

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

Wednesday, January 21, 2026

5:00 p.m.

**2277 East Bengal Boulevard
City Council Chambers**

ATTENDANCE

Members Present: Chair Sean Steinman, Vice-Chair Mike Smith, Commissioner Mike Shelton, Commissioner Dan Poulson, Commissioner Lucy Anderson, Commissioner Dan Mills, Commissioner Garry Barnes

Staff Present: Community and Economic Development Director, Jim Spung; Deputy City Recorder, Cienna Brummel; Planner III, Maverick Yeh; System Administrator, Alex Earl; Planner I, Emma Glende; Planner III, Sheldon Howa; City Attorney, Shane Topham

Absent: Alternate Commissioner Rusty Lugo

WORK SESSION

Chair Sean Steinman called the Planning Commission Work Session to order at 5:00 p.m.

1.0 Review Business Session Agenda.

Chair Steinman reviewed the Business Session Agenda and reported that the General Public Comment period would be followed by two Business Items and the Consent Agenda. The next Planning Commission meeting will be held on February 24, 2026.

Planner III, Maverick Yeh, reported that item 3.1 was Project CUP-26-001, a request for a Conditional Use Permit (“CUP”) to operate a home business with clients at 2137 Lorita Way. The property is zoned R-1-8 Single-Family Residential. The applicant requested approval to perform non-medical cosmetic services, including cosmetic teeth whitening using over-the-counter vegan products and cosmetic tooth gem services. The business owner will meet with clients Tuesday through Saturday between the hours of 10:00 a.m. and 6:00 p.m. and anticipates between two and four clients per day. Appointments will be staggered to prevent overlapping arrivals and departures. The proposed use is low impact and not expected to generate noise, odors, or traffic beyond typical residential activity. Only one client vehicle will be on-site at any time, and no retail sales, commercial deliveries, or structural modifications were proposed.

Mr. Yeh reviewed the floor plan and site photographs. The business will utilize the first-floor office area and restroom, as well as a designated parking area. Staff analysis determined that the use would be incidental and secondary to the primary residential use and consistent with the intent of the zone, subject to compliance with the Conditions of Approval outlined in the Staff Report.

In response to a question, Mr. Yeh reported that the applicant had indicated that she can accommodate a maximum of four clients per day, and there will be a buffer between appointment times. That was not specified in the conditions, but language could be added to Condition 3 to limit the number of clients per day. Community and Economic Development Director, Jim Spung, suggested that clients be limited to one at a time.

Commissioner Lugo expressed concern about opening the door for other businesses in the neighborhood and asked if it was in opposition to the City's economic development plan. Mr. Spung clarified that home occupations are allowed as a conditional use. If any potential negative impacts can be reasonably mitigated, the Planning Commission is required to approve the application.

Commissioner Mills asked about the mechanism for handling potential complaints. Mr. Spung reported that the CUP establishes the rules that must be followed to operate the home occupation. If the applicant does not follow the rules, the CUP and business license can be modified or revoked.

Item 3.2 was Project CUP-25-005. City Attorney, Shane Topham, reported that the item is the first step in a process that will take at least one year to complete. An application has not yet been made for the Certificate of Appropriateness for demolition, which will be considered by the City Council.

Mr. Spung stated that the request was to demolish the Old Mill structure at 6851 South Big Cottonwood Canyon Road, and the item would be discussed but not decided upon in the Business Meeting. The application would be reviewed by the Planning Commission, after which the applicant would present information and answer questions. A public hearing would then be conducted prior to the Planning Commission determining next steps. Cottonwood Heights Municipal Code ("CHMC") §19.86.040 requires a one-year waiting period before action can be taken on the CUP. That time can be used to collect information, answer questions, and perform a more in-depth review of the application and relevant sections of the CHMC. However, there are no requirements for additional meetings or public hearings.

In response to a question raised by Commissioner Barnes, Mr. Topham clarified that the ordinance requires a one-year waiting period to provide time to gather information and make a considered decision. The waiting period is not optional.

Mr. Spung reported that the structure is designated as a historical site in CHMC §19.86.020(A)(1), which triggers additional review criteria. A Certificate of Appropriateness from the City Council is required in addition to the CUP from the Planning Commission. The applicant cannot apply for the Certificate of Appropriateness until the one-year waiting period is complete and a CUP is issued, and the Council has four months from the time the complete application is received to make a decision. The application could theoretically be made earlier, but Staff would advise them to wait until the Planning Commission had made its decision.

In response to a question, Mr. Spung reported that the Appeals Officer denied a variance request to waive the 12-month waiting period.

CHMC §19.86.040, Noncomplying Conditional Uses, states:

The Planning Commission shall not approve a Conditional Use for a historic site which would be contrary to the purposes of this chapter by adversely affecting the architectural significance, the historical appearance, or the educational and historical value of the site unless all the following conditions have been met:

- 1. The application meets the requirements for a conditional use permit set forth in Chapter 19.84, "Conditional Uses";*
- 2. The application meets all the requirements of the base zone in which the property is located; and*
- 3. The application has been pending before the Planning Commission for a period of at least one year.*

Mr. Spung reported that specific review criteria was included in the Staff Report. Additionally, as the use is required to comply with the intent, spirit, and regulations of the entire CHMC, the Planning Commission can also consider §19.86, Historic Preservation.

In response to a question, Mr. Spung stated that after the one-year waiting period and four-month City Council review period, the applicant will need to apply for a building permit and any other required permits. Conditions can be placed on the CUP when the motion is made in January 2027, but they can be discussed at any time.

Staff recommended that the item be continued to a future date and asked that the Planning Commission inform them as to how often they would like to meet to discuss the application. Commissioner Anderson remarked that the project is very complex and suggested that it be discussed at every meeting. Chair Steinman stated that the Commission should establish milestones to better understand what data needs to be collected to make an informed decision.

In response to a question raised by Commissioner Barnes, Mr. Topham reported that the site has been on the list of Historic Structures since Title 19 was adopted in 2005, and it was on Salt Lake County's list of Historic Structures prior to the City's incorporation. Mr. Spung added that it was listed on the National Register of Historic Places in 1971.

Commissioner Mills asked if the site's inclusion on the National Register had any bearing on the decision. Staff will research any potential affect the National and State registers may have on the City's review process.

Commissioner Mills stated that seismic studies for the site and any adjacent properties would also be helpful. Mr. Spung stated that seismic data would be required for new developments. The applicant can be asked to provide information if a reason is provided as to why it would affect the Planning Commission's decision. Commissioner Mills stated that historical studies should be available, although they may not be accurate. Commissioner Shelton questioned if discovery of a

fault at the site would impact the CUP to demolish the building. Mr. Spung reviewed the list of studies included in the Staff Report and indicated that the applicant can be asked about specific studies during the Business Meeting.

