

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

3
4 **Wednesday, August 3, 2022**

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

6 **2277 East Bengal Boulevard**
7 **Council Workroom**
8

9 ***ATTENDANCE***

10
11 **Members Present:** Chair Jesse Allen, Commissioner Mike Shelton, Commissioner Dan Mills,
12 Commissioner Sean Steinman, Commissioner Lucy Anderson,
13 Commissioner Jessica Chappell, Commissioner Jonathan Ebbeler
14

15 **Staff Present:** Community and Economic Development Director Michael Johnson, Senior
16 City Planner Andrew Hulka, Deputy City Recorder Heather Sundquist, IT
17 Systems Administrator Alex Earl
18

19 **WORK MEETING**
20

21 Chair Jesse Allen called the Work Meeting to order at 5:00 p.m.
22

23 **1.0 Review Business Meeting Agenda.**
24

25 **1.1 Additional Discussion Items.**
26

27 Chair Allen reported on the two items on the Business Meeting agenda. One related to Site Plan
28 Approval for a Public Works Building addition. The other pertained to the Sensitive Lands
29 Evaluation and Development Standards (“SLEDS”) Ordinance. Chair Allen explained that the
30 Planning Commission postponed taking action on the SLEDS Ordinance at the last meeting to
31 bring on New Planning Commission Members. Now that the new Commissioners were present,
32 the Planning Commission could potentially take action on that item.
33

34 No additional discussion items were added to the Work Meeting agenda.
35

36 **1.2 Project SPL-22-002 – A Public Hearing to Receive Comments and Take**
37 **Possible Action on a City-Initiated Request for Site Plan Approval of a New**
38 **Public Works Building at 6579 South 3000 East in the Public Facility (“PF”)**
39 **Zone.**
40

41 Senior City Planner, Andrew Hulka reported that the first item on the Business Meeting agenda
42 was Site Plan Approval for the Public Works Building addition on the property located at 6579
43 South 3000 East. Mr. Hulka shared a map and explained that the proposal was to expand the
44 existing building. The request was for a 21,645 square-foot addition to the building with a new
45 parking area, landscaping, and street improvements. The addition would provide storage space for
46 snowplows as well as office space for the Public Works Department.
47

1 Mr. Hulka stated that the proposed addition was before the Planning Commission for
2 consideration. Since it is a Permitted Use in the Public Facility (“PF”) Zone, it is not a Conditional
3 Use and no additional conditions could be imposed. Site Plan Approval is an administrative
4 process where the Planning Commission reviews the application for compliance with the
5 requirements of the PF Zone.

6
7 Mr. Hulka reported that the setbacks meet the minimums required in the PF Zone. The maximum
8 lot coverage is 50% and the building will cover 16% of the lot. He noted that the maximum
9 building height is 35 feet to the highest point of the roof. The proposed building addition would
10 be 28 feet at the highest point. The parking areas were evaluated using the closest land use
11 included in the Parking Code. The Parking Generation Manual included a warehouse use listed,
12 which was for storage facilities and associated office space. That was the closest comparable use
13 and requires 15 parking stalls. 16 stalls were proposed. Mr. Hulka indicated that the Site Plan
14 was reviewed for compliance with the outdoor lighting standards. There were requirements for
15 the average illumination and total site illumination. The Site Plan met all of those requirements.
16 The maximum height for light fixtures was 25 feet, so the parking lot lights would be 25 feet.

17
18 There would be new landscaping areas in the front of the building. Mr. Hulka reported that some
19 of the landscaping requirements included 50% coverage of plant material. No more than 20% of
20 the total landscaped area could be used for lawn areas but no lawn areas were proposed for the
21 project. There was landscaping being proposed in certain areas, such as trees and shrubs. The
22 areas that do not have trees and shrubs will be planted with a native seed mix. Staff found that the
23 Site Plan application meets the minimum requirements and recommended approval.

24
25 There was discussion regarding 3000 East. It was noted that it is a difficult street. Mr. Hulka
26 explained that the street improvements mentioned in the Site Plan were related to curb, gutter, and
27 sidewalk. Commissioners wondered whether it would be possible to prevent left turns onto 3000
28 East. Community and Economic Development Director, Michael Johnson reported that the traffic
29 generation will not change due to the addition. There will be a permanent building rather than
30 something portable. Mr. Hulka stated that a Building Permit will be required. Staff and the
31 Engineer will continue to look at the area during that process. Any concerns expressed by the
32 Commission could be mentioned and explored. He added that the item would not be forwarded to
33 the City Council. Site Plan Approval was to be done at the Planning Commission level.

34
35 Commissioner Mills believed that functionally, the site would be used the same way it is currently.
36 He noted that a 35-foot building height is fairly substantial and the height will impact the views
37 for several homeowners. Mr. Hulka clarified that 35 feet is the maximum height permitted in the
38 zone but the addition was designed to 28 feet instead. Commissioner Mills stated that 3000 East
39 has become a major gateway in and out of Cottonwood Heights. He suggested that Staff seriously
40 consider the traffic levels and building heights in that area. As for the parking requirements, he
41 wanted to clarify what the 16 parking stalls will be used for. Commissioner Mills pointed out that
42 there will be more than 16 staff members coming in and out of the building. Mr. Hulka believed
43 that the proposed parking was designed to accommodate the number of employees that will utilize
44 the parking area.

