

Changes to the Ordinance included the following:

- Definition of ‘City’;
- Definition of the Development Review Committee;
- Clarification regarding ‘Non-Habitable Structures’;
- Definition of ‘Steep Slopes’;
- Retaining wall restrictions;
- Minimum Compaction Section update; and
- Clarification of Permits on existing lots.

Assistant City Planner/Sustainability Analyst, Samantha DeSeelhorst provided updates on the Riparian Protection Area. She stated that the area essentially begins at the waterway top of bank and has been split into four buffer areas. Each is regulated differently from what is allowed for development. Guiding principles were discussed. Based on feedback received from the Planning Commission and the public, she confirmed that the Riparian Protection Area has been extended from 100 to 125 feet. Along with the extension, a fourth buffer area was introduced. A visual representation of the area was displayed. Staff recommended a positive recommendation of approval be forwarded to the City Council with the findings set forth in the Staff Report.

Commissioner Ebbeler asked if the Riparian Zoning Map and GIS overlay will be updated once the Ordinance is passed. Ms. DeSeelhorst confirmed that the overlay will be updated, and staff will reflect that item in the mapping, which will become part of the Ordinance, if adopted.

Commissioner Mills appreciated the modifications and asked if there would be anything preventing a configuration of property located in Section C from being subdivided or split between Sections C and D. Mr. Johnson explained that multiple buildings will be required since single properties do not generally cross property lines. Ms. DeSeelhorst commented that regardless of where property lines fall, the Riparian Protection Area is measured from the waterway. Regulations were reviewed.

Commissioner Anderson questioned the deletion of the term “Rezoning” from Section 19.72.17. Mr. Johnson stated that when conducting fault studies, fault hazards are mitigated from habitable structures and a request for a rezone is not required to be accompanied by a development proposal. The property may be screened for fault lines but must mitigate and provide specific engineering once an actual development is proposed. Mitigation efforts were considered.

2.0 Additional Discussion Items.

There were no additional discussion items.

3.0 Adjournment.

Commissioner Ebbeler moved to adjourn the Work Meeting. Commissioner Anderson seconded the motion. The motion passed with the unanimous consent of the Commission.

The Work Meeting adjourned at 5:45 p.m.

MINUTES OF THE COTTONWOOD HEIGHTS CITY PLANNING COMMISSION BUSINESS MEETING

Wednesday, July 6, 2022

6:00 p.m.

2277 East Bengal Boulevard

Council Chambers

ATTENDANCE

Members Present: Chair Jesse Allen, Commissioner Dan Mills, Commissioner Lucy Anderson, Commissioner Jonathan Ebbeler

Staff Present: Community and Economic Development Director Michael Johnson, Senior City Planner Andrew Hulka, Assistant City Planner and Sustainability Analyst Samantha DeSeelhorst, Deputy City Recorder Heather Sundquist, IT Systems Administrator Alex Earl

Excused: Commissioner Jessica Chappell

BUSINESS MEETING

1.0 Welcome and Acknowledgments.

Chair Jesse Allen called the Business Meeting to order at 6:04 p.m. and welcomed those present.

1.1 Ex Parte Communications or Conflicts of Interest to Disclose.

There were no conflicts of interest disclosed.

2.0 General Public Comment.

Ed Primosic, a 10-year Cottonwood Heights resident, expressed concern with the large parcel of land surrounding and adjacent to the Old Mill. He preferred Big Cottonwood Road be designated as a historic roadway as it represents the last rural-type road on the east side. He reviewed the Future Land Use Map and believed most of the area is owned or controlled by the Walker Family and appears to be designated as mixed-use. Clarity regarding the designation was requested and he strongly recommended that the Planning Commission maintain the current parcel designations and consider luxury housing on the Walker property. He asked if the underground aquifer on the Walker parcel has impacted development.

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

Chair Allen stated that the July 20 Planning Commission Meeting will be held jointly with the City Council at which time the General Plan will be reviewed. Residents were encouraged to attend.

1 **3.0 Business Items.**

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3 **3.1 Project ZTA-19-001 – A Public Hearing to Receive Comments and Take Possible**
4 **Action on a Proposed Ordinance Update Relating to the Sensitive Lands**
5 **Evaluation and Development Standards (“SLEDS”) Ordinance (Section 19.72 of**
6 **the Zoning Ordinance).**
7

8 Senior City Planner, Andy Hulka presented the Staff Report and stated that the request involves a
9 comprehensive update and maps and amendments consisting of the following:

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11 Development Review Committee (“DRC”) update.