In response to a question from Commissioner Shelton, Mr. Topham stated that the City did not condemn the property. Staff could research which entity condemned it, the reasons for condemnation, and whether it was condemned prior to being designated a Historic Site by Cottonwood Heights. Chair Steinman requested information on any additional oversight that would be necessary if it had been condemned pre-designation, as well as what work would be required to issue a Certificate of Occupancy. Mr. Topham stated that he was aware of structures that were condemned, but later the problems were cured, and the structure became habitable. He believes that the City Council will want to conduct its own study of the structure to verify its condition and determine if it can be restored.

Chair Steinman stated that, to his recollection, the property was subject to a \$500 per day fee for not curing maintenance and safety issues. Mr. Topham stated that he did not recall any fees being collected, but it was a question for Code Enforcement.

Commissioner Barnes asked if the County would have any jurisdiction if it had condemned the property. Mr. Topham clarified that it is a City issue.

In response to a question, Mr. Topham stated that he was unsure of the City's liability exposure if it does not allow the owner to demolish an unsafe structure and an accident occurs. Commissioner Mills stated that the Historic Structure was not adequately maintained. Commissioner Smith stated that the City adopted the County Code and added the section on maintenance. If the property was condemned and no longer habitable prior to that time, that means it was already in a state of disrepair when the City incorporated.

Chair Steinman asked about the protocol to add structures to the City's Historic Registry and how a private party can be required to maintain a condemned building. He believes understanding the structure's history is an important consideration. The Planning Commission also needs to ensure that the building is being treated comparably to the Butler School Teachers' Dormitory. He loves the Old Mill and would like to see it preserved, but it is important to consider property rights. They should also consider who could take on the potential \$50-million liability of retrofitting the structure.

Chair Steinman believes it is important to understand the process because the City could hypothetically face a similar issue if the Butler School Teachers Dormitory is sold and found to have so much deferred maintenance that it is also condemned.

Mr. Topham stated that the structures in CHMC §19.86 were transferred from Salt Lake County code. When the City was formed, the City Council directed him to draft zoning ordinances to mimic County ordinances as closely as possible. Adding or subtracting structures would be done via a Text Amendment. The Planning Commission would review the proposed change and make a recommendation to the City Council, which would then make the final decision.

Mr. Spung encouraged the Commission to refrain from speculating. They would have a year to collect and review information prior to making their decision. He then reviewed the current list of questions and concerns.

- How do the national and state historic designations affect the City’s review and decisions?
- Provide more seismic information with regard to fault lines and how that might affect the structure’s future.
- When was the structure condemned and why? Provide associated documentation.
- What has the City done historically to enforce the Historic Preservation Code standards?
- Is there any City liability in regard to the property?
- When was the maintenance clause added to City code?
- Provide more history on the structure and differences in City and County code.
- Detail the specific process by which a Historic Structure is designated in the City.

Commissioner Mills stated that all the City’s Mayors have spoken with potential large donors, all of whom declined the project. The Mayors have tried to pursue preservation without success. He asked that those efforts be documented, as members of the public are concerned that no effort was made toward preservation. He also asked that the applicant speak to previous efforts to turn the structure into a public performing arts space. He believes it is important that the public understands the City is not in a fiscal situation to take on a multimillion-dollar project, and efforts to find other funding sources have failed. Mr. Spung stated that he will defer to the applicant to provide the bulk of the requested information.

Chair Steinman stated that the City should also detail the steps it has taken to enforce protective maintenance requirements. Mr. Topham stated that he could not recall an enforcement discussion, and he had not been privy to a discussion of the property being condemned prior to the City’s incorporation.

Commissioner Mills stated that the City Council adopted CHMC §15.15 in May 2024, which imposed new standards of appropriateness. Mr. Topham stated that the standards were imposed due to a situation in Salt Lake City. A developer began demolishing a historic church building on a weekend, and demolition was halted after the vestibule had been destroyed. The City Council was concerned about a similar situation occurring in Cottonwood Heights, and the standards were adopted to ensure that any unauthorized demolition could be stopped quickly. Language from the Salt Lake City ordinance was adopted almost verbatim as CHMC §15.15. The decision was made to put the Certificate of Appropriateness process before the City Council to separate it from the CUP process.

Chair Steinman asked about the legal process of condemning a property. Mr. Topham stated that the City has never condemned a property, but it would involve the Building Official and inspection of the property. He does not know if the City received a file on the structure from Salt Lake County when Cottonwood Heights was formed.

2.0 Use Table Update.

Mr. Spung reported that Staff was working to clean up existing City Code. Prior to coming to Cottonwood Heights, he consulted with cities and counties on updating their land use codes, and many areas of the City's current code need to be clarified or cleaned up. For example, each zoning district has a list of permitted and conditional uses, but the Neighborhood Commercial Zone has no permitted uses. That creates an administrative burden because all business license applications require a conditional use review, which is expensive for the applicant and time-consuming for staff.

Planning Department staff is now in the process of updating the code to better reflect the City's current needs. The first step in the process was to extract information from the current code into a table that can be sorted and categorized. In doing so, they found issues like accessory buildings are referred to by six different terms and convenience stores by five. Some uses are not defined, which can make it difficult to properly categorize a business. The next step will be to draft the missing definitions and reconcile naming conventions. The updated Use Table will provide easy access to all information. Any standards associated with a specific use will be in its own section. For example, if pawn shops are allowed in parts of the City, it will indicate where they are allowed, what type of review is required, and the specific standards that apply to the use. The final Use Table will be more user-friendly and business-friendly.

3.0 Adjourn.

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

The Work Session adjourned at 5:59 p.m.

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

Wednesday, January 21, 2026

6:00 p.m.

**2277 East Bengal Boulevard
City Council Chambers**

ATTENDANCE

Members Present: Chair Sean Steinman, Vice-Chair Mike Smith, Commissioner Mike Shelton, Commissioner Dan Poulson, Commissioner Lucy Anderson, Commissioner Dan Mills, Commissioner Garry Barnes

Staff Present: Community and Economic Development Director, Jim Spung; Deputy City Recorder, Cienna Brummel; Planner III, Maverick Yeh; System Administrator, Alex Earl; Planner I, Emma Glende; Planner III, Sheldon Howa; City Attorney, Shane Topham

Absent: Alternate Commissioner Rusty Lugo

BUSINESS SESSION

Chair Sean Steinman called the Planning Commission Business Meeting to order at 6:00 p.m.

1.0 Welcome and Acknowledgements

1.1 Ex Parte Communications and Conflicts of Interest to Disclose.

There were no Ex Parte Communications or Conflicts of Interest disclosed.

2.0 General Public Comment

Chair Steinman reviewed the commenting rules. There were no public comments. The Public Comment period was closed.

3.0 Business Items

3.1 Project CUP-26-001 – The Planning Commission will Review and Take Possible Action on a Conditional Use Permit Request by Maylene Rowe to Operate a Home Business with Clients, Providing Non-Medical, Non-Dental, Cosmetic-Only Teeth Whitening and Tooth Gem Services, at 2137 Lorita Way.