1 Project Architect, Chris Child, stated that around the back side of the area, two parking canopies
2 will house up to 20 additional vehicles. That was not shown on the Site Plan. The 16 parking
3 spots shown on the Site Plan were to the northwest. The two other parking canopies were
4 anticipated for smaller work trucks and employees. Commissioner Mills felt that made a lot more
5 sense. He asked about the views impacted by the building height. Mr. Child expected the view
6 impacts would be fairly minimal. He did not believe there would be any viewshed problems
7 because the addition was below the Utah Department of Transportation (“UDOT”) property to the
8 south. There is a retaining wall on the south corner as well. That would place the building 20 feet
9 from natural grade. Additionally, the site is at the base of the hill. As a result, he did not feel there
10 would be any viewshed problems.

11
12 Commissioner Mills noted that the walkability of 3000 East was an issue in the area. He suggested
13 that the bicycle lanes and walkability be considered in the plans. There were discussions about
14 why the sidewalk did not continue south. Mr. Hulka stated that there is no sidewalk further up
15 3000 East. It dead-ends at a retaining wall but there was a very small sidewalk on the east side of
16 3000 East. He noted that it is not a standard sidewalk. Chair Allen wondered if 3000 East was a
17 State road or a City road. Mr. Hulka clarified that it is a City road. Chair Allen asked if it was
18 possible to add a sidewalk further east. It would not have to be part of the Public Works Building
19 addition project, but it could be a future project for the City to consider. Mr. Johnson stated that
20 this was something that could be looked into as the area develops. Commissioner Mills suggested
21 that it may be possible to work collaboratively with UDOT if there is a property line issue.
22 Mr. Johnson noted that it would depend on whether that type of project is considered a priority by
23 the City Council.

24
25 Chair Allen felt it was important to look at the larger issues. 3000 East is an entryway into the
26 City. It is connected to the trail and the reservoir is also there. He noted that this may link to a
27 larger conversation the City needs to have. Chair Allen suggested the City consider how the
28 entrance looks and how the City-owned infrastructure impacts that entrance. Mr. Johnson stated
29 that it may be possible to expand the gateway designation down 3000 East. He reported that it is
30 not currently included in the Gateway Zone. There was further discussion regarding sidewalks.
31 Chair Allen believed that additional sidewalks are always a good idea. They improve connectivity
32 in the City and benefit residents.

33
34 Commissioner Mills asked if solar had been discussed for the addition. Mr. Child reported that
35 the project has been ongoing since 2016 and there have been a few iterations over the last several
36 years. For the main storage area, there was the potential to include solar as long as everything is
37 sized appropriately. Mr. Child clarified that solar is not currently part of the project.
38 Commissioner Mills suggested that the design be compatible with solar power, even if it is not
39 currently included as part of the project for financial reasons.

40
41 It was noted that the SLEDS Ordinance will apply to the building because the creek is on the
42 opposite side of the road. The bank is within 70 feet of the corner of the building. There were
43 concerns about whether the addition would comply and meet the standards laid out in the SLEDS
44 Ordinance. Mr. Child informed the Commission that it does meet the requirements of the SLEDS
45 Ordinance, which include the most stringent requirements that can be applied. He felt it was
46 important to let residents know that the City will comply with those standards. Mr. Johnson

1 reported that the City is currently working on a sensitive lands study in the shallow groundwater
2 and liquefaction areas. It would be required as part of the Building Permit.

3
4 Commissioner Ebbeler discussed the bicycle lanes. The speed limit is low at the top of the hill
5 and it is fairly easy for most cyclists to meet or exceed the speed limit by coasting down the hill.
6 Most cyclists take the regular vehicle lane rather than the bicycle lane. He had walked up and
7 down the hill many times and noticed that when he starts at the top of the hill on Fort Union
8 Boulevard and walks down, he hits the trail and goes over. If there is a sidewalk on the other side,
9 that would be the side he would walk on. Commissioner Ebbeler felt there was an issue with the
10 west side where pedestrians wait 3 to 5 minutes for the light to turn. This leads to additional
11 pedestrian and vehicle interactions. Any opportunities to improve pedestrian walkability and
12 safety on the east side should be explored.

13
14 **1.3 Project ZTA-19-001 – Discussion and Possible Action on a Proposed**
15 **Ordinance Update Relating to the Sensitive Lands Evaluation and**
16 **Development Standards (“SLEDS”) Ordinance. (Section 19.72 of the Zoning**
17 **Ordinance).**
18

19 Mr. Hulka shared a PowerPoint presentation related to SLEDS Ordinance amendments. He noted
20 that there was a lot of information included in the packet but he wanted to review the recent
21 changes and answer outstanding Commissioner questions. Mr. Johnson informed the Commission
22 that the SLEDS Ordinance relates to regulations that are triggered in redeveloped areas with
23 potential natural hazards. That includes the Riparian Protection Zone that was previously
24 referenced in the Ordinance but does not exist anywhere. It also includes areas that are subject to
25 high groundwater, liquefaction potential, landslide, rock fall, fault hazards, steep slopes, and other
26 types of natural hazards. The Sensitive Lands Overlay Map covers one-third of the City. The
27 SLEDS Ordinance has been in place for several years and has been successful. It was time for the
28 City to update it to include best practices for each of the hazards. Staff had been working with the
29 Commission on the amendments since January 2022.

30
31 Mr. Johnson reported that the current presentation relates to the riparian section of the SLEDS
32 Ordinance. The updates were made at the request of the Commission at the last Planning
33 Commission Meeting. He reported that the riparian-related pages comprised five to 10 percent of
34 the SLEDS Ordinance. Mr. Hulka added that comments related to other sections could be shared
35 with Staff.

