. Commissioner Anderson seconded the motion. Vote on motion: Commissioner*
15 *Ebbeler-Aye; Commissioner Anderson-Aye; Commissioner Wilde-Aye; Commissioner Bevan-*
16 *Aye; and Commissioner Allen-Aye. The motion passed unanimously.*

17
18 Public notice was to be provided by staff before a vote is taken. It was anticipated that the matter
19 would be introduced at the Work Session for discussion in mid-August or early September for
20 public comment.

21
22 **4.0 Adjournment.**

23
24 *Commissioner Ebbeler moved to adjourn. Commissioner Wilde seconded the motion. The*
25 *motion passed with the unanimous consent of the Commission.*

26
27 The Planning Commission Meeting adjourned at 7:09 p.m.

1 *I hereby certify that the foregoing represents a true, accurate, and complete record of the*
2 *Cottonwood Heights City Planning Commission Meeting held Wednesday, July 21, 2021.*
3
4

5 Teri Forbes

6 Teri Forbes
7 T Forbes Group
8 Minutes Secretary
9

10 Minutes Approved: _____

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

3
4 **Wednesday, August 4, 2021**

5 **5:00 p.m.**

6 **2277 East Bengal Boulevard**

7 **Council Workroom**
8

9 ***ATTENDANCE***

10
11 **Members Present:** Chair Chris Coutts, Commissioner Craig Bevan, Commissioner Lucy
12 Anderson, Commissioner Jessica Chappell, Commissioner Dan Mills,
13 Commissioner Jonathan Ebbeler, Commissioner Bob Wilde
14

15 **Staff Present:** Community and Economic Development Director Michael Johnson,
16 Deputy City Recorder Heather Sundquist, Senior City Planner Andrew
17 Hulka, Associate City Planner Samantha DeSeelhorst
18

19 **Excused:** Commissioner Jesse Allen
20

21 **WORK MEETING**
22

23 Chair Christine Coutts called the Work Meeting to order at 5:00 p.m.
24

25 **1.0 Review Business Meeting Agenda.**
26

27 **1.1 Project CUP-21-011 – A Public Hearing to Receive Comments and Take**
28 **Possible Action on a Request from Dana Middlemiss for a Conditional Use**
29 **Permit to Operate a Home Preschool for up to 12 Children (Mrs. Dana’s**
30 **Preschool) at 7085 South Watermill Circle.**
31

32 Senior City Planner, Andy Hulka reported that the above request is for a Conditional Use Permit
33 to operate a home preschool for up to 12 children. An aerial rendering of the subject property was
34 displayed. The preschool will operate from 8:45 a.m. to 3:00 p.m. Monday through Friday. Each
35 class will be three hours long with a 15-minute recess. There is a 15-minute window for drop-offs
36 and pickups. Parents will be instructed to pull up to the curb where children will be accompanied
37 to and from vehicles. Staff recommended approval with conditions set forth in the staff report.
38 Traffic mitigation issues were discussed.
39

40 **1.2 Project ZTA-21-003 – A Public Hearing to Receive Comments and Make**
41 **Possible Recommendation to the City Council on a City-Initiated Zoning Text**
42 **Amendment to Chapter 19.29 – “R-1-6 – Residential Single-Family Zone”.**
43

44 Associate City Planner, Samantha DeSeelhorst reported that the above item involves a City-
45 initiated text amendment to Chapter 19.29. She stated that home occupations are not on the list of
46 allowed uses, however, they are included in all other Cottonwood Heights residential zones. Staff

1 discovered records indicating that multiple home occupations have been approved on properties
2 zoned R-1-6 in the past despite the use not being listed in the Code. Staff found no associated
3 adverse impacts, especially given the prior approval of multiple home businesses in the zone. Staff
4 recommended approval.

5
6 **1.3 Project ZMA-21-003 – A Public Hearing to Receive Comments and Take**
7 **Possible Action on a City-Initiated Request to Rezone Properties located at**
8 **7725 South Wasatch Boulevard and 7828 South Prospector Drive from their**
9 **Current Designations of Residential Multi-Family (RM) and Residential Low**
10 **Density (R-1-8) to Public Facilities (PF). This Request also includes a Proposal**
11 **to Amend the Land Use Designation on the Properties from “Residential**
12 **Medium Density” and “Residential Low-Density” to “Civic”.**
13

14 Community and Economic Development Director, Mike Johnson reported that the above item
15 involves the rezoning of properties from their current designation of Residential Multi-Family
16 (RM) and Residential Low Density (R-1-8) to Public Facilities (PF). The property is currently a
17 small dirt overflow lot used for trail parking. It was purchased in 2009 from Salt Lake County
18 with an agreement to eventually develop a trail parking lot and overflow area for the Ferguson and
19 Bonneville Shoreline Trails. Mr. Johnson reported that plans are well underway and the applicants
20 are required to show substantial progress on construction by the end of 2021. A property rendering
21 was displayed. Mr. Johnson reported that staff intends to create connectivity in the area and they
22 will be encouraging the Utah Department of Transportation (“UDOT”) to construct a sidewalk.
23 Due to the grade change, the Dog Park will be accessed from the southern portion of the shared-
24 use path. Fencing will include a six-foot split rail with a wood aesthetic.

25
26 **1.4 Project ZTA-21-002 – A Public Hearing to Receive Comments and Make**
27 **Possible Recommendation to the City Council on a City-Initiated Zoning Text**
28 **Amendment to Chapter 19.89 – “Short-Term Rentals”. Continued from the**
29 **July 21, 2021, Planning Commission Meeting.**
30

31 Mr. Johnson reported that the above item involves a City-initiated zoning text amendment to
32 Chapter 19.89 “Short-Term Rentals”. The Commission recommended a final draft be prepared
33 that includes the definition of short-term rental being amended to anything less than 30 consecutive
34 days. The previous provision allowing for rentals of less than three days had been removed. The
35 new ordinance clearly states that short-term rentals are strictly prohibited and illegal in the City’s
36 single-family residential zones. The intent of the ordinance was to specify where short-term rentals
37 are allowed.

38
39 Council Member Bevan requested direction regarding the enforcement of short-term rental owners
40 who are not concerned that it is against the law. He asked if the owner can be required to post
41 signage either on their website or the property stating it is not a legally permitted rental. City
42 Attorney, Shane Topham, reported the City is limited by statute.