Planner III, Maverick Yeh presented the Staff Report and indicated that the applicant, Maylene Rowe, had requested a CUP to operate a Home Business with clients at 2137 Lorita Way. The property is zoned R-1-8 Single-Family Residential.

The applicant requested approval to provide non-medical cosmetic teeth whitening services and cosmetic tooth gem services in their home. The business owner will meet with clients by appointment only, Tuesday through Saturday, between the hours of 10:00 a.m. and 6:00 p.m., with a maximum of four appointments per day. Arrival and departure times will be controlled to minimize traffic impacts, and only the client will be on-site at any given time. The proposed use is low impact, and Staff does not expect it to generate noise, odors, or traffic beyond typical residential activity. No retail sales, commercial deliveries, or structural modifications were proposed.

A floor plan and site photographs were reviewed. The business will be operated in a room on the first floor, and clients will also have access to a first-floor restroom. Client parking will be in the driveway, which is wide enough to accommodate ingress and egress in addition to the parking area.

Mr. Yeh reported that one public comment was received in response to the public notice. That comment was forwarded to the Planning Commission for review.

Staff analysis determined the following:

- The subject property is located in the R-1-8 (Single-Family Residential) Zone, and Home Occupations with clients are allowed as a Conditional Use in the R-1-8 zone pursuant to CHMC §19.26.030.E.
- The proposed use is an appointment-only, owner-operated Home Occupation providing non-medical cosmetic services within an existing residence.
- The business will operate entirely indoors and will not include exterior signage, retail activity, or outdoor use.
- Staff found the use to be incidental and secondary to the primary residential use and consistent with the intent of the zone, subject to compliance with the Conditions of Approval outlined in the Staff Report.

Recommended Conditions of Approval:

1. The applicant shall obtain and maintain a valid Cottonwood Heights business license for the duration of the home occupation.
2. All client parking shall be accommodated off-street within the existing driveway. The business shall not rely on on-street parking, and clients must be informed of this restriction.
3. The home occupation shall operate by appointment only and be limited to the hours of 10:00 a.m. to 6:00 p.m., Tuesday through Saturday, as described in the applicant's written materials in the official project file.

4. The business shall be limited to non-medical cosmetic services as described in the application. No medical, dental, or invasive procedures shall be conducted on the premises.
5. The home occupation shall be owner-operated, with no additional employees, and shall remain clearly incidental and secondary to the residential use of the property.
6. No exterior signage, outdoor activity, retail display, or alteration to the exterior appearance of the residence is permitted in connection with the home occupation.
7. Approval of this Conditional Use Permit is subject to review or revocation upon complaint or evidence of non-compliance with the Conditions of Approval or applicable City codes.
8. Any expansion or change in the scope of the business, including hours of operation, number of clients, services offered, or parking arrangements, shall require additional City review and approval.
9. Prior to issuance of a City business license, the applicant shall provide documentation demonstrating compliance with any applicable Salt Lake County Health Department requirements and/or State of Utah professional licensing requirements, as determined by the appropriate regulatory agencies.

Chair Steinman reported that the Planning Commission discussed additional conditions during the Work Meeting, including limiting the business to one client at a time.

The applicant, Maylene Rowe participated online. She indicated that she can only use one light at a time, and clients will be seen one at a time by appointment only.

Chair Steinman opened the public hearing. There were no comments. The public hearing was closed.

Commissioner Mills moved APPROVE Project CUP-26-001 based on the Findings and Recommendations listed in the Staff Report dated January 21, 2026, as amended to indicate that only one client is allowed at a time, with a maximum of five clients daily. Commissioner Smith seconded the motion. Vote on Motion: Commissioner Mills-Yes; Commissioner Smith-Yes; Commissioner Shelton-Yes; Commissioner Anderson-Yes; Commissioner Barnes-Yes; Commissioner Lugo-Yes; Chair Steinman-Yes. The motion passed unanimously.

3.2 Project CUP-25-005 – The Planning Commission will Hold a Public Hearing and Review a Request from Doug Shelby for a Conditional Use Permit for the Demolition of a Historic Structure (Cottonwood Paper Mill) at 6851 South Big Cottonwood Canyon Road.

Community and Economic Development Director, Jim Spung, reported that the purpose of the

agenda item was to introduce the application to the Planning Commission and review the Commission’s decision-making authority as pertains to the request. The applicant was present to present information and answer questions. The meeting was noticed as a public hearing. After hearing public comment, he asked that the Planning Commission provide feedback to inform the City’s next steps in the review process.

Mr. Spung reported that per CHMC §19.86.040, a one-year waiting period is required prior to the Planning Commission taking action on the item. The soonest a decision can be made is January 21, 2027.

Photographs of the structure were displayed. The property’s current General Plan land use designation is Mixed Use, and it is zoned Regional Commercial.

The applicant requested to demolish the Old Mill Historic Structure as they claim the structure is an imminent danger to public safety and structurally unsalvageable due to extensive deterioration and failure to meet modern building codes. As part of the application, the following supporting materials were provided:

- 1996 Carl Eriksson, Salt Lake County Engineer and Chief Building Officer, Statement;
- 2022 Reavely Engineering Report– Structural Condition Assessment;
- 2022 Gilson Engineering Report – Structural Assessment of the Feasibility of Restoration;
- 2024 Gilson Engineering Report – Cost to Mitigate; and
- 2024 Engineering Review Commissioned by Cottonwood Heights.

The structure is designated as a Historical Site in CHMC §19.86.020(A)(1), and as such the following are required prior to demolition:

- A Certificate of Appropriateness from the City Council as outlined in CHMC §15.15.040.
- A Conditional Use Permit from the Planning Commission as outlined in CHMC §19.86.030.

CHMC §19.86.040, Noncomplying Conditional Uses, states:

The Planning Commission shall not approve a Conditional Use for a historic site which would be contrary to the purposes of this chapter by adversely affecting the architectural significance, the historical appearance, or the educational and historical value of the site unless all the following conditions have been met:

1. *The application meets the requirements for a conditional use permit set forth in Chapter 19.84, “Conditional Uses”;*
2. *The application meets all the requirements of the base zone in which the property is located;*
3. *The application has been pending before the Planning Commission for a period of at least one year.*

Mr. Spung reported that the Staff Report includes specific City and State review criteria that will be discussed by the Planning Commission to assess whether the information provided by the applicant would justify a positive or negative motion. The Planning Department recommended that the Planning Commission continue the item to a future date for further consideration for the following reasons:

1. In accordance with CHMC §19.86.040(C), the Conditional Use Permit application must be pending before the Planning Commission for at least one year before formal action.
2. The applicant submitted detailed engineering reports and proposed mitigation measures for the demolition which must be thoroughly reviewed and evaluated by City Staff and the Planning Commission. The City may also wish to commission its own survey.
3. Further discussion regarding the impact on the community and the City's historic preservation goals to ensure compliance with adopted laws and ordinances.