36
37 At the July 6, 2022, Planning Commission Meeting, there were several comments from the public
38 related to the buffer areas. The Planning Commission directed Staff to research the feasibility of
39 extending the Riparian Protection Area beyond 125 feet. Previously, all zones were under the
40 same buffer, which was up to the maximum area of 125 feet. In response to the last meeting, a
41 zone-by-zone analysis was conducted on the potential impacts of an extension. Staff found that
42 zones with smaller lot size requirements were not feasible and zones with larger lot sizes were.
43 An expanded buffer zone was now proposed for the zones with larger lot sizes:
44

- Within the F-20, F-1-43, F-1-21, RR-1-43, RR-1-29, RR-1-21 zones, and CR zones, the Riparian Protection Area is defined as all areas within 150 feet of the tops of bank of streams, creeks, and other above-ground watercourses.
- Within all other zones, the Riparian Protection Area is defined as all areas within 125 feet of the tops of bank of streams, creeks, and other above-ground watercourses.

Mr. Hulka overviewed images of the buffer zones. Area A is where no structures are allowed. Area B allows accessory buildings or small sheds. Area C is where new single-family homes would be permitted. Home sizes were limited to 2,000 square feet within Area C. If someone wants to build a larger home with a larger footprint, any area of the footprint beyond that would need to be in Area D. The maximum building area for Area B was an accessory structure less than 200 square feet in size. Accessory Dwelling Units (“ADU”) would not be allowed in Area B and would need to be included in Area C instead. Mr. Johnson reported that the purpose of these regulations was to protect the waterways and the natural ecosystem.

Commissioner Shelton asked for additional information about the decision to expand the buffer areas. Mr. Johnson explained that at the last Planning Commission Meeting, the Commission asked Staff to look into whether it was feasible to increase the buffer areas. However, some of the smaller lot sizes could not accommodate an increased buffer zone because it would make normal uses difficult. As a result, the recommendation was to expand the buffer zones on larger lots that have more size and dimension. There were discussions regarding Conditional Use Permits in Area A. For instance, an Impact Study could be conducted if someone wanted to build something that is permitted in Areas B or C. Mr. Johnson stated that there was a section related to grandfathered uses, also referred to as non-conforming uses, and how to modify those.

Commissioner Shelton wondered if there would be a significant difference between 125 and 150 feet. Commissioner Mills explained that the Commission discussed the item previously and felt there would be a significant difference. Undeveloped pieces of land next to the creek were locations where large structures could be built in the future. Wastewater could go into the creek as a result. The Commission felt it was necessary to protect the areas that were not yet developed. It seemed reasonable to state that development cannot take place at the edge of the water. The buffer would protect water, wildlife, and the structures themselves. Mr. Johnson stated that the strictest regulation was Area C, which limits the footprint of a new primary structure. It would not impact existing homes but would impact newly developed structures.

Mr. Hulka overviewed some of the other proposed amendments to the SLEDS Ordinance. One recommendation from the Commission was to add “Licensed Surveyor” to the list of people who can establish where the top of the bank is when reviewing permits. Previously, it only listed a Hydrologic Engineer, Hydrologist, Wetland Scientist, and Fluvial Geomorphologist. The amendments would also establish that the Development Review Committee (“DRC”) could request that verifications take place. As for non-conforming uses, there was a section that allowed non-conforming uses to remain. If an existing home was in one of the buffer zones and was closer than what would be allowed for a new build, it was considered non-conforming. Expanding a non-conforming use could be done but the language states that the expansion could not be closer to the water than the closest point of what already exists on the property.

1 Mr. Johnson reminded the Commission that this is a legislative item. It would be forwarded to the
2 City Council. All of the information would be reviewed by the Council during future meetings
3 and a public comment period would be held. Feedback would be shared and additional changes
4 would be made until the Council was comfortable making a decision.
5

6 **2.0 Adjournment.**
7

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

11 The Work Meeting adjourned at 5:55 p.m.

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

3
4 **Wednesday, August 3, 2022**

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

6 **2277 East Bengal Boulevard**

7 **Council Chambers**
8

9 ***ATTENDANCE***

10
11 **Members Present:** Chair Jesse Allen, Commissioner Mike Shelton, Commissioner Dan Mills,
12 Commissioner Sean Steinman, Commissioner Lucy Anderson,
13 Commissioner Jessica Chappell, Commissioner Jonathan Ebbeler
14

15 **Staff Present:** Community and Economic Development Director Michael Johnson, Senior
16 City Planner Andrew Hulka, Deputy City Recorder Heather Sundquist, IT
17 Systems Administrator Alex Earl
18

19 **BUSINESS MEETING**
20

21 **1.0 Welcome and Acknowledgments.**
22

23 Chair Jesse Allen called the Business Meeting to order at 6:06 p.m. and welcomed those present.
24

25 **1.1 Ex Parte Communications or Conflicts of Interest to Disclose.**
26

27 There were no conflicts of interest disclosed.
28

29 **2.0 General Public Comment.**
30

31 *Cris Cowley* gave his address as 6985 Canyon Creek Circle and shared comments regarding Big
32 Cottonwood Creek, which is an accessible amenity. He applauded the efforts of the Planning
33 Commission and City Staff as they looked at the riparian zones and protections. Mr. Cowley noted
34 that the pathway along Big Cottonwood Creek, which has historic signage, is something that adds
35 a lot to the community. He wondered if it would be possible to have Big Cottonwood Creek Road
36 designated as a historic roadway. It was used historically by the settlers to access both Big
37 Cottonwood Canyon and Little Cottonwood Canyon. He appreciated the efforts made by the City
38 to improve the community.
39

40 *Cheri Lagrange* gave her address as 6601 South Lundy Court. She reported that her home is
41 adjacent to 3000 East and the glass recycling drop-off is behind it and has become a nuisance.
42 Glass is allowed to be dropped off between 10:00 a.m. and 9:00 p.m. She explained that people
43 are recycling glass around the clock and it is very noisy. Something needed to be done to regulate
44 the excessive noise. Ms. Lagrange stated that moving the glass recycling drop-off would be a good
45 way to move people off of 3000 East. Community and Economic Development Director, Michael
46 Johnson explained that he could share contact information for the Public Works Director.