43
44 Enforcement issues were discussed. Mr. Johnson explained that the Accessory Dwelling Unit
45 (“ADU”) legislation specifies that there can be enforcement if a property is licensed as an ADU

1 and they find the same property owner on a short-term rental website. He suggested that the
2 clarified ordinance can only make this better.

3
4 **2.0 Additional Discussion Items.**

5
6 There were no additional discussion items.

7
8 **3.0 Adjournment.**

9
10 *Commissioner Mills moved to adjourn. Commissioner Anderson seconded the motion. The*
11 *motion passed with the unanimous consent of the Commission.*

12
13 The Work Meeting adjourned at 5:54 p.m.

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

3
4 **Wednesday, August 4, 2021**

5 **6:00 p.m.**

6 **2277 East Bengal Boulevard**

7 **Council Workroom**
8

9 ***ATTENDANCE***

10
11 **Members Present:** Chair Chris Coutts, Commissioner Craig Bevan, Commissioner Lucy
12 Anderson, Commissioner Jessica Chappell, Commissioner Dan Mills,
13 Commissioner Jonathan Ebbeler, Commissioner Bob Wilde
14

15 **Staff Present:** Community and Economic Development Director Michael Johnson,
16 Deputy City Recorder Heather Sundquist, Senior City Planner Andrew
17 Hulka, Associate City Planner Samantha DeSeelhorst
18

19 **Excused:** Commissioner Jesse Allen
20

21 **BUSINESS MEETING**
22

23 Chair Christine Coutts called the Business Meeting to order at 6:03 p.m.
24

25 **1.0 Welcome and Acknowledgments.**
26

27 Chair Coutts welcomed those in attendance.
28

29 The agenda was reviewed.
30

31 **1.1 Ex Parte Communications or Conflicts of Interest to Disclose.**
32

33 There were no conflicts of interest to disclose.
34

35 **2.0 General Public Comment.**
36

37 There were no public comments.
38

1 **3.0 Business Items.**

2
3 **3.1 (Project CUP-21-011) – A Public Hearing to Receive Comments and Take**
4 **Possible Action on a Request from Dana Middlemiss for a Conditional Use**
5 **Permit to Operate a Home Preschool for up to 12 Children (Mrs. Dana’s**
6 **Preschool) at 7085 South Watermill Circle.**
7

8 Senior City Planner, Andy Hulka, presented the staff report and stated that the above request is for
9 a Conditional Use Permit to operate a home preschool for up to 12 children at the property located
10 at 7085 South Watermill Circle. The preschool will accommodate children aged three to five with
11 alternating classes between 8:45 a.m. and 3:00 p.m. Monday through Friday. Each class will be
12 approximately three hours in duration with no more than 12 children at any one time. A sketch of
13 the general drop-off area was displayed. Mr. Hulka reported that there is a 15-minute window
14 before and after each session for drop-offs and pickups. Children will be walked to and from their
15 vehicles. Based on review of the application, staff recommended approval with conditions set
16 forth in the staff report.

17
18 Mr. Hulka reported that several public comments were received regarding parking and traffic. An
19 email from the applicant, Dana Middlemiss, was read. She previously operated preschools in
20 Montana, Pennsylvania, and Utah for a total of seven years and is experienced with traffic flow
21 issues. She has never had 12 cars lined up at a time and has found that providing a 15-minute
22 window before and after sessions has alleviated the issue. The only congestion she has experienced
23 was with utility trucks being located near her home and garbage cans on curbs on collection day.
24 Noise is often an issue with these types of home occupations and the applicant noted that recess is
25 brief and hours during the day.

26
27 Chair Coutts opened the public hearing.

28
29 *Ruth Ellen Bean* gave her address as 7113 Watermill Way and stated that 10 years earlier,
30 Ms. Middlemiss operated a preschool in the neighborhood. There was never an issue with traffic.
31 Ms. Bean expressed support for the request and believed Ms. Middlemiss has the experience and
32 education to successfully teach children. She urged the Commission to approve the request.

33
34 *Pam Moore* gave her address as 3195 East Candy Tuft Street and expressed support for
35 Ms. Middlemiss. She considered her to be an amazing teacher and any children attending her
36 school are fortunate to be under her care. She did not consider traffic to be an issue and expressed
37 support for the request.

38
39 There were no further public comments.

40
41 ***Commissioner Bevan moved to close the public hearing. Commissioner Mills seconded the***
42 ***motion. The motion passed with the unanimous consent of the Commission.***
43

44 Commissioner Anderson expressed concern with increased traffic. She suggested a condition be
45 imposed to prohibit vehicles from blocking driveways. Chair Coutts stated that the request
46 requires a zone change and expressed concern with traffic flow and parking.

1
2 Commissioner Wilde raised a question with the children getting from their cars to the preschool
3 and back to their parents after school. He recommended a condition be added requiring parents to
4 accompany students from their cars to the preschool and back again. Mr. Johnson confirmed that
5 preschool staff will walk to the car at which time the child will exit through the rear passenger
6 door and walk into the school. After school, the child will be escorted back to the vehicle.
7 Commissioner Mills appreciated the clarification and suggested another condition may be added
8 to mitigate drop-off issues.
9

10 Commissioner Chappell appreciated the support expressed by the neighbors.

11
12 Commissioner Ebbeler referenced the ratio portion of Utah Rule 381-100-11 Supervision Ratios,
13 which differs from the more restrictive Cottonwood Heights Ordinance.
14

15 ***Commissioner Wilde moved to approve Project CUP-21-011 with the following:***

- 16
17 ***1. No business license may be approved until the City Code has been amended to***
18 ***include home occupations as a conditional use in the R-1-6 zone.***
19
- 20 ***2. The applicant shall obtain and maintain an approved business license with***
21 ***Cottonwood Heights.***
22
- 23 ***3. Customers must use provided off-street parking, as the business may not rely***
24 ***upon any on-street parking. Customers must be made aware of these parking***
25 ***restrictions.***
26
- 27 ***4. Approval of this home occupation is subject to review upon complaint.***
28
- 29 ***5. Signage must comply with all aspects of Cottonwood Heights City Code.***
30
- 31 ***6. No more than one non-resident employee is permitted at this business.***
32
- 33 ***7. Patrons involved in the traffic flow do not block driveways.***
34
- 35 ***8. Children will be accompanied by an adult during drop-off and pick-up.***
36