Chair Steinman stated that most of the Planning Commission's questions for Staff were discussed during the Work Session. He then invited the applicant to speak.

Attorney Dan Hemmert spoke on behalf of the applicant. They understood that the meeting would initiate a yearlong process, and they planned to engage with members of the community and the Planning Commission during that time. They also understood that the structure is beloved by the community. The property had been in the family since construction, but it was at the point where they believed it is a dangerous public nuisance. The structure is unsound, and they cannot bear the expense of making it safe.

Chair Steinman asked Mr. Hemmert to explain why they believe the building to be structurally unsafe. Mr. Hemmert stated that the property has never been formally condemned. The building was constructed in the early 1900s as a paper mill. It has been used as a haunted house and in films, but it has never been a financially viable operation. The building was not constructed with a foundation. The family has tried to maintain and preserve the structure, but a flood in the 1980s made it structurally unsound. As it continued to deteriorate, the family grew concerned that a wall would fall down and injure someone. They invited a County engineer to survey the property and hired engineering firms to determine what could be done to preserve the structure. Cost estimates to restore and preserve the structure are as high as \$100 million.

Mr. Hemmert stated that the structure is an attraction, and the family is concerned that its walls will fall down and someone will die. They had offered the structure to the City in the past, but it did not want to accept the associated liabilities and costs. They believe the best mechanism to preserve the Old Mill is to tear it down and preserve elements of the structure for inclusion in the new Town Center. Additionally, they hope to create a plaque in partnership with the Daughters of Utah Pioneers. The Cottonwood Heights Historic Committee recommended digitally preserving the building in an exhibit alongside the preserved physical elements. The applicant

believes that is the safest and best way to preserve the building while eliminating a dangerous public nuisance.

Chair Steinman asked what steps the applicant had taken to preserve the space since it was placed on the National Register of Historic Places in 1971, as well as any potential benefits the owner had received from that status. Mr. Hemmert reported that it was placed on the Utah Registry of Historic Places in 1966 by the Daughters of Utah Pioneers. It is an honorific designation.

Mr. Hemmert provided the following timeline for the structure:

- 1970s: The structure was rented as a haunted house throughout the decade by various charities. The charity that rented the space retained all proceeds.
- A sportsmen's club was proposed, but that proposal did not move forward.
- 1972: A reception center was proposed, but that proposal also failed to go forward.
- 1974: The County proposed to purchase the Old Mill, but the bond initiative was defeated.
- 1975: Septic tank issues were discovered.
- 1976: A restaurant, ski hostel, and other businesses were proposed, but the building was deemed unsuitable for each use.
- 1978-1979: The site was renovated, including the parking lot, grounds, fencing, curb and gutter, and interior furniture and fixtures. The structure was tuckpointed in areas where mortar was missing, and drywall and insulation were redone.
- 1979: The Old Mill Disco opened briefly.
- 1979-1982: An arts and crafts business operated during the summer, and it was rented as a party venue at other times.
- Numerous fundraisers were conducted over the years.
- 1983: Septic tank issues were discovered.
- 1984: Major wall damage occurred due to flooding. One wall moved six inches.
- Various events were held in the building after 1984. There were also several offers to purchase the building that fell through.
- Pre-COVID, there was an effort to turn the building into a public performing arts center. That effort stalled during COVID, and the center was then opened in a different location.
- Post-COVID, other venues were proposed but did not come to fruition. The structure became less safe, and engineers were brought in to determine what would be required to stabilize the structure. The family then engaged with the City to determine next steps. They also reached out to various preservation groups for help in preserving the site, but those efforts failed. The family then made the decision to request permission to demolish the structure.

Chair Steinman asked if the property was occupied between 1984 and 2020. Mr. Hemmert reported that some fundraisers were held during that time, but there were no long-term tenants. Chair Steinman asked how the protective maintenance requirement had been met during that time. Mr. Hemmert stated that the property is under constant monitoring, but he did not know what specific actions were taken. He would research the matter and provide that information to Staff.

In response to a question, Mr. Hemmert stated that he did not know whether the building sustained any damage during the 2020 earthquake, but he was not aware of the earthquake having a big impact on the structure.

Commissioner Mills asked if the property owner was still open to gifting the property. Mr. Hemmert stated that the applicant is open to discussing anything, but they find it untenable to remain in their current state of limbo.

Chair Steinman opened the public hearing.

Mike Young stated that the current condition of the Old Mill is ample evidence of the lack of stewardship the owners have given their property over decades. In contrast, you can see superb stewardship of virtually all of the 151 single-family homes adjacent to Big Cottonwood Canyon Creek and the Old Mill. He and his wife have lived in their home 1,028 feet from the Old Mill for 30 years. Much of their life savings is invested there, and his son purchased a home down the street four years ago, so it is personal to his family. Demolition of the Old Mill is an initial step in the future development of the canyon. The current owner will be long gone, and the 151 single-family home owners will have to live with the results for generations to come. The owners of the Old Mill have not been held accountable in the past, and there was no reason to think that they would exhibit accountable stewardship in the future. He does not believe they have the community's best interests at heart in any way. It is up to the Planning Department Staff, Planning Commission, City Council, and Mayor Bennion to make sure that the one-of-a-kind area of Cottonwood Heights is preserved, developed, and enhanced with serious consideration for safe evacuation in the case of wildfire, protection of the creek and drinking water, and all the single-family homes that complement the unique area of Cottonwood Heights.

Jim Kichas stated that he is a resident of District 3 and Chair of the Cottonwood Heights Historic Committee. He then read a statement that was drafted by the Committee and shared with the Mayor and City Council after meeting with the property owners in August 2024 and evaluating public comments gathered through November of 2024.

“The Cottonwood Heights Old Mill holds a significant place in our City's history and enjoys widespread recognition and affection from the community. However, its current state of disrepair has led the property owners to propose its demolition and redevelopment. While the Historic Committee acknowledges the concerns raised by the property owners regarding the building's condition and restoration costs, we also recognize a strong public opposition to demolition and the historic value of the structure.

The Cottonwood Heights Historic Committee recommends the following:

1. Prioritize preservation. The Historic Committee recommends that all efforts be made to preserve the Cottonwood Heights Old Mill. The City should explore available funding sources and partnership opportunities that could help facilitate the remediation and ongoing maintenance of this beloved landmark.

2. Reject expedited demolition. We strongly recommend rejecting any proposals that would allow for an expedited demolition process. The building's long history of neglect necessitates careful consideration of all preservation and documentation options before any irreversible action is taken.
3. Enforcement of existing ordinances. The Committee urges a thorough investigation into why the existing City Ordinance 19.86.045 regarding the protection and upkeep of the Old Mill has not been consistently enforced. Addressing this issue will be crucial in preventing similar situations in the future. Preservation of the Old Mill should be the highest priority at this moment when the structure still has a chance to be saved.