1 Ms. Lagrange reported that she previously reached out and nothing was done. Mr. Johnson
2 suggested she speak to City Manager, Tim Tingey.
3

4 *David Berry* shared comments related to the riparian portion of the Sensitive Lands Evaluation
5 and Development Standards (“SLEDS”) Ordinance. He felt it was deceptive and dishonest to state
6 that the riparian section is being amended because nothing exists currently. He believed this should
7 be considered new language rather than an amendment. Mr. Berry requested that the public
8 comment period be reopened for the SLEDS Ordinance for comments related to the riparian
9 section. Additionally, he felt that landowners along the creek should receive proper notice about
10 the SLEDS Ordinance amendments. Mr. Berry did not believe the SLEDS Ordinance amendments
11 were ready for a vote. He informed those present that he had a meeting scheduled with City Staff
12 the following day at 2:00 p.m. Mr. Berry expressed concern with the regulations on his property.
13 For instance, to remove a dead tree, a Certified Arborist would be required. He currently cannot
14 replace a sprinkler head on his property without an environmental report. That was the way he
15 interpreted the proposed language. He did not feel that the amendments were ready for formal
16 consideration as a lot of work still needed to be done. While he agreed that there should be certain
17 regulations, as currently drafted, they are not appropriate.
18

19 *Stephen Olson*, a Little Cottonwood Creek resident, was concerned about his private property
20 rights. He believed the City intended to take uses away from property owners in a way that will
21 devalue the existing properties. The fundamental complaint about uncompensated regulatory
22 takings is that by eliminating some or all of the uses, the government would make the title much
23 less valuable. He did not think someone would buy a property that could not be used in the way
24 they desire. As a property owner, he asked that the government obey the common law and
25 constitutional law. Mr. Olson has lived on his property for 32 years and spent thousands of dollars
26 maintaining the riverbank. He brought in truckloads of boulders to control erosion. The creek has
27 dropped four to five feet since he has lived there. That would continue unless there are provisions
28 in place to maintain the creek bottom. The property owners were taking on those costs rather than
29 the government. Mr. Olson explained that property users want to maintain the quality of their
30 properties. He did not believe the government should have the ability to restrict those uses.
31

32 *Ed Primosic* gave his address as 6977 Canyon Creek Circle. He thanked the Planning Commission
33 for their efforts to make the community a better place to live. Mr. Primosic was anxious to hear
34 the proposed amendments to the SLEDS Ordinance. He understood that the Commission had
35 received substantial input over the last several months and was hopeful that the Commission would
36 support the additional riparian setback protections. Moving forward, he proposed that Big
37 Cottonwood Canyon Road be designated as a historic roadway. He also believed that historic
38 markers, such as those along the walking trail, would benefit the community. The markers could
39 be placed between Fort Union Boulevard and the retention pond adjacent to the Cottonwood
40 Corporate Center. Mr. Primosic believed the current underlying zoning should be maintained for
41 the Old Mill property, the property east of Cottonwood stream, and the undeveloped land at the
42 north end of Canyon Creek Circle. Commercial developments were inappropriate when
43 immediately contiguous to existing residential housing. He was not anti-development but believed
44 that planning and zoning should be thoughtfully and responsibly considered.
45

1 *Alan Fletcher* thanked the Planning Commission and Staff for the hard work that went into the
2 Riparian Study. He fully supported development in a planned fashion, however, the study and the
3 setbacks were in the best interest of the community. The setbacks were not only appropriate but
4 necessary for the safety of residents and their homes.

5
6 *Marc McDonald* reported that three years ago, the Planning Commission wanted to put a public
7 walkway through the private properties along the creek. At that time, there was no consideration
8 for riparian needs. He did not understand how that had not been considered then but was now such
9 an important factor for the City. Mr. McDonald expressed concerns about being able to maintain
10 his property and remove trees with a chainsaw when necessary. There needed to be more detailed
11 considerations in the SLEDS Ordinance amendments.

12
13 There were no further public comments. The public comment period was closed.

14 15 **3.0 Business Items.**

16 17 **3.1 Project SPL-22-002 – A Public Hearing to Receive Comments and Take** 18 **Possible Action on a City-Initiated Request for Site Plan Approval of a New** 19 **Public Works Building at 6579 South 3000 East in the Public Facility (“PF”)** 20 **Zone.**

21
22 Senior City Planner, Andrew Hulka reported that there was a request for a Site Plan Approval for
23 a Public Works Building addition at 6579 South 3000 East. Mr. Hulka identified the property on
24 an aerial map displayed. He also showed a street view of the existing conditions. There is currently
25 a building used for the storage of salt and other equipment that the Public Works Department uses.
26 He noted that there was no storage area for the snowplows. That was the main reason behind the
27 addition request. The addition would provide indoor storage where snowplows could be protected
28 from the elements.

29
30 Mr. Hulka reported that the property is located in the Public Facilities (“PF”) Zone. The request
31 was for a 21,645 square-foot building addition, which would include a new parking area out front,
32 landscaping, and street improvements. The main function was to provide storage space for
33 snowplows and office space for the Public Works Department. Mr. Hulka explained that the
34 addition is a Permitted rather than a Conditional Use. Since the use is already permitted, the Site
35 Plan simply needs to be reviewed to determine that everything complies with the Code. The item
36 did not need to be forwarded to the City Council.