37 ***Commissioner Mills seconded the motion. Vote on motion: Commissioner Bevan-Aye,***
38 ***Commissioner Anderson-Aye, Commissioner Chappell-Aye, Commissioner Mills-Aye,***
39 ***Commissioner Ebbeler-Aye, Commissioner Wilde-Aye, Chair Coutts-Aye. The motion passed***
40 ***unanimously.***
41

1 **3.2 (Project ZTA-21-003) A Public Hearing to Receive Comments and Make a**
2 **Possible Recommendation to the City Council on a City-Initiated Zoning Text**
3 **Amendment to Chapter 19.29 – “R-1-6-Residential Single-Family Zone.”**
4

5 Associate City Planner, Samantha DeSeelhorst, presented the staff report and stated that the above
6 item involves is a City-initiated zoning text amendment to Chapter 19.29- R-1-6 Residential
7 Single-Family Zone. The amendment proposes to add home occupations as a Conditional Use in
8 the R-1-6 zone. Staff recommended approval. Ms. DeSeelhorst reported that home occupations
9 are missing from the list of allowed uses, however, they are included in all other residential zones
10 in the City. Staff recognized records that specify that multiple home occupations have been
11 approved at properties zoned R-1-6 in the past despite the use not being listed in the Code. Staff
12 did not find any adverse impacts associated with the application and no public comment was
13 received.

14
15 Chair Coutts opened the public hearing.

16
17 *Dennis Iverson* was confused with the definition of a home occupation. He considered it to be
18 vague and asked for clarity. Mr. Johnson clarified that a home occupation requires a Conditional
19 Use Permit if clients visit the home to do business. They are defined in 19.76 of the ordinance.
20 He confirmed that short-term rentals are strictly prohibited in all R-1-Zones.

21
22 There were no further public comments. The public hearing was closed.

23
24 ***Commissioner Ebbeler moved to forward a recommendation of approval to the City Council for***
25 ***Project ZTA-21-003. Commissioner Wilde seconded the motion. Vote on motion:***
26 ***Commissioner Bevan-Aye, Commissioner Anderson-Aye, Commissioner Chappell-Aye,***
27 ***Commissioner Mills-Aye, Commissioner Ebbeler-Aye, Commissioner Wilde-Aye, Chair Coutts-***
28 ***Aye. The motion passed unanimously.***
29

30 **3.3 (Project ZMA-21-003) A Public Hearing to Receive Comments and Take**
31 **Possible Action on a City-Initiated Request to Rezone the Properties Located**
32 **at 7725 South Wasatch Boulevard and 7828 South Prospector Drive from their**
33 **Current Designations of Residential Multi-Family (RM) and Residential Low**
34 **Density (R-1-8) to Public Facilities (PF). This Request Also Includes a**
35 **Proposal to Amend the Land Use Designation on the Properties from**
36 **“Residential Medium Density” and “Residential Low Density” to “Civic”.**
37

38 Mr. Johnson presented the staff report and stated that the above matter involves a City-initiated
39 request to rezone properties located at 7725 South Wasatch Boulevard and 7828 South Prospector
40 Drive from their current designations to Public Facilities (PF). The request also includes a proposal
41 to amend the land use designation from Residential Medium-Density and Residential Low-Density
42 to Civic. The City entered into an Interlocal Agreement with Salt Lake County to construct a trail
43 overflow parking lot and public park on the property. That agreement was extended and requires
44 substantial progress to be made on the site improvements by the end of 2021. The improvements
45 have been budgeted and the work is underway; however, the zoning of the site is not in compliance
46 with the intended use. A rendering of the property was displayed. Mr. Johnson stated that

1 feedback on the design from City commissions and committees was underway or has been
2 completed. The intent was to use the property in perpetuity as a public park and parking lot with
3 60 to 70 stalls.

4
5 Chair Coutts opened the public hearing.

6
7 *Colleen Hancock* expressed concern with the City entering into an agreement without having the
8 zoning approved first. A change in zoning would change it from seasonal to year-round use.
9 Increased traffic throughout the neighborhood, noise and safety along Wasatch Boulevard was of
10 concern. Ms. Hancock stated that there is no clear wayfinding and she was opposed to a change
11 in zoning. Mr. Johnson stated that there is not a nexus between owning a property and the zoning,
12 however, there is a connection between using property and developing it according to the zone.
13 Any entity can purchase a property at any given time but the zoning must be in place prior to
14 making improvements and using it as a public use rather than a high-density multi-family use.

15
16 *Larry Larsen*, a Timberline Drive resident, expressed concern with the zone change being Civic
17 and asked if it opens the door to other kinds of construction or density.

18
19 *Glen Willardson* identified himself as a property on the corner of Wasatch Boulevard and Bengal
20 Boulevard. He agreed with prior comments made regarding safety, noise, and increased traffic.
21 He encouraged the Commission to consider the traffic flow and access to the property.

22
23 Chair Coutts encouraged residents to attend the upcoming open house to allow them to further
24 review the design. She raised a question with the plan only being 60% complete. Mr. Johnson
25 stated that the site layout represents 60% of the project and is an accurate reflection of what is
26 proposed. Formal engineering, drainage, and grading make up the difference and will be
27 completed at a later time.

28
29 *Katie Tobar*, a Summerhill Drive resident, questioned the proposed office building being located
30 at the mouth of Big Cottonwood Canyon and Wasatch Boulevard. She believed that the existing
31 traffic combined with the proposed project traffic will make Wasatch Boulevard a nightmare. She
32 also had concerns about safety.

33
34 Commissioner Mills was excited about the proposed Dog Park. He understood the apprehension
35 with ingress and egress on Wasatch Boulevard but believed that those concerns can be mitigated.
36 The unintended consequence of the popularity of Ferguson Canyon through social media has
37 attracted more visitors to the upper portion of the neighborhood and he believed that the proposed
38 parking provides a solution.

39
40 Chair Coutts reported that the City is working with UDOT regarding access and they are very
41 aware of the ingress and egress issues.