In the event that it is determined that the Old Mill will be demolished, the Historic Committee recommends the following:

1. Comprehensive documentation. If demolition becomes unavoidable, the Historic Committee recommends that a thorough videographic record of the building's interior and exterior be created. The record should become the property of the City and be included in the City's digital archives to preserve the mill's memory for future generations.
2. A meaningful memorial. In the event of demolition, we recommend that a memorial be established that is accessible to all residents of Cottonwood Heights. The memorial should appropriately honor the mill's historic significance, and a clear plan for its ongoing care and upkeep should be established.

Opportunities like this provide us a rare moment to reflect on our community values and links in the chain that we want to leave behind. Ensuring that this chain remains unbroken for future residents of Cottonwood Heights is something in which every citizen, elected official, committee, and commission has a part to play.

Anthony Ithurralde stated that he is a resident of Sundown Avenue. He believes the City should find a way to save one of the oldest historic properties in the area. Areas of the City that were inspired by and named after the Old Mill include the Old Mill Golf Course, Old Mill Village, Old Mill Campus, Old Mill Park, Old Mill Corporate Center, Old Mill Circle, Old Mill Office, Old Mill Estates, Old Mill Medical Office, and Old Mill Point. If European cities found a way to restore castles and churches that were bombed out during World War II, Cottonwood Heights can restore a mill from the 1800s.

Shawna Bland is a resident of Old Mill Estates. She had trouble listening to how the owners are sad that the building is now dilapidated when they did not do anything to take care of it. It was discouraging to look at pictures of how beautiful it once was. She drives past the property every day. The owners recently erected a fence and security cameras, but for years they let it become dilapidated and covered in graffiti. She believes that was done intentionally to provide justification for tearing it down to build townhomes and condominiums. The road will not handle so many homes, and she is concerned about being able to evacuate in the event of a fire. She does not

believe it is fair that residents will be forced to live with the consequences of the property owner's actions. The state of the Old Mill is a tragedy, but it is the owner's fault.

Alan Brown stated that he can see the Old Mill from his house. The owner of the historical paper mill known as the Old Mill requested to demolish it and build high-density homes was a very sad day for the City. They showed blatant disregard for a 143-year-old building that has gone through fire and rebuilds throughout its life, but still stands even after an earthquake. Cottonwood Heights shows love for its history with markers throughout the City, but the Old Mill is the only historical structure that is still standing. The city book has a photo of has the Old Mill, and there is one on the wall. It means something to the City.

The property owner wants to destroy the Old Mill to build high-density housing, but Mr. Brown believes it should be open space so that everybody can enjoy it. The area does not have the capability to handle the traffic. During ski season, residents cannot get out of their subdivisions. The area should only have single-family homes. He believes the City should do more research and save the building. The Shelbys have disregarded it for years. He moved to Cottonwood Heights when it was first incorporated in 2005, and nothing has been done to the building since that time. In the past year, the owner installed cameras and painted over the graffiti, but only because he wants to demolish a mill that was built with discarded granite from the Salt Lake City Temple. It frustrates him to hear the property owner say that he has done something, because he has not done anything for 20 years. Mr. Brown asked the Planning Commission to look at better options for the historical site and not approve a permit to destroy the building.

Robyn Taylor-Granda spoke on behalf of Preservation Utah, a nonprofit organization that serves all of Utah. She has been a resident of Cottonwood Heights for over 20 years. The City's preservation ordinance states: *This chapter is enacted to preserve sites, structures, landmarks, and buildings with special historical, architectural, and aesthetic value, which are unique and irreplaceable assets.* The City only has two irreplaceable assets, and demolition of the Old Mill would mean losing 50% of them. She was pleased to hear that the Planning Commission shared that concern. A combination of the City's lack of enforcement of its own code and the owner's lack of maintenance on the building led to the possibility that the entire building could be demolished.

Ms. Taylor-Granda evaluates and advocates for historic buildings for a living. She has seen an owner try to tear down a building on Easter Sunday at 8:00 a.m., when they think no one is watching. When she brought that up to the City Council, a Council member told her that she was being hyperbolic, but property owners engage in demolition by neglect all over the country. Delaying maintenance so they can eventually claim hardship is a very well-known strategy, and she believes that is what had happened with the Old Mill. The owner's lawyer said that they have done virtually no maintenance since 1984, which is an admission to demolition by neglect. It is alarming that they knew there were structural problems after a flood, and all they did was have engineers evaluate it, but they took no action on it. For the City to say that they may or may not have ever cited the property for code violations was also alarming and a major failure on the part of Cottonwood Heights City. She oversees a protective easement program for 130 buildings across the state, but no one in Cottonwood Heights was tasked with oversight on its two historic structures.

She hoped that the City would take responsibility for their role in neglecting to ensure that maintenance was being done, and that they not allow the owner to get away with it. No building is maintenance free, and the owner absolutely neglected that responsibility. They knew year after year that the building was deficient structurally but could not prove that they did anything other than tuckpoint every once in a while, and that is neglectful.

Eva Chan stated that she is a new City resident. She believes the owner of the building is clearly at fault for not maintaining it. She moved from New York City, where she lived among 100- and 200-year-old brownstones, none of which was falling down. The owner stated that the cost to maintain the building is \$100 million, but she believes that may be overstated. They talked about how the building needs to be restored to be compliant with code, but there are many examples of historical buildings being partially preserved. The Opera House in San Francisco and Domino's Sugar factory in New York are examples where certain walls were preserved and luxury buildings built around them. Demolition of the Old Mill would also have a lot of externalities and cost the City much more than just the loss of a building. Also, there is an effort to build a tourist industry in Cottonwood Heights. Park City would look completely different without its Main Street area. She believes the historical site needs to be preserved for people to see part of the City's history. When historical buildings like this were preserved in New York City, surrounding real estate values increased dramatically. The economic impacts of losing the Old Mill need to be considered as well.

Jeff Chapman stated that there were two parts to the approval, and the City Council's part of the process was to understand that the request is not appropriate. The Walker family took possession of the property in 1927. The original owner was the Deseret News. The family has had the means to take care of the property. He also believes that the neglect was intentional and geared toward future development. The City allowed the property to deteriorate and be abandoned. The requested density would overwhelm the road, which already has significant traffic problems on ski days. It is a terrible area for more density, construction debris, housing, and traffic. Fire trucks will not be able to get through on ski days, and there will not be appropriate services for so many residents. He believes that the City condemned the property in 2005. We need to be better stewards of our land, and a lot of development in Cottonwood Heights has slipped through the cracks. He has lived on Racquet Club Circle for 18 years and has witnessed a terrible zoning decisions that will result in 140 apartments. The family has had the means and wherewithal to take care of the property, but they have not.