37
38 Mr. Hulka reported that the property is located in the PF Zone and all proposed setbacks meet the
39 minimum zone requirements. The front setback minimums are 25 feet and the proposal was for
40 26 feet. The side setback minimums were 20 feet and the proposal was 20 feet. The rear setback
41 minimums were 30 feet but nothing would be added to the back. The existing setback would be
42 preserved. The maximum lot coverage in the zone was 50% for all structures but the buildings
43 would cover only 16% of the lot. That included the existing building as well as the proposed
44 Public Works Building addition.

1 The maximum building height was 5 feet to the highest point of the roof. The proposed building
2 addition would be 28 feet at the highest point. This was below the maximum height allowed. The
3 parking areas were evaluated using the closest land use included in the Parking Code. The Parking
4 Generation Manual listed a warehouse use, which was for storage facilities and associated office
5 space. That was the closest comparable use and requires 15 parking stalls. There were 16 stalls
6 proposed in the front. However, there would be additional employee parking available in the back.
7 This was more than the minimum amount of parking required.

8
9 The Site Plan was reviewed for compliance with the outdoor lighting standards. The maximum
10 height for the light fixtures was 25 feet and the parking lot lights would be a maximum of 25 feet
11 with full cut-off LEDs that point downwards. The average illumination at finished grade level
12 needed to be between 0.5 and 2.5-foot candles. Plans were submitted and the average illumination
13 proposed was 1.23, which fell within that range. The maximum allowance was 10-foot candles
14 and the maximum proposed was 5.3-foot candles. As for the overall illumination, which was the
15 lumens per acre, the proposal could not exceed 50,000 lumens per net acre. The project lighting
16 plan evaluated the 1.75-acre area around the building and 87,500 total lumens were permitted.
17 70,612 total lumens were proposed. Everything was in compliance.

18
19 Mr. Hulka overviewed the landscaping requirements. The requirements were as follows:

- 20
21 • At maturity, the total landscape area is recommended to have enough plant material
22 (perennials and shrubs) to create living plant cover of at least 50% at the ground plane,
23 excluding tree canopies;
- 24 • In commercial, industrial, institutional, and multi-family development common area
25 landscapes, lawn areas shall not exceed 20% of the total landscaped area, outside of active
26 recreation areas.

27
28 Mr. Hulka reported that the landscaped area would be adequately covered with a variety of trees,
29 shrubs, and native seeds. No lawn areas were proposed for the project. Staff recommended
30 approval of the Site Plan. Model motions were included in the packet. There was discussion
31 regarding the property lines. Mr. Hulka explained that multiple parcels would need to be
32 consolidated as part of the project. That was something Staff was working on and reviewing
33 separately. There was a strip along the front and two other parcels that would be combined.
34 Ultimately, it would all be one piece and conform to the setbacks.

35
36 Chair Allen opened the public hearing.

37
38 *George Lagrange* gave his address as 6601 South Lundy Court and stated that his home is directly
39 across from the property on the west side of 3000 East. He referenced the existing junkyard where
40 there are old containers, jersey barriers, and aluminum culvert pipes. It is an embarrassment since
41 this area is the gateway into the City. Mr. Lagrange was excited to see the new plan because it
42 would be a significant improvement to what currently exists. He added that there was room for a
43 sidewalk and he felt that would be a worthwhile investment. As for landscaping on the west side,
44 he was in full support of that. He mentioned the glass recycling drop-off that was on 3000 East.
45 Since that was put in two years ago, there had been serious noise issues in the neighborhood. It
46 also contributed to high traffic levels on 3000 East. Mr. Lagrange asked about the mechanism for

1 enforcing noise violations because he had not seen that being done. He also wondered if it would
2 be possible to view the Site Plan online.

3
4 *Cheri Lagrange* shared additional comments related to the glass recycling drop-off area and the
5 noise issues in the neighborhood. Chair Allen stated that those concerns should be shared with the
6 Public Works Department. It was not within the purview of the Planning Commission to address
7 that specific concern. Alternatively, those comments could be shared during the general public
8 comment session at a future City Council Meeting.

9
10 There were no further public comments.

11
12 ***Commissioner Ebbeler moved to close the public comment period. Commissioner Anderson***
13 ***seconded the motion. The motion passed with the unanimous consent of the Commission.***

14
15 There was no further discussion related to the Site Plan Approval for the new Public Works
16 Building addition. The model motion was shared with the Commission.

17
18 ***Commissioner Ebbeler moved to approve Project SPL-22-002, based on the following findings:***

19
20 ***1. The proposed use described in the report is a permitted use within the Public***
21 ***Facilities (PF) zone.***

22
23 ***2. A public hearing was held in accordance with local and state requirements.***

24
25 ***Commissioner Chappell seconded the motion. Vote on motion: Commissioner Ebbeler-Aye;***
26 ***Commissioner Steinman-Aye; Commissioner Anderson-Aye; Commissioner Chappell-Aye;***
27 ***Commissioner Shelton-Aye; Commissioner Mills-Aye; Chair Allen-Aye. The motion passed***
28 ***unanimously.***

29
30 Chair Allen reported that during the Work Meeting there were discussions about other
31 improvements that could be made in the area. There was concern about the facility and how it
32 looks since it is an important gateway into the community. As the Planning Commission continued
33 to discuss the General Plan there could be conversations about whether a Gateway Zone should be
34 applied to 3000 East. This could address some of the visual and circulation issues in that area. He
35 hoped those discussions could continue.