- 12
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 - Update the definition of “City” (19.72.020) to state that “for the purposes of this chapter and unless otherwise specified, all decisions, approvals, and recommendations by the city shall be made by the Development Review Committee (DRC).”
 - Updated the definition of “DRC” (19.72.020) to state that the DRC consists of members approved by the City Council “by resolution once each calendar year.”

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19 Non-habitable structures:

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 - Remove the line from the Applicability Section (19.72.040) stating that non-habitable structures are not required to comply with the provisions of the chapter.

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24 Steep Slope update with detailed exceptions:

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 - Per the recommendation of the City Engineer, the revised the Slope Development Standards (19.72.050.A) were modified to state that “no development, including all grading, retaining walls, and structures, is permitted on slope areas in excess of 30%”. There were exceptions for isolated slopes that are smaller than two acres in size. Retaining structures are permitted in steep slope areas and limited to four feet in height, not to exceed 12 feet total with terracing.

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32 Table of Minimum Compaction:

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 - Update to the Compaction Table under the Earthwork Section (19.72.050.G) of the Development Standards. Minimum compaction percentages were added for trench backfill and landscape areas.

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38 Permits on Existing Lots:

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 - Changes to Section 19.72.130 “Building Permits on Lots Recorded Prior to the Effective Date of These Ordinances.”
 - A statement was added to clarify that the requirements of this section are in addition to all other applicable requirements detailed in the chapter.
 - Removal of portions of the section that are already required elsewhere in the chapter (all reports are already required to include statements regarding suitability for development, factors of safety, and other disclosures).

- Added the requirement of a Civil Engineer to review all reports, as well as the structural engineer.

Riparian Protection Area Summary:

- The updated SLEDs ordinance introduces a Riparian Protection Area, which begins at a waterway's top of bank and is split into four buffer areas.
- Each buffer area is regulated differently, with the buffer area closest to the waterway being the most restrictive on what is allowed within it.
- The Riparian Protection Area has been designed with five goals in mind:
 1. Ensure the continuation of natural functions and habitat provided by riparian areas.
 2. Guide development in a way that enhances the riparian corridor.
 3. Improve water quality.
 4. Minimize flood hazards.
 5. Protect aesthetic and recreation values associated with riparian corridors.

The Riparian Protection Area was extended from 100 feet from top of bank to 125 feet from top of bank. Along with this extension, an additional buffer area was added for four total buffer areas:

- Area A: 0-25 feet;
- Area B: 25-50 feet;
- Area C: 50-100 feet; and
- Area D: 100-125 feet.

Updates were made to the regulation of structures within the Riparian Protection Area, including:

- Accessory structures located in Area B may not be used for human occupancy;
- The total structural footprint is limited to 2,000 square feet in Area C. Additional square footage beyond this 2,000 square foot maximum must be located in Area D; and
- Regulations addressing coarse woody debris were removed and replaced with a general disclaimer that individuals should assess the presence of coarse woody debris on a case-by-case basis after consulting with a riparian expert.

Chair Allen opened the public hearing.

Woody Noxon stated that SLEDs is a special ordinance and is an evaluation to maximize public safety and a demonstration of Cottonwood Heights and its due diligence. He supported the proposed changes to the DRC and believed the City Council should have the option of adding members as it feels necessary. He expressed concern with the special procedure process to find timely oversight approvals of geologic hazards and the need to conduct a thorough evaluation of sensitive lands. He supported all SLEDs items being completed and approved prior to any development taking place.

1 *Will McCarvill* gave his address as 3607 Golden Hills Avenue and believed the new revision to the
2 DRC section was much improved and supported the clarity of the Riparian Zone Section. He
3 suggested that the Geological Hazard Section be more thorough and detail the DRC's involvement.
4 He commented that it lacks a sense of process and procedure.

5
6 *Mike Young* expressed gratitude for the City's efforts in protecting these important lands. He stated
7 that the Big Cottonwood Canyon Creek area is a river drainage and in an unusual location. He
8 commented that this is an opportunity to ensure that the stream and adjacent land are protected. He
9 emphasized the importance of overall protection to ensure that the area retains its character.