Deborah Bush stated that she walks by the Old Mill almost every day. She served on the committee for restoring the historic mill. In 2019, plans were in place for the Cottonwood Heights Community Center for the Arts, complete with architectural renderings and site development plans. Multiple professionals in the community were on board to donate time and materials. Hundreds of emails were sent. Dozens of meetings were held. An outstanding development company had spent months assessing possibilities for the project. In 2019, a fair and reasonable offer was presented to the owners. At first, they seemed very interested, but as time went on, there were always new things that needed to be checked before they could accept the offer. In 2020, it became more difficult due to COVID, but everyone was still hopeful. So many members of the community anticipated a beautiful Cottonwood Heights Community Center for the Arts set along

the historic trail to the City's own Old Mill Park in beautiful Cottonwood Creek Canyon. Dedicated citizens' expertise had gone into the plans to convert the Old Mill to a wonderful asset for Cottonwood Heights. Mayor Peterson and his City Council were optimistic and excited about the project. Everyone was waiting for a simple yes or no answer from the property owners, but the reply never came. By 2022, it became obvious that other plans were being made for the Old Mill and its surrounding acreage. Five years later, the building has fallen into disrepair.

Ms. Bush shared a text from a fellow committee member: “It's devastating to think that the Old Mill may now be demolished. We brought the best offer, the best team, the best plans, and they would never move forward.” According to City Code, the building has to be unusable and unsellable, and she believes everyone can see that the building was sellable.

Diane McQuay stated that she has lived on McIntosh Lane overlooking the Old Mill for 38 years. She hopes that the building can be preserved, but she is concerned about wildfires in the canyon. She grew up in Pacific Palisades, which is now gone due to wildfires. Its topography is similar to Cottonwood Heights and Sandy. They never thought a fire like that could happen, and it could happen here as well. In one area of Pacific Palisades, traffic came to a standstill and people had to exit their cars and run for their lives. The cars prevented fire trucks from getting through. She hopes that the building can be saved, but it is important to consider what will happen in areas with only one way in and out if there is a fire.

Brad Dickter stated that he is a resident of District 3 and is a proud supporter of responsible development in his backyard, specifically development that includes affordable, high-density housing paired with strong transit options and walkable neighborhoods. This is not that. This is a developer and property owner who has a number that they are willing to spend to maximize their profit at an immeasurable cost to Cottonwood Heights. The financial incentives driving this decision are clear. The developer stands to gain from tearing down an iconic structure, while we, the community, stand to lose the priceless heart of our community. It is not about necessity. This is a business decision for one private property owner. Every day, he gets to enjoy the Old Mill when he drives, bikes, or runs by it. At the City Council work session, Commissioner Steinman spoke about the benefits of micro communities and alternative transit solutions, and the proposal was the opposite of those plans. Tearing it down would be a step backward. The applicant's justification for demolition gave three reasons: reconstruction costs, comparative precedent, and cost-effective alternative. The comparative precedents the applicant submitted were all restored, and the reconstruction costs and most cost-effective alternative are simply a subjective choice by the applicant. He is a YIMBY who says, “Yes in my backyard.” The Hillside Plaza development be in his backyard, and he supports that type of development. This is not that. He asked that the Planning Commission oppose this and any demolition that is not absolutely necessary to enrich the community of Cottonwood Heights, rather than a private businessman.

Ronnie Pessetto spoke on behalf of Seven Canyons Trust, a local nonprofit focused on restoring and protecting the creeks of the Salt Lake Valley, including Big Cottonwood Creek. The site is an opportunity for how development interacts with an adjacent creek. Seven Canyons Trust is not completely opposed to change. However, demolition along the creek corridor is not a neutral action. It often initiates grading, vegetation removal, and changes to bank stability that can permanently affect water quality, temperature, erosion, and habitat. Big Cottonwood Creek is

already under stress as it provides water for a large majority of people in the Salt Lake Valley every single day. Without clear conditions, demolition and development can unintentionally accelerate that degradation and impact the Great Salt Lake because it is a tributary to the Great Salt Lake. They respectfully asked that any decision include enforceable riparian protections such as adequate setbacks, demolition, runoff protections, and designs that preserve the creek's ecological function and greater community connectivity.

Ms. Pessetto pointed out that the mill exists where it does because of the creek. The building, the City, and the waterway have a shared history, and the decisions made here will shape how residents experience this place for decades to come. This was a moment to not just replace the structure, but to get a higher standard, one that allows growth while honoring the creek as a living infrastructure. Seven Canyons Trust urged the Commission to guide this project toward smart, riparian-friendly development that protects Big Cottonwood Creek. All the values and interests that had been presented can be honored and coexist. They are working with Salt Lake City on the ballpark building, where creek restoration, building restoration, and economic development exist. It can happen, and they would like to help.

Casey Sullivan stated that he is a masonry restoration contractor who has been interested in the beautiful building for many years. He had been hopeful that someone might call his firm for a quote. He has doubts about the building not having a foundation, as he is confident that it is built on a stone foundation. He also questioned the reconstruction estimates. From what he has seen from outside the fence, the walls do need repairs, but are not in horrible condition. There could be adaptive ways to save some of them. The cover of *Masonry Magazine* shows an old coal generation site in London that suffered through many decades of deferred maintenance, and that building was repurposed. There is an opportunity to preserve something that cannot be reproduced. Blood, sweat, and tears went into building the mill, and bulldozing it would be a travesty. He believes it will be blood on Cottonwood Heights' hands if they allow it to happen. He is willing to donate his time to provide a budget to the City and the building owner for the masonry restoration. He has worked on older buildings of this size and larger. He is also willing to donate money to save this treasure.

Nancy Hardy stated that she moved to Cottonwood Heights from London in 2009, and the Old Mill stood out to her. It is phenomenal to have that old building right in their backyards. Protective maintenance could have been happening over all the years talking about the mill, and it could start now. The CUP project will be discussed by the Planning Commission for a year before it goes to the City Council, and right now is the time to start enforcing the protective maintenance requirement. The gentleman before her is a good example. Many others have talked about the Old Mill, and there are people who may love to turn it into something. She has previously suggested the Eccles Foundation and Huntsman Foundation, and Post Malone lives in the area. Somebody might want to turn it into a nice restaurant with a private event place upstairs. She has made those suggestions repeatedly, but she does not know if anybody reached out to them or tried to find a buyer. She understands that the City probably cannot buy it, but GoFundMe may be an option to save the Old Mill.

Kevin Witzman stated that he grew up in Indiana. He moved to Cottonwood Heights in 2003 and fell in love with the Old Mill. He owns a house, land, and business in the City. He would not

mind funding an independent engineering assessment. He does not know anything about the owner, but if he wanted something to fall into this state, he would do exactly what they did. He walks and drives past the property almost every day and has never seen maintenance being done. If the owner has records of maintenance, they should show them. He implored the City to not destroy the building but to instead look at ways to save it. He believes it can be saved without spending \$100 million. If the City and property owner approve, he will bring in an independent engineer to assess the building. He is willing to pay for Mr. Sullivan to survey the building as well. He wants to find opportunities to save the Old Mill.