42
43 ***Commissioner Wilde moved to forward a recommendation of approval to the City Council for***
44 ***the General Plan Land Use Map Amendment for Project ZMA-21-003 subject to the following:***
45

1 **Findings:**

- 2
- 3 1. *The proposed zoning and land use designations are compatible with the goals of*
- 4 *the General Plan.*
- 5
- 6 2. *The application was made pursuant to 19.90 of Cottonwood Heights City Code.*
- 7
- 8 3. *A public hearing was held in accordance with local and state requirements.*
- 9

10 *Commissioner Chappell seconded the motion. Vote on motion: Commissioner Bevan-Aye,*

11 *Commissioner Anderson-Aye, Commissioner Chappell-Aye, Commissioner Mills-Aye,*

12 *Commissioner Ebbeler-Aye, Commissioner Wilde-Aye, Chair Coutts-Aye. The motion passed*

13 *unanimously.*

14

15 *Commissioner Ebbeler moved to forward a recommendation of approval to the City Council for*

16 *the General Plan Zone Amendment portion of Project ZMA-21-003. Commissioner Anderson*

17 *seconded the motion. Vote on motion: Commissioner Bevan-Aye, Commissioner Anderson-*

18 *Aye, Commissioner Chappell-Aye, Commissioner Mills-Aye, Commissioner Ebbeler-Aye,*

19 *Commissioner Wilde-Aye, Chair Coutts-Aye. The motion passed unanimously.*

20

21 3.4 **(Project ZTA-21-002) A Public Hearing to Receive Comments and Make a**

22 **Possible Recommendation to the City Council on a City-Initiated Zoning Text**

23 **Amendment to Chapter 19.89 – “Short-Term Rentals”. Continued from the**

24 **July 21, 2021, Planning Commission Meeting.**

25

26 Mr. Johnson presented the staff report and stated that the above request involves a public hearing

27 and possible recommendation to the City Council on a City-initiated zoning text amendment to

28 Chapter 19.89 “Short-Term Rentals”. The Ordinance helps provide clarification to language and

29 provides clearer references to potential punishments for the illegal operation of a short-term rental

30 in areas that do not qualify. The Commission recommended a final draft be prepared that included

31 the definition of short-term rental being amended to be anything less than 30 consecutive days in

32 duration. He confirmed that the previous provision specified that anything less than three days

33 was not eligible and was removed. Verbiage was added to the new ordinance to clearly state that

34 short-term rentals are not allowed, are strictly prohibited, and are illegal in the City’s single-family

35 residential zones. The proposed language was reviewed.

36

37 Mr. Johnson reported that penalties were previously included by reference but are not written

38 directly in the body of the ordinance. He confirmed that the penalty for operating a short-term

39 rental in an area where it is illegal is a Class C misdemeanor. Each day a violation continues shall

40 be considered a separate offense. Staff recommended forwarding a positive recommendation to

41 the City Council.

42

43 Chair Coutts opened the public hearing.

44

1 *Dennis Iverson* thanked staff for their efforts in clarifying the issue. He believed the proposed
2 language was easy to understand. He would continue his fight with the State Legislature and the
3 House to ensure that future issues can be easily rectified on a City level.

4
5 There were no further public comments. The public hearing was closed.

6
7 *Commissioner Bevan moved to recommend approval of Project ZTA-21-002 to the City Council.*
8 *Commissioner Ebbeler seconded the motion. Vote on motion: Commissioner Bevan-Aye,*
9 *Commissioner Anderson-Aye, Commissioner Chappell-Aye, Commissioner Mills-Aye,*
10 *Commissioner Ebbeler-Aye, Commissioner Wilde-Aye, Chair Coutts-Aye. The motion passed*
11 *unanimously.*

12 13 **4.0 Consent Agenda.**

14 15 **4.1 Approval of Planning Commission Minutes.**

16 17 **4.1.1 July 7, 2021, Planning Commission Meeting Minutes.**

18
19 *Commissioner Ebbeler moved to approve the minutes of July 7, 2021. Commissioner Wilde*
20 *seconded the motion. Vote on motion: Commissioner Bevan-Aye, Commissioner Anderson-*
21 *Abstained, Commissioner Chappell-Aye, Commissioner Mills-Aye, Commissioner Ebbeler-Aye,*
22 *Commissioner Wilde-Aye, Chair Coutts-Abstained. The motion passed unanimously with two*
23 *abstentions.*

24 25 **5.0 Adjournment.**

26
27 *Commissioner Wilde moved to adjourn. Commissioner Anderson seconded the motion. The*
28 *motion passed with the unanimous consent of the Commission.*

29
30 The Planning Commission Meeting adjourned at 7:12 p.m.

1 *I hereby certify that the foregoing represents a true, accurate, and complete record of the*
2 *Cottonwood Heights City Planning Commission Meeting held Wednesday, August 4, 2021.*
3
4

5 Teri Forbes

6 Teri Forbes
7 T Forbes Group
8 Minutes Secretary
9

10 Minutes Approved: _____

MINUTES OF THE COTTONWOOD HEIGHTS CITY PLANNING COMMISSION WORK MEETING

Wednesday, October 6, 2021

5:00 p.m.

2277 East Bengal Boulevard

Council Workroom

ATTENDANCE

Members Present: Chair Christine Coutts (electronically), Commissioner Jesse Allen (electronically), Commissioner Craig Bevan, Commissioner Dan Mills, Commissioner Jonathan Ebbeler, Commissioner Jessica Chappell (electronically), Commissioner Bob Wilde (electronically)

Staff Present: Community and Economic Development Director Michael Johnson, City Planner Andrew Hulka, City Recorder Paula Melgar, City Attorney Shane Topham

WORK MEETING

Chair Christine Coutts called the Work Meeting to order at 5:00 p.m.

1.0 Mid-Valley Active Transportation Plan.

City Planner, Andrew Hulka introduced Thomas McMurtry from Avenue Consultants. Mr. McMurtry reported that he serves as Project Manager for the Mid-Valley Active Transportation Plan. The study began in early 2020 and is the largest Active Transportation Plan (“ATP”) completed in Salt Lake County. This plan was designed to be a regional plan involving six cities including Cottonwood Heights, the City of Holladay, Midvale, Millcreek, Murray, and Taylorsville.

Mr. McMurtry reported that they received a lot of participation from each of the cities. Matt Taylor served as the Principal Representative from Cottonwood Heights before Mr. Hulka took over. He identified the website as www.midvalleyatp.com, which includes all of the information developed by the study along with an interactive map that contains the final list of recommended projects. He highlighted the Cottonwood Heights tab on the website that contains a .pdf of the draft reports.