36
37 **3.2 Project ZTA-19-001 – Discussion and Possible Action on a Proposed**
38 **Ordinance Relating to the Sensitive Lands Evaluation and Development**
39 **Standards (“SLEDS”) Ordinance. (Section 19.72 of the Zoning Ordinance).**
40

41 Mr. Hulka shared information related to the SLEDS Ordinance amendments. He stated that it is a
42 lengthy project that involved a lot of new updates. The current presentation had to do with the
43 updates that were made since the last Planning Commission Meeting. The Planning Commission
44 directed Staff to research the feasibility of extending the Riparian Protection Area beyond 125 feet.
45 Previously, all zones were under the same buffer, which was up to the maximum area of 125 feet.
46 A zone-by-zone analysis was conducted on the potential impacts of an extension. Staff found that

1 zones with smaller lot size requirements were not feasible and zones with larger lot sizes were.
2 An expanded buffer zone was now proposed as follows:

- 3
- 4 • Within the F-20, F-1-43, F-1-21, RR-1-43, RR-1-29, RR-1-21 zones, and CR zones, the
- 5 Riparian Protection Area is defined as all areas within 150 feet of the tops of bank of
- 6 streams, creeks, and other above-ground watercourses.
- 7 • Within all other zones, the Riparian Protection Area is defined as all areas within 125 feet
- 8 of the tops of bank of streams, creeks, and other above-ground watercourses.
- 9

10 Mr. Hulka presented images of the buffer zones. For the 150-foot buffer area, there was Area A
11 which included a buffer area that went to 50 feet. Area B went to 75 feet, Area C to 125 feet, and
12 Area D ended at 150 feet from the top of the bank. For the 125-foot buffer area zones, the standards
13 would remain the same as previously discussed. This meant that Area A would be 25 feet from
14 the top of bank, Area B would be 50 feet, Area C would be 100 feet, and Area D would be 125
15 feet. Mr. Hulka overviewed potential language changes. He shared language that was originally
16 in the Applicability section. Since there were now two separate sets of buffers, all of the
17 applicability information was moved to the Buffer Areas section. That language also stated that
18 the top of bank could be established by a Licensed Surveyor. He noted that there was language
19 that would allow the Development Review Committee (“DRC”) to determine whether it was
20 necessary to be verified on any given project.

21

22 The Non-Conforming Use section was updated as well. Clarifications were made to state that any
23 non-conforming uses were allowed to remain. To add to the existing building a process would
24 need to be followed. The normal non-conforming use expansion process required approval by the
25 Appeals Hearing Officer at a public meeting. All of that information was added to the Ordinance.
26 Specific criteria were added to the riparian buffer areas. For example, a new addition could not be
27 closer to the water than the closest point of what already exists and the building could not have a
28 history of flooding. The amendments to that section would create added clarity.

29

30 Because it was an amendment to the SLEDS Ordinance, it required City Council approval. The
31 Planning Commission was a recommending body. Staff recommended that the Planning
32 Commission forward a recommendation of approval to the City Council.

33

34 Commissioner Shelton asked about mechanized equipment. Mr. Johnson stated that there are
35 limitations on certain uses of heavy equipment and a definition for heavy equipment.
36 Commissioner Shelton wondered if heavy equipment differs from mechanized equipment.
37 Mr. Johnson was unable to find a reference to chainsaws or similar with a motor. Heavy equipment
38 was defined as “a vehicle or machine designed for construction or earth moving work, including
39 but not limited to a backhoe, bulldozer, compactor, crane, dump truck, excavator, front loader,
40 grader, scraper, skid steer loader, or tractor.”

41

42 There was discussion regarding regulatory agencies. Mr. Johnson reported that there was a line
43 addressing that in Section C, which was as follows: “Cottonwood Heights does not assume
44 authority over the requirements and processes of separate regulatory agencies.” Mr. Johnson
45 believed that could be clarified and streamlined. There was no intention to tell Salt Lake County
46 Flood Control that they could not come in to maintain and enhance the creek for safety.

1
2 Commissioner Mills suggested adding language to indicate that maintenance of grandfathered
3 structures and rights-of-way, such as sprinklers, power poles, tree removal, and tree trimming,
4 could be done to address issues of safety. This maintenance could include the use of motorized
5 and heavy equipment. Commissioner Mills understood that residents wanted to be able to take
6 care of their properties. Mr. Johnson explained that this was how the language was interpreted.
7 The non-conforming uses could be maintained and kept in perpetuity. The only note related to
8 irrigation was that Area A needed to be covered with a minimum of 50% landscaping. The
9 intention was to allow residents to keep what they had.

10
11 Commissioner Mills wondered if the Commission felt comfortable with the current SLEDs
12 Ordinance language. He wanted to make sure that Rocky Mountain Power, for the sake of tree
13 trimming, would have access and that this was clearly stated in the Ordinance. Mr. Johnson
14 explained that this was the intention. Additional clarity could be added. It was noted that the
15 Federal Emergency Management Agency (“FEMA”) had regulations for the middle of the river or
16 middle of the stream. Commissioner Steinman felt it would be preferable to be consistent with
17 FEMA regulatory guidelines. Mr. Johnson reported that Salt Lake County Flood Control regulates
18 from the top of bank and that was the reason that had been used. Salt Lake County Flood Control
19 was the local flood control authority more so than FEMA.

20
21 Commissioner Shelton wondered what a homeowner would have to do to maintain the stream
22 bank. Mr. Johnson explained that if a homeowner wants to fortify the stream bank and add
23 additional armoring, they would need to meet with the DRC and lay out a plan for how to do that.
24 If the DRC felt the work was technical enough to need expert approval, that could be required.
25 Commissioner Mills wanted to know whether this would dramatically restrict a homeowner’s
26 ability to do that work. Mr. Johnson stated that the intent was to ensure everything was done
27 appropriately. It was important to mitigate hazards and protect the community.