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11 *Rick Stevenson* gave his address as 3393 Canyon Creek Drive and supported the implementation of
12 Riparian Zone D. He shared photographs of wildlife on his property and stated that less than 1% of
13 the land in Utah is designated as riparian in nature. Of that, 82% of all bird species are dependent on
14 it. Mr. Stevenson stated that his home is located along the stream where an estimated three out of 10
15 experience flooding. That number had since increased to 9 out of 10. He read a comment from Salt
16 Lake County detailing the mitigation of erosion and flood protection through extensive root systems
17 and the stabilization of stream soil through shrubs and trees. He expressed appreciation to the
18 Planning Commission for their efforts.

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20 *Debra Bush* was present representing the Henry Grove Historical Family Association and expressed
21 support for preservation in the area. In addition to being historical, she believed the property is a
22 natural beauty. She urged the City to preserve the area and retain its park-like setting.

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24 *Cris Cowley* gave his address as 6589 Canyon Creek Circle and expressed support for the proposed
25 Riparian Protection Area. He suggested that Area A be extended back an additional 25 feet along
26 with the other three areas. During COVID, many found it desirable to be outside on the pathway. He
27 believed the City has an opportunity to create something special along the east side of the creek.
28 Possible amenities were suggested.

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30 *Ed Primosic* echoed Mr. Cowlie's comments and supported extending each area back an additional
31 25 feet.

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33 *Dave Clark* identified himself as President of the Old Mill Estates Homeowners Association. He
34 thanked the City for their efforts and stewardship in keeping the citizens' interests at heart in
35 protecting the lands. The creek area is unique and should receive special consideration. Mr. Clark
36 stated that the Riparian Protection Area offers protection to the area. He stressed the importance of
37 the area remaining rural and appreciated the Walker Family for their contributions.

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39 *Tom Hansel* stated he lives in Old Mill Estates and was in favor of making the four areas larger while
40 maintaining the area's character.

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42 Commissioner Mills appreciated the citizen input and the progression of the Ordinance. He
43 recommended they continue discussions and felt they were close to making a decision. Involvement
44 of the two new Commissioners was suggested as well as consideration of the addition of 25 feet.

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46 Commissioner Anderson thanked all involved and believed a decision on the ordinance was close.
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Commissioner Ebbeler felt that the ordinance was nearly complete and believed the involvement of Commissioner Chappell and her expertise would be favorable prior to a vote.

There were no further public comments.

Commissioner Mills moved to close the public hearing on Project ZTA-19-001. Commissioner Ebbeler seconded the motion.

The Commission invited additional comments to be submitted in writing to City Staff.

Vote on motion: Commissioner Anderson-Aye; Commissioner Mills-Aye; Commissioner Ebbeler-Aye; Chair Allen-Aye. The motion passed unanimously.

Commissioner Mills moved to continue Project ZTA-19-001 to the August 3, 2022, Planning Commission Meeting. Commissioner Ebbeler seconded the motion. Vote on motion: Commissioner Anderson-Aye, Commissioner Mills-Aye, Commissioner Ebbeler-Aye, Chair Allen-Aye. The motion passed unanimously.

4.0 Consent Agenda.

4.1 Approval of Planning Commission Minutes.

4.1.1 April 6, 2022, Planning Commission Minutes.

Commissioner Ebbeler moved to APPROVE the Planning Commission Meeting Minutes of April 6, 2022. Commissioner Mills seconded the motion. The motion passed with the unanimous consent of the Commission.

4.1.2 June 1, 2022, Planning Commission Minutes.

Commissioner Ebbeler moved to APPROVE the Planning Commission Meeting Minutes of June 1, 2022. Commissioner Anderson seconded the motion. The motion passed with the unanimous consent of the Commission.

5.0 Adjournment.

Commissioner Anderson moved to adjourn. Commissioner Ebbeler seconded the motion. The motion passed with the unanimous consent of the Commission.

The Planning Commission Meeting adjourned at 6:55 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 6, 2022.*
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4 Teri Forbes

5 Teri Forbes
6 T Forbes Group
7 Minutes Secretary
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9 Minutes Approved: August 3, 2022
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