

COTTONWOOD HEIGHTS CITY PLANNING COMMISSION MEETING AGENDA



November 6, 2024

Notice is hereby given that the **Cottonwood Heights Planning Commission** will convene on **Wednesday, November 6, 2024**, at **Cottonwood Heights City Hall** (2277 E. Bengal Blvd., Cottonwood Heights, UT 84121) for its **Work Session** and **Business Session** meetings.