28
29 Chair Allen stated that three main items need to be better understood including emergency
30 response restrictions, private property maintenance restrictions, and public utility expansion and
31 maintenance restrictions. He believed that language required additional clarification.
32 Commissioner Mills felt a certain degree of comfort due to the discussions. This was not the last
33 time the issues would be discussed publicly. After the Planning Commission finished its review,
34 the City Council would start its review. There would be opportunities for public comments at that
35 time. Chair Allen stated that the intent of the SLEDs Ordinance amendments was to protect the
36 health and safety of the residents and to improve the environmental protections of the critical
37 riparian zones along Big Cottonwood Creek and Little Cottonwood Creek.

38
39 Commissioner Steinman asked for additional details about new development areas. A lot of the
40 issues that needed clarity seemed to apply to active property rights. However, he wanted to better
41 understand new development and developable areas. Commissioner Chappell felt there was a fair
42 amount of clarity. The intent was to protect the valuable natural resource that the City had.
43 Citizens drank the water and depended on it. She believed the intent was to focus on stewardship
44 and how to best use land within the City boundaries. Commissioner Steinman felt the Commission
45 should take a closer look at developable land issues. Further refinement was needed.

1 Commissioner Shelton stated that property rights matter. The Planning Commission did not want
2 to make a recommendation where the language is not clear. There should not be any ambiguity
3 about the property rights. If the Commission believed certain sections needed to be cleaned up,
4 this should be done before the amendments were forwarded to the City Council. Commissioner
5 Steinman noted that Chair Allen mentioned three items requiring clarification. He felt it would be
6 worthwhile to evaluate those before making a recommendation.
7

8 Mr. Johnson wrote down some of the notes from the Commission. The Commissioners wanted to
9 clarify that emergency management is permitted and that regulatory agencies and utility companies
10 can continue their practices in ways that meet the purposes of the Ordinance. As for the comments
11 related to new development, the SLEDS Ordinance was focused on development. Most of it did
12 not trigger unless there was development or expansion. He was not sure what other clarifications
13 were desired from the Commission.
14

15 Chair Allen stated that there could be a slide that explained the three items, which included
16 emergency response restrictions, private property maintenance restrictions, and public utility
17 expansion and maintenance restrictions. Commissioner Mills did not necessarily believe those
18 issues needed to be codified. The SLEDS Ordinance could be sent to the City Council in its current
19 form. The Council could choose to modify the language and make it more explicit if they felt that
20 was necessary. He would hate to expand the language for the sake of expanding the language.
21 The intention behind the language was clear. Commissioner Lucy Anderson agreed. It was
22 important to highlight those three areas of concerns for the Council, but she did not think that
23 further revisions needed to be made. It sounded as though the language was there already.
24

25 Chair Allen felt it was important to forward a unified recommendation to the City Council. If any
26 Commissioners were not comfortable with the Ordinance, he suggested that additional time be
27 spent discussing the amendments rather than forwarding a non-consensus vote. Commissioner
28 Chappell felt it would be reasonable to move the item forward with a note to state that the Planning
29 Commission had concerns about property maintenance and wanted to see that refined by Council.
30 Commissioner Shelton explained that during his time on the City Council, he always felt that the
31 Planning Commission recommendations were significant. He felt more at ease making a decision
32 when it was clear that an item had been thoroughly reviewed by Commissioners.
33

34 Commissioner Shelton was concerned by language indicating that a minor ground disturbing
35 activity would require a review. He did not believe that a property owner who wants to dig a hole
36 should have to go through the review process. Mr. Johnson clarified that this is related to minor
37 ground disturbing activity when it is close to the bank. Commissioner Shelton noted that someone
38 may want to remove the stump of a dead tree. He did not believe that the intent of the language
39 was to state that a resident would need to go through a review process to do that work. However,
40 the language could be read that way. He wanted to see more balance in the language.
41

42 Mr. Johnson noted that the Commission talked a lot about the riparian standards during the
43 meeting. The Commission would vote on the complete SLEDS Ordinance amendments. It
44 included a lot of new fault line study information, steep slope information, and other additions.
45 Commissioner Chappell stated that the riparian studies that were included were based on research

1 about the health of waterways. Having something enforceable and actionable was what the City
2 was trying to establish. She wondered how detailed the SLEDs Ordinance should be.

3
4 Commissioner Steinman asked about the timeline for the SLEDs Ordinance amendments.
5 Mr. Johnson explained that the work has been taking place for approximately two years. There
6 have been consultations with ecology professors, FEMA, U.S. Forest Service, Salt Lake County
7 Flood Control, and other cities that have riparian ordinances. Everything was based on research
8 and expert recommendations. Mr. Johnson stated that the SLEDs Ordinance amendments had
9 been in front of the Planning Commission since January 2022 but the project file has a 2019 date
10 on it. It had been under development, on and off, for more than two years.

11
12 Commissioner Steinman wondered if the amendments had been carefully vetted. Commissioner
13 Mills was comfortable that due diligence had occurred thus far. Commissioner Shelton believed
14 the City Council would have the same perspective and believe that the due diligence had been
15 done. That was why he wanted to make sure that whatever was forwarded fully meets Planning
16 Commission standards. Commissioner Mills did not feel there were deficiencies. He stated that
17 the SLEDs Ordinance protects property rights. If the Council feels that the language needs to be
18 more explicit, that could be recommended. Alternatively, the City Council could return the item
19 to the Planning Commission if they felt additional work needed to be done.