Mr. McMurty mentioned that Cottonwood Heights was unique among the six participating cities in that it recently completed a Bicycles and Trails Master Plan, which they integrated into the Mid-Valley ATP. He applauded the City for the good work that was completed to create that Master Plan. The level of collaboration was important and was a major focus of the study. The study began with a Vision Workshop that was designed to bring everyone together to develop a Vision and a set of Goals. The Vision Workshop included the participating cities, the Utah

1 Department of Transportation (“UDOT”), the Utah Transit Authority (“UTA”), Bike Utah. and
2 Salt Lake County.

3
4 Mr. McMurtry read the Vision statement as follows: “Working together to create a connected
5 active transportation system for all ages and abilities.” He explained that the individual goals
6 include prioritizing safe routes, creating a connected backbone network, collaborating with the
7 public, and access to key destinations. These goals guided the work performed for the study.
8 Mr. McMurtry pointed out that Cottonwood Heights has more existing active transportation
9 facilities than any of the other participating cities, and is starting from a place of strength. He
10 presented a graphic illustrating the existing facilities and trails in all of the participating cities.

11
12 He reported that they looked at several other factors, including bicycle fatalities and Strava data
13 in developing the plan. They found that there was a lot of heavy use on Cottonwood Canyon
14 Trail, general biking across Wasatch, and use of the Jordan River Parkway trail. They conducted
15 a bike tour early on to look at some of the facilities and different design types and the tour
16 allowed them to experience what cyclists do, which in turn helped them with the planning
17 process. Mr. McMurtry presented the infrastructure included in the ATP, which included bike
18 lanes and neighborhood byways, protected bike lanes, and shared-use paths.

19
20 On March 9, 2020, they hosted a Brainstorm Workshop where participants from the various
21 communities marked up maps that resulted in a new consolidated map, which he presented to the
22 Commission. They also invited the public to attend the Brainstorming Workshop and
23 emphasized that they considered everyone’s input. They had over 650 people participate in the
24 exercise. Their efforts continued remotely after the pandemic struck, which included Zoom
25 meetings and interacting via the websites. He reported that they received over 5,000 public visits
26 to the website and over 900 responses to their surveys. The public came up with over 550 new
27 ideas that were drawn on the maps during these meetings. In sum, Mr. McMurtry felt that even
28 with the pandemic, they received good participation from the public.

29
30 Mr. McMurtry reported that some of the input was specifically from Cottonwood Heights
31 residents regarding the anticipated use of walk/bike facilities, if available, and 46% of residents
32 responded that they would walk daily, while 38% said they would walk weekly. These numbers
33 were higher than in other cities. He outlined the recommended projects and noted that they
34 recommended 240 projects across all of the participating cities. A major theme for all cities was
35 connectivity, and he identified the recommended backbone projects, which are those of the
36 highest priority. He commented that several of the most difficult backbone projects were carried
37 forward into some level of design, and highlighted Project No. 7 along Fort Union Boulevard in
38 Cottonwood Heights. Mr. McMurtry commented that the recommended project list was still in
39 draft form and they continue to make changes. Their goal is to have the Planning Commission
40 issue a recommendation to the City Council to adopt the plan.

41
42 Mr. McMurtry presented a design concept prepared by their engineers and designers for a section
43 of Fort Union Boulevard. This particular design presents an option of how they could fit curb
44 separated bike lanes through a section of Fort Union Boulevard. The specific section depicted is
45 in the area in front of Ross and stressed that this design is conceptual and intended to help the
46 City vision these improvements going forward. He explained that this concept would effectively

1 remove the bikes from the travel lanes. A small park strip was included in some locations, and
2 they contemplated a curb barrier along the south side of Fort Union Boulevard.

3
4 Their most controversial recommended project was located at 3900 South, in an area that cuts
5 through the heart of Millcreek City towards Taylorsville. He added that based on this design
6 concept, they have already asked the Wasatch Front Regional Council to help obtain funding for
7 a design. He commented that the Wasatch Front Regional Council has encouraged cities to
8 undertake these projects. It was confirmed that there are plenty of funding opportunities to assist
9 with the projects. Mr. McMurtry added that the State issued a one-time \$35 million allocation
10 specifically for active transportation projects. In addition, UDOT has looked at establishing an
11 active TIF fund that would be a regular, revolving fund available on an annual basis.

12
13 A question was raised as to whether this recommended project dovetails with the Fort Union
14 Master Plan. Mr. Hulka answered in the affirmative and added that they view this recommended
15 ATP project as taking the Fort Union Master Plan a step further toward their vision for the area.
16 If adopted, they would have input on when the development would occur. It was confirmed that
17 Fort Union was one of the backbone projects, along with 2700 East, Highland Drive, and
18 Wasatch Boulevard and will be integrated with the updates to the Open Space Master Plan.

19
20 There was discussion regarding ensuring that the plans do not conflict, especially with some of
21 the alternative proposals for the Little Cottonwood Trail. Mr. McMurtry added that the Little
22 Cottonwood Canyon EIS identified both bike lanes and a trail on the east side, which was
23 integrated into the ATP.

24
25 Commissioner Mills referenced the impact of incentives to use alternative transportation and
26 asked if there were any incentives proposed for safe lanes. Mr. McMurtry noted that the survey
27 questions were focused more on community interest in having certain facilities, although they
28 have seen throughout the Wasatch Front that the use of trails has exceeded their expectations.
29 He also referenced a study of Trax Stations where they found that in 2020, 850,000 pedestrians
30 moved in and around the Trax stop at 3300 South. Mr. McMurtry directed the Commission to
31 the part of the ATP that included data on pedestrian use of signalized intersections. He added
32 that some areas and schools have attempted to incentivize people to walk to school. He
33 referenced cash payments to students in the Jordan School District who gave up their parking
34 passes.

35
36 A question was raised as to whether the various speeds encountered on bike trails were
37 accounted for in the Plan and if they evaluated the availability of land they could use to create a
38 trail. Mr. McMurtry stated that multi-speeds on trails and bike lanes have become a bigger issue,
39 especially with the allowance of scooters. They would recommend widening the trail somewhat
40 to address those issues. He added that this was the primary issue on Wasatch Boulevard, which
41 is why the Little Cottonwood Canyon EIS specifically designated some trails for higher speeds,
42 while also providing more trails for children and families. He commented that this plan exists
43 along Wasatch Boulevard into Millcreek and beyond. It was noted by a Commissioner that
44 cyclists of any speed should not use the Jordan River Parkway because it is a mess, although it is
45 a very good place to run. Trying to create a shared trail would not be desirable in this location.