Robert Jones gave his address as 3221 East Vista Grande Circle in Old Mill Estates, where he has lived for 26 years. He grew up on the west side of the Salt Lake Valley, and everyone there knew about the Old Mill. His grandparents, parents, and children all visited the mill. Craig Wirth did a story about the Old Mill on Channel 4, where he talked about the site from its beginnings to the current day. It was very vibrant, and a lot of events were held there. The Old Mill has been popular for a long time. It is a shame that it was allowed to degrade, and he thinks there is a chance to save it. The applicant described how the Old Mill had to be torn down, and three or four months ago they discussed traffic on the highway. He asked how it was measured and was told that they looked at the whole road and bridge. He asked if they had looked at the intersections because that is where the congestion will be, and they said no.

Alan Fletcher stated that he is a resident of Old Mill Estates. They had heard a lot about stewardship and responsibility. He has known Doug Shelby for a long time and considers him a friend. He sometimes feels sorry for Mr. Shelby because he is trying to balance a lot of competing interests. However, whether the family planned it or not, several years ago, they ended up with a building on the historical register, which carries a responsibility for stewardship. Approximately 35 years ago, he purchased a lot in an HOA. By purchasing it, he agreed to follow the HOA's rules about what the house would look like and what he could or could not plant. Over the years, it had served him well because the rules helped preserve the area. He appreciated Mr. Hemmert's explanation about what had happened with the Old Mill over the last 40 years, but as he talked about the events and movies and other things that had happened, he did not say anything about stewardship or the responsibility of maintaining the Old Mill. It just kind of sat there. If he had let his home sit there for 35 years without maintenance and never put money back into it, it would probably look pretty bad now, too.

John Coburn stated that he grew up in the area during the 1960s and 1970s, and he remembers the Old Mill being a wonderful place. He moved to the East Coast for a job, and he knows what it is like to live in suburbia with only houses and developments. It tends to diminish the value of a community when that is all you have. The Old Mill is a historic building that enriches the community. It has not been improved, but the potential is there. He thinks Cottonwood Heights would benefit tremendously if they found benefactors willing to step up and refurbish the Old Mill. He does not think it is a historic landmark that the City wants to lose because its loss will detract from the community. Trolley Square is a structure that Salt Lake City chose to refurbish rather than destroy. They turned it into a flourishing business opportunity in their downtown area. Cottonwood Heights has the opportunity to restore the Old Mill and turn it into a beautiful landmark with shops, restaurants, and maybe even a small concert area. It is very enriching to have historic landmarks in the community, and it would be sad to lose that. The last thing the City

needs is another high-rise or more condominiums. It needs enriching structures that increase the value and quality of life. He asked the Planning Commission to not let the historic Old Mill be destroyed.

Matt Disney stated that he lives in Old Mill Estates. The City has ordinances for a reason, and this is clearly a self-created hardship. He was born in 1984, and he is not young anymore. If he defers maintenance for 41 years, the inevitable will happen. He does not doubt that there are expenses, but what had been presented were issues of convenience. Rice-Eccles Stadium cost \$80 million. He has a hard time believing that it is not opportunistic to state that it will cost \$100 million to renovate or partially renovate the Old Mill, considering the size, scale, and scope of that project. There are very few historical structures left to preserve in Cottonwood Heights, and he believes it is everyone's stewardship to take that seriously before it is too late.

Sarah Gibson stated that she is originally from North Carolina but grew up in Cottonwood Heights. As a child, she was not a fan of Utah. She moved from an area with lush forests and historic buildings to a desert and cookie-cutter developments. The first time she saw the Old Mill as a child, it had the same impact on her as the historic colonial and Civil War buildings on the East Coast. Set against the mountains, it helped her fall in love with Utah. Over 20 years later, there is nowhere else she would rather be. She has watched the area change over those decades. Where there used to be fields, there are townhomes. The idea of this beautiful, irreplaceable mill being replaced by yet another generic, low-quality development is heartbreaking. Utah residents are constantly told that profit is a bigger priority than clean air and water, the preservation of the Great Salt Lake, public lands, and the biodiversity and structural integrity of Little Cottonwood Canyon. She believes the City has the opportunity to tell the public that they matter, and their history matters.

Brendan O'Leary stated that he is not a Cottonwood Heights resident, but he went to high school in the City. There is a dire shortage of buildings that bring a sense of community and identity like the Old Mill. An earlier comment mentioned how many things are named after it. It is clear that the mill is an essential part of the community's identity, and that should not be overlooked. They were so close to turning the Old Mill into a community arts center, which would have been wonderful because it would have both looked backward, preserving an incredible historical piece of Cottonwood Heights' identity, and provided a space to appreciate art, connect with each other, and for younger people to invest in the community and explore and develop their own identities. Losing something like that seems like a preventable outcome, which is an absolute shame. He hopes another resolution can be reached.

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

Chair Steinman reported that many online comments had also been received. He thanked everyone who commented for their passion, experience, and contribution to the community. The Old Mill is a building that everyone in the community has enjoyed and holds dear.

The Planning Commission has one year to go through the process. He asked that the applicant spend that year looking at other options for the property. He understands that it is a difficult

situation. However, many of the comments they heard were about stewardship and investment, and stewardship from a community standpoint is a very important component.

CHMC §19.86.045, Protective Maintenance Required, states:

In addition to the requirements of the applicable building code, the owner of any Historic Site shall maintain and repair the Historic Site in accordance with this section. An Historic Site shall not be destroyed by neglect of any structure that has or is incurring permanent damage, by weather, or by vandalism.

The owner shall maintain and repair the Historic Site to the extent that in the opinion of the City is sufficient to prevent damage to the structural components or the exterior of the structure, or to prevent the collapse of the structure, or to prevent the structure from becoming so deteriorated as to render impossible its repair and preservation.

The City can investigate the condition of any Historic Site. Upon finding that the Historic Site is dilapidated or deteriorating, the City shall notify the property owner by certified letter of the failure of meeting City codes and standards. The City shall identify specific repairs and any work necessary to comply with the conditions and requirements approved by the City. The owner shall have 120 days from written notification to complete necessary repairs and improvements that were approved by the City. All effort to work with the proper owner will be expended before written notification is mailed to the property owner. Failure to complete the necessary repairs and work within 120 days shall constitute a violation of this chapter.

Chair Steinman reported that the Planning Commission identified 10 items for Planning Department staff to focus on. It is apparent the structure has been neglected over the last 41 years. The Commission is looking at the past, but also to the future, and it has one year to determine what happens next. There are a lot of great minds, deep pocketbooks, passion, and the possibility of obtaining grants. He believes there is an opportunity to preserve the site and potentially make it better than anyone has imagined. Protective maintenance was required, and the Planning Commission agreed that the requirement was not met. The City Council must issue a Certificate of Appropriateness as well. The City can be proactive over the next year by holding meetings and public forums and pursuing fundraising efforts.