20
21 Commissioner Chappell did not believe there were deficiencies. Commissioner Ebbeler agreed
22 with Commissioner Mills and Commissioner Chappell. He noted that with larger ordinances, there
23 was always a desire to be diligent and get it right the first time. However, it was always possible
24 to make amendments after the fact if there was not enough clarity or if there was a misinterpretation
25 of the language. He felt comfortable moving the item forward. There was discussion regarding
26 the DRC's level of discretion for the review process. Not everything would require an extensive
27 process with experts. It would depend on the work that was being requested.

28
29 Commissioner Mills asked Mr. Johnson to describe the City communications related to the SLEDs
30 Ordinance amendments. Mr. Johnson explained that when there was a City-wide Ordinance,
31 noticing was not specific to an address in the City. With a Conditional Use Permit or a Site Plan
32 that was specific to one address, mailers within a certain radius were sent out. For a City-wide
33 Ordinance, there was a post on the City website and the Utah Public Notice website. Mr. Johnson
34 reported that for the SLEDs Ordinance, a newsletter article had been published as well. Another
35 newsletter article would be published in September. That newsletter went to every resident's door.
36 The next article would inform residents and direct them to further information. He did not feel
37 comfortable only sending letters to people who live on riparian waterways because there are
38 residents on fault lines, near steep slopes, and in liquefaction zones that were impacted. There
39 were a lot of ways for residents to stay informed and be involved. The City had gone much further
40 than the State minimums in terms of noticing. He added that there had been a lot of input.

41
42 Commissioner Steinman felt that if there were any outstanding areas of concern, it did not make
43 sense to send a positive recommendation to the City Council. He noted that this was only his
44 second week with the Commission. Commissioner Steinman understood that many of the other
45 Commissioners had spent a lot of time on the item but he did not want any ambiguity. He felt
46 there needed to be some further refinement done. Commissioner Mills felt that Commissioners

1 Steinman and Shelton needed to be extremely clear about what their issues were. There seemed
2 to be some uncertainty about what exactly needed to be further refined. He asked them to share
3 specific lines that they wanted to see edited or changed.

4
5 ***Commissioner Ebbeler moved to forward a recommendation of approval to the City Council for***
6 ***Project ZTA-19-001, based on the recommended findings outlined in the Staff Report.***
7 ***Commissioner Chappell seconded the motion.***

8
9 Mr. Johnson noted that Staff would add clarity for emergency maintenance, regulatory agencies,
10 and utility companies to do their standard work. That was the intent of the SLEDs Ordinance.
11 Commissioner Chappell amended the motion. The amendment was:

- 12
13
 - ***Staff clarifies that the Ordinance does not impinge the ability of Emergency Managers***
14 ***and Utility Managers to take care of public interest, concerning utility management and***
15 ***emergency management.***

16
17 ***Commissioner Ebbeler accepted the proposed amendment to his motion. Commissioner***
18 ***Anderson seconded the amendment.***

19
20 Chair Allen noted that when Ordinances became too specific, they stopped being practical.
21 Commissioner Mills asked that the amendment language be taken to an immediate vote.

22
23 ***Vote on motion: Commissioner Ebbeler-Aye; Commissioner Steinman-Aye; Commissioner***
24 ***Anderson-Aye; Commissioner Chappell-Aye; Commissioner Shelton-Aye; Commissioner Mills-***
25 ***Aye; Chair Allen-Aye. The motion passed unanimously.***

26
27 The Commission next voted on the main motion including the amended language.

28
29 ***Commissioner Ebbeler moved to forward a recommendation of approval to the City Council for***
30 ***Project ZTA-19-001 based on the recommended findings outlined in the Staff Report, with the***
31 ***amendment that Staff clarifies that the Ordinance does not impinge the ability of Emergency***
32 ***Managers and Utility Managers to take care of public interest with respect to utility management***
33 ***and emergency management. Commissioner Chappell seconded the motion. Vote on motion:***
34 ***Commissioner Ebbeler-Aye; Commissioner Steinman-Nay; Commissioner Anderson-Aye;***
35 ***Commissioner Chappell-Aye; Commissioner Shelton-Nay; Commissioner Mills-Aye; Chair***
36 ***Allen-Nay. The motion passed 4-to-3.***

37
38 **4.0 Consent Agenda.**

39
40 **4.1 Approval of Planning Commission Minutes.**

41
42 **4.1.1 July 6, 2022, Planning Commission Minutes.**

43
44 Commissioner Anderson noted that her last name was misspelled. She asked that it be corrected.
45

1 *Commissioner Ebbeler moved to approve the Cottonwood Heights Planning Commission*
2 *Meeting Minutes from July 6, 2022, as amended. Commissioner Mills seconded the motion.*
3 *The motion passed with the unanimous consent of the Commission.*

4 **

5 **4.1.2 July 20, 2022, Planning Commission Minutes.**

6
7 *Commissioner Ebbeler moved to approve the Cottonwood Heights Planning Commission*
8 *Meeting Minutes from July 20, 2022. Commissioner Mills seconded the motion. Commissioner*
9 *Anderson abstained from the vote. The motion passed.*

10
11 **5.0 Adjournment.**

12
13 *Commissioner Anderson moved to adjourn. Commissioner Chappell seconded the motion. The*
14 *motion passed with the unanimous consent of the Commission.*

15
16 The Planning Commission Meeting adjourned at 7:37 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 3, 2022.*
3

4 Teri Forbes

5 Teri Forbes

6 T Forbes Group

7 Minutes Secretary

8
9 Minutes Approved: September 7, 2022