1 It was noted by Mr. McMurtry that cycle-trek mixed with a sidewalk or a bike lane next to a
2 sidewalk is becoming a more popular design concept. He referenced a trail designed by Salt
3 Lake City along 300 West with a 16-foot dedication that would hold a six-foot-wide sidewalk
4 and 10-foot wide trail, with a three-inch riser between the two.

5
6 It was noted by Commissioner Ebbeler that in Washington D.C., they created dedicated, coned-
7 off bike lanes on both sides of K Street. A comment was made that a similar design was
8 implemented at Sugar House on Highland Drive. Commissioner Ebbeler noted that there are
9 several places in Cottonwood Heights where such separation would be needed and noted that in
10 areas where a cyclist can build up steam going downhill, two options could include having extra
11 space on the shoulder or making it a dedicated lane. It was agreed by Mr. McMurtry that
12 downhill grades are of concern and difficult to design but emphasized the importance of getting
13 it designed now even if it would not be built for some time. He stressed that Cottonwood
14 Heights is in a good place in terms of the recommended projects. As they get closer to design,
15 they can get into the specifics that will fill the City's needs.

16
17 In response to an inquiry regarding the concept for Fort Union, Mr. McMurtry stated that they
18 looked at dedicated six-foot bike lanes along Fort Union Boulevard and where they can they will
19 install park strip separators on both sides. All of this would be separated from the sidewalks as
20 well. A comment was made that an example of this design could be found in two mixed-used
21 townhome projects currently under construction. These projects required a dedicated path. An
22 asphalt portion was constructed for cyclists and a wide sidewalk was constructed for pedestrians,
23 which resulted in two distinct paths.

24
25 Mr. Hulka stated that as part of the new Credit Union building, the Commission was aware of
26 this ATP project as they were going through that review, which is why as part of ATP's
27 approval, they required the developer to build wider sidewalks. It was noted that they did not
28 require extra space for the bike lane because they knew that this design concept would utilize the
29 existing shoulder area for a future project that would connect with Midvale. It was noted that the
30 concept design used the existing shoulders along Fort Union Boulevard. Mr. McMurtry
31 referenced page 31 of the report and stated that they prepared two maps illustrating the level of
32 traffic stress to measure how much traffic stress a cyclist would encounter on a given facility.
33 The high-stress facilities are the ones where they recommend a level of separation between bikes
34 and vehicles.

35
36 Commissioner Mills commented that people are used to seeing bikes along Wasatch Boulevard
37 in the Cottonwood Canyons but from 3000 East to 2300 East on Fort Union Boulevard there is a
38 four-inch shoulder in the westbound direction. He stated that this is likely the worst section for
39 bicyclists in the entire City. He opined that it would not make sense to spend a lot of money on
40 cyclists in the area coming out of Little Cottonwood Canyon. He stressed that cyclists traveling
41 along westbound Fort Union Boulevard from 3000 East to 2000 East are risking their lives.
42 Mr. McMurtry echoed these comments and noted that he often sees cyclists riding in the gutter
43 due to a lack of a shoulder.

1 Mr. McMurtry confirmed that they used the most recent data available to prepare the traffic
2 studies included in the report. They tried to utilize 2020 data when available and noted that
3 traffic stress was calculated using the 2019 traffic counts, which is the latest available.

4
5 A Commission Member commented that it would be worth spending the money to connect bike
6 lanes along Fort Union Boulevard from Midvale to Wasatch Boulevard for anyone in those
7 communities who wanted to bike commute or use it for errands.

8
9 Chair Coutts wondered about the intent of the ATP for reasons other than connectivity for active
10 transportation. Mr. McMurtry responded that their intent, which is shared by Wasatch Front
11 Regional Council, was to prepare a unified plan that each city could adopt. He reported that
12 Midvale City has already adopted the ATP.

13
14 Mr. McMurtry explained that if the ATP were adopted, the municipalities could seek funding for
15 the various projects. Wasatch Front Regional Council has grants and other funding, while
16 UDOT continues to put more money into active transportation. He added that UDOT's new
17 active Transportation Investment Fund ("TIF") funding and the one-time \$35 million funds
18 required a 20% match and an adopted plan. He commented that UDOT provided \$9 million to
19 South Salt Lake City to build the last piece of Parley's Trail to connect it to the Jordan River
20 Trail.

21
22 Commissioner Bevan recommended that they consider putting something in place since it is a
23 prerequisite to obtaining funding. He stressed that plans are fluid but they must have a plan in
24 place. Mr. McMurtry offered to provide the Commission with the raw design files so that they
25 could be edited at a later date. He could also provide edits at the Commission's request before
26 requesting adoption by the City Council. He added that the Wasatch Front Regional Council
27 funded nearly the entire study through a TLC grant. Cottonwood Heights contributed \$5,000 to
28 the funding along with each of the other participating cities.

29
30 Commissioner Mills stated that the Creek Road portion would be a good option for cyclists
31 between Sandy City and Cottonwood Heights, as would Highland Drive. Otherwise, cyclists
32 prefer to stay on Wasatch Boulevard as long as possible. Having more east/west routes would be
33 preferable.

34
35 Mr. Hulka stated that the approach would be to make sure that the Cottonwood Heights' portion
36 of the plan complies with all of the City's Master Plans, including the pending Open Space
37 Master Plan, and then bring that back to a Business Meeting for public hearing and
38 recommendation. It was agreed that this was a good use of time and support was expressed for
39 folding all of the plans together. Mr. McMurtry offered to come back before the Commission to
40 answer any questions. It was suggested that Mr. McMurtry be present for the public hearing.

41 42 **1.1 Cottonwood Heights General Plan Update.**

43
44 Community and Economic Development Director, Michael Johnson highlighted the General
45 Plan project website and reported that over the summer they performed the background analysis
46 and consolidated old Master Plans. They also retained sub-consultants to work on various

1 elements of the Master Plan. Township & Range was working on the Transportation element,
2 GSBS Architects was working on Housing and Economic Development, and Landmark
3 Development was working on Land Use and Open Space elements.
4

5 Mr. Johnson added that they have evaluated the preliminary goals for the General Plan as
6 recommended by the Steering Committee. They are now ready to present the goals to the public
7 for feedback before bringing a draft Master Plan before the Commission. He stressed that public
8 feedback on the goals is important because it will serve as the basis for everything else moving
9 forward. Mr. Johnson noted that the goals are provided on the website. He stated that staff has
10 set aside time for public office hours to allow the public to reach out and discuss the proposed
11 goals and the importance of the General Plan so that when they present the draft Master Plan
12 document, the public will better understand its purposes and elements.
13

14 Mr. Johnson added that the results of the surveys completed to date were published on the
15 website. He suggested that the Commission encourage neighborhood groups, Homeowners'
16 Associations, or school organizations to visit the website. Moving forward there will be more
17 opportunities for public input. Commissioner Mills suggested that signs be placed to announce
18 the process and encourage residents to get involved. It was recommended that QR Codes be
19 included on signs around the City. It was agreed that it would be better to have more opportunity
20 for public input than less. Mr. Johnson confirmed that public input is the current priority.
21

22 Commissioner Ebbeler asked about ex parte communications. It was determined unacceptable to
23 encourage residents to speak to the Commissioners individually and should not sway any
24 decision on a recommendation. Mr. Johnson opined that promoting the website in an unbiased
25 fashion would be proper.
26

27 Chair Coutts added that there should be no issue sharing with the public that there is a General
28 Plan process underway and noted that any efforts to influence could be easily deflected by the
29 Commissioners. She added that the majority of time spent during the last Steering Committee
30 meeting focused on how they could engage more with the public. She commented that the
31 survey is robust and allows the public to zoom into maps and include their comments. She
32 affirmed that it should be appropriate for the Commissioners to take the survey as citizens of
33 Cottonwood Heights.
34

35 Mr. Johnson added that any efforts by citizens to influence Commissioners should be brought to
36 the attention of staff. He reiterated that they are trying to get the word out by any means possible
37 and referenced the use of Next Door as opposed to Twitter. In response to an inquiry regarding
38 the meetings on the YouTube channel, they would look into how many people watch after the
39 meeting is concluded. Mr. Johnson added that Zoom meetings are recorded and available to the
40 public and they reached out to the school district as well.
41

42 The comment was made that from a process standpoint, the Little Cottonwood Canyon process
43 resulted in a fairly high level of engagement in terms of volume, and demonstrated a level of
44 unification over time. Commissioner Bevan was impressed by how the opinions of the residents
45 coalesced as the process evolved. He hoped that the residents would help positively shape the
46 Master Plan.
47

1 Mr. Johnson stated that they would like to educate the residents on why a Master Plan is
2 important and why they should care about what is included in the Plan. He explained that the
3 process will carry over into 2022 after the upcoming election cycle and while this is technically
4 an update to the Master Plan, it is quite comprehensive.

5
6 Commissioner Bevan was enthusiastic about this process and commented that the original
7 Master Plan did not include much public input. It was put into place because it was required as
8 part of the City's incorporation. He stressed that just because something is included in the
9 Master Plan does not mean that it is the only way to do things.

10
11 In response to an inquiry regarding the general thoughts from the Steering Committee, Chair
12 Coutts noted that there was robust discussion regarding the EIS process with Little Cottonwood
13 Canyon and Wasatch Boulevard. She stated that a significant part of the discussions involved
14 people getting around in Cottonwood Heights. Chair Coutts was impressed by the volume of
15 information and the group of sub-consultants involved. She viewed this effort as much more
16 mature than the original Master Plan and hoped that the output would reflect that.

17
18 Commissioner Ebbeler asked if technology infrastructure was part of the Steering Committee
19 discussions. Mr. Johnson stated that from an Economic Development standpoint, they were
20 looking at these issues. He reported that they received a COVID-19-related grant to conduct a
21 more in-depth economic study of the City and how it was impacted by the pandemic. The entire
22 way the economy functions has shifted and that analysis will be included in the Economic
23 Development portion of the Master Plan. Mr. Johnson explained that they included generalized
24 goals that are Citywide in scope and that incorporate multiple elements within each goal. There
25 will be separate Plan elements, but they will be interwoven, making it a more realistic Plan.

26
27 Commissioner Chappell added that as a result of the original Master Plan, the structure of City
28 ordinances varied. She felt that the structure of the updated Master Plan would help make things
29 clearer and more streamlined. Code issues would likely be clearer to those appearing before the
30 Planning Commission, as well as clearer for the Commission. She added that the structure of the
31 update feels much better than what is currently in place.

32 33 **1.2 Cottonwood Heights Parks, Trails, and Open Space Master Plan.**

34
35 Mr. Johnson recalled that the Commission, along with the Parks, Trails, and Open Space
36 Committee, made a positive recommendation on the Parks, Trails, and Open Space Master Plan
37 several months ago. It was presented to the City Council and a public hearing was held the
38 previous month. He reported that one part of the Plan received a significant amount of public
39 input and concern so they prepared a proposed amendment as directed by the Council. He
40 explained that the scope of the Plan was to provide a long-range broad vision to help future City
41 leaders make recommendations as it pertains to budget decisions, City policies, new City codes
42 and ordinances, and development requirements as they relate to parks, trails, and open space. He
43 stressed that the Plan was not a construction plan but includes recommendations in the maps
44 included within the Plan.

1 Mr. Johnson reported that at the request of the Council, they added an acknowledgment of
2 private property rights, which states that the City respects private property rights and the Plan
3 does not give the City authority to make improvements that would impact private property rights.
4 The amendment also specifies that the Plan does not give the City eminent domain authority to
5 make any of the improvements outlined in the Plan and the City has no eminent domain authority
6 when it comes to parks, trails, and open space. He stated that this was not recommended as an
7 implementation strategy; rather, any future improvement envisioned in the Plan that affects
8 private property would either be required during substantial redevelopment or through real estate
9 negotiations with willing landowners. The Council also requested references to nationally
10 recognized park standards, which would help justify recommendations for more park space or
11 trails consistent with those benchmark standards.

12
13 Mr. Johnson addressed the Future Trails Chapter, as it was the part of the Plan that received the
14 most public interest. The purpose of the chapter was to envision interconnected active
15 transportation and recreational trail network that connects neighborhoods to City and regional
16 parks to other cities. He added that they envisioned a trail network through the City that could
17 be used by casual recreationists as well as a legitimate means of transportation. They also hope
18 to provide access to public lands for City residents and visitors without interfering with the
19 quality of life of nearby residents.

20
21 Mr. Johnson reported that the Little Cottonwood Trail caused a lot of concern from
22 neighborhoods along that trail alignment. The Council was also very concerned about the
23 original alignment. He noted that the original intent of the Little Cottonwood Trail was
24 envisioned as a long-range trail improvement where, over a long period of time, land would be
25 set aside as areas aged up and were redeveloped. Most of the trail alignment crossed private
26 properties, which was the reason it was included as a long-range vision. Mr. Johnson
27 commented that there was concern and confusion over this vision, as many believed it was a trail
28 development plan. The Council communicated that staff needs to provide an alternate solution
29 to that particular future trail.

30
31 Mr. Johnson presented the alternative and explained that it would still involve a trail envisioned
32 in the area of the Little Cottonwood Creek; however, they moved it off the waterway alignment
33 and instead proposed that it be located along public rights-of-way. It remains a long-range
34 project but by locating it in public rights-of-way as an urban trail system, they felt it would create
35 much less conflict and concern over private property rights and privacy. This change also allows
36 them to achieve their goals of an interconnected trail network. He stressed that this is not a
37 design document at this point. Issues regarding accommodating active transportation with
38 recreational uses would be addressed at the design stage. He added that the alternative trail plan
39 is now in the draft Plan that is published online.

40
41 Mr. Johnson provided examples of urban trails and stressed that they are only visual examples of
42 different trail types and what they could look like. He referenced public concern about increased
43 crime with urban trails. He presented the Big Cottonwood Trail that runs near some residential
44 properties in the City and noted how the different configurations achieved the same desired
45 result.

1 Commissioner Mills reported that he lives across the street from the Big Cottonwood Trail and
2 the residents love it. He added that there has been an increase in traffic on the trail but not a
3 dramatic increase in crime. He defended the direction taken by staff and felt that many do not
4 realize how a similar trail would be a blessing to their neighborhood. Mr. Johnson stated that
5 most of the concerns regarding an urban trail came from residents along Siesta Drive and noted
6 that they could make the trail more contextual with the character of the neighborhood. He
7 emphasized that this would be an important connection because Crestwood Park provides a
8 potential connection to Parkridge.

9
10 What they have proposed was not drastically more intense than the sidewalks currently along
11 Siesta Drive. He referenced some of the other visual examples of urban trails. In response to an
12 inquiry from Commissioner Bevan regarding the example at 9400 South in Sandy, Mr. Johnson
13 believed that it includes a bike lane but there were comments that it is rarely used. Mr. Johnson
14 explained that the requested changes would still achieve the goals of the Trails element of the
15 Plan. He emphasized that the Plan does not authorize construction and the elements would go
16 through future planning and design processes, including public input.

17
18 Mr. Johnson stated that the Commission would not be required to take action on this amended
19 Plan as the Council has full authority to require these modifications. The Commission could
20 elect to take public comments again; however, at this point, the City Council is the public
21 hearing body and comments can be submitted to the Council before they make their decision.
22 He suggested that re-opening public comment at this time would be unnecessary as there is still
23 an avenue for the public to provide their input to the deciding body. He further explained that
24 they would present the plan to the Open Space Committee in two weeks after which it would go
25 back to the City Council in early to mid-November for direction. It was confirmed that only the
26 new alternative would be included in the Plan to be presented to the Council.

27
28 Chair Coutts echoed the comments of Commissioner Mills that the concerns were shortsighted
29 but understood the sensitivities involved. She appreciated the time spent to find an alternative
30 that embraced the spirit of following Little Cottonwood Creek. She asked why the path through
31 Crestwood Park would have been eliminated. Mr. Johnson explained that it presented similar
32 concerns regarding the use of private properties. The revised plan envisions an enhanced urban
33 trail element along Siesta Drive, which would also connect directly into Crestwood Park.

34
35 Commissioner Ebbeler stated that he lived near one of the largest trail systems in the D.C. Metro
36 area and the economic development driver on the reconnection of that trail as part of a mixed-use
37 project was significant. Crime concerns never came to fruition and the trail became more
38 activated and was a significant amenity that increased the value of the adjacent homes.

39
40 Commissioner Bevan asked about alternatives on Forest Creek Lane or South Parkridge. He
41 noted that a trail on Parkridge could connect with Bengal Boulevard. He suggested there could
42 be options either off Curtis Drive or Parkridge Circle that would avoid the HOA. Commissioner
43 Mills felt that this could present some challenges.

44
45 Commissioner Allen suggested that staff look into options from the east of Crestwood Park. He
46 viewed Crestwood Park as an island in terms of access. Commissioner Allen felt there was a

1 fundamental shift in the essence of the Plan to go from a long-term route along the creek to a
2 route along a public right-of-way. He noted that the best sections of the Big Cottonwood Trail
3 are the sections next to the creek. The worst part of the trail is along the public right-of-way. He
4 expressed that this fundamental shift was unfortunate but acknowledged that it is the decision of
5 the City Council. It was noted that it would be important to explore locations along Big
6 Cottonwood Creek and connecting at the top by Wasatch Boulevard to show that their intention
7 as a City would be to have that connection while being sensitive to private property rights. It was
8 generally felt that a trail along the creek would be much more desirable. Mr. Johnson agreed to
9 report the Commission's feedback back to the Council.

10 11 **1.3 Additional Discussion Items.**

12
13 Mr. Johnson reminded the Commission that their next meeting is scheduled to take place in two
14 weeks and will be a hybrid meeting.

15 16 **2.0 Adjournment.**

17
18 *Commissioner Bevan moved to adjourn. Commissioner Mills seconded the motion. The*
19 *motion passed with the unanimous consent of the Commission.*

20
21 The Work Meeting adjourned at 6:18 p.m.

1 *I hereby certify that the foregoing represents a true, accurate, and complete record of the*
2 *Cottonwood Heights City Planning Commission Meeting held Wednesday, October 6, 2021.*
3
4

5 Teri Forbes

6 Teri Forbes
7 T Forbes Group
8 Minutes Secretary
9

10 Minutes Approved: _____