Chair Steinman asked Mr. Spung to review the items that Staff had been tasked with researching. Mr. Spung clarified that the information will be provided by the applicant and Staff will relay it to the Commission. He would be coordinating with the applicant on the following items:

- How do the national and state historic designations affect the City's review and decisions?
- Provide more seismic information, including fault lines and locations, as that may be helpful to inform a decision.
- When was the structure condemned and why? Are there supporting documents?
- What has the City done to enforce Historic Preservation standards?
- Is there any City liability in regard to approval or disapproval?
- Provide more history on the structure and differences in the City and County Codes.
- Detail the specific process by which a Historic Structure is designated in the City.

- What is the history of maintenance for the structure?
- Provide a history of due diligence efforts to preserve the structure.
- Research when the maintenance clause was added to City Code.

Commissioner Anderson stated that there are still a lot of unknowns and information that needs to be gathered. She recommended that the matter be a standing agenda item so questions can be discussed as they arise. Commissioner Lugo agreed and remarked that there had been a lot of discussion about the actual renovation costs. He believes it is important to understand the actual cost, as he had heard amounts between \$20 million and \$100 million. Commissioner Anderson remarked that the Planning Commission should be mindful of the scope of what is being evaluated and ensure that they are doing it appropriately.

Commissioner Mills commended members of the public for the way they conducted themselves and the improved communication. All three previous Mayors had courted large donors to restore the Old Mill, but their efforts were unsuccessful. He strongly encouraged anyone who can get the right people in the room to do so, as that is not within the Planning Commission's purview. He encouraged everyone who was involved with the 2019 opportunity to reconvene and connect with those who offered resources. There may be an opportunity to reach a resolution on that proposal.

Commissioner Mills agreed with Commissioner Anderson regarding keeping the item on the agenda. He believes there will be regular new pieces of information. Planning Department Staff has done an enormous amount of work to get up to speed on an issue that others sat on for decades. There is a desire on the part of the Planning Commission to retain institutional memory and ensure best practices to benefit the future of Cottonwood Heights. That can be hard to see from the audience, but they all have the desire to be happy about the City they live in. He heard things during the public hearing that he was not aware of, and that level of public engagement has always led Cottonwood Heights to make better decisions than many of its neighbors. Public engagement matters. He is dismayed at what was allowed to happen, but the Planning Commission cannot impose penalties related to those missteps. He believes there may be pathways that provide the best possible outcome for both the property and the Shelbys.

Commissioner Mills stated that he had no other questions to add to the list and was hopeful that the applicant would provide timely responses to the existing questions. He asked Staff to track the timeliness of the responses because there had been delays in the past, and that would be an unacceptable outcome for this process.

Mr. Spung recommended that the item be included on work session agendas only as there may not be substantive material to review in business meetings. The next meeting would be held on February 4 and there likely was not enough time to obtain new information, so he suggested that the item be placed on the March 4 agenda. Staff likely will not have answers to all the Commission's questions at that time, but they will be able to provide an update on the process.

Mr. Spung did not believe it would be appropriate to notice every meeting as a public hearing. All meetings are public, but there is a significant cost to the City in both postage and Staff time in mailing out notices for every meeting. At the March 4 meeting, the Planning Commission can identify any specific dates that may like advertised as a public hearing. The current meeting

satisfied all City and State requirements so no additional public hearings were legally required. However, he recommended that one be held at the meeting where a decision is made.

Chair Steinman stated that he does not believe it is necessary to hold another public hearing in the interim and noted that public comments are welcomed at the beginning of every meeting. Commissioner Shelton recommended reopening the item for written public comments so the Commission can continue to review those comments throughout the year but agreed that additional public hearings are not necessary.

Commissioner Mills remarked that there is a general public comment period at every Planning Commission meeting, and all residents can speak for three meetings during that period. It was a question of noticing. Mr. Topham agreed. A public hearing is different from a public comment period. The public can provide public comment at any meeting, and people who are interested in this topic can make public comment at any future meeting. He recommended that the Planning Commission decide whether and when to have additional public hearings based on what happens at future meetings.

Commissioner Smith reiterated his concerns about safety. He wanted to verify that the property is secure so if someone climbs the fence, a brick will not fall on them. He does not know the best way to determine that, but it is important to ensure that the property is safe and secure. Commissioner Mills stated that cameras and a fence had been installed by Mr. Shelby, and Cottonwood Heights police drive by regularly as well. Commissioner Smith stated that he has heard that some teenagers still get in regardless of things like fences.

Mr. Spung stated that the property is private. The City has no responsibility or liability to maintain it or prevent people from entering, and the Planning Commission should avoid any stipulations to that effect. However, the owners are taking measures to secure the property and have minimized trespassing.

Chair Steinman stated that multiple engineering studies were included in the Staff Report, including some that were conducted by Salt Lake County. He asked if Mr. Spung was aware of the County's reason for conducting studies on the Old Mill for a private landowner. Mr. Spung stated that he can research the matter and present his findings at a future meeting. Chair Steinman requested an audit of the existing studies as a first step. The Planning Commission had discussed a separate City survey, and it would be worthwhile for a nonbiased third party to evaluate the site and better understand why and when other third-party tests were conducted. Studies can take several months, but the Planning Commission has one year, and it is important to understand what is happening as well as the applicant's liability. There are other concerns on the list, but from his perspective that should be the top priority. An audit of any maintenance steps that had been taken would also be helpful.

Mr. Spung stated that the City Council will discuss the possibility of conducting an independent study. A budget adjustment will be required to approve that expense. Staff will brief the Council on the application, and it will be addressed at that time. Chair Steinman remarked that some members of the public had offered to contribute to the effort.

Commissioner Mills stated that the reference to Salt Lake County was actually a statement Mr. Shelby had asked Mr. Erickson to submit. Mr. Erickson was the Salt Lake County Engineer and Chief Building Officer at the time, but that does not necessarily imply that he was acting in an official capacity. The letter did not appear to originate from Salt Lake County, but rather from an individual that had interacted with Mr. Shelby.

Commissioner Smith moved CONTINUE Project CUP-25-005 to the March 4, 2026 Planning Commission Meeting. Commissioner Mills seconded the motion. The motion passed with the unanimous consent of the Commission.

4.0 Consent Agenda

4.1 Approval of December 15, 2025, Planning Commission Minutes.

Commissioner Mills moved to APPROVE the Consent Agenda, as presented. Commissioner Smith seconded the motion. The motion passed with the unanimous consent of the Commission.

5.0 Adjourn.

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

The Work Session adjourned at 8:09 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Planning Commission Work Session and Business Session held on Wednesday, January 21, 2026.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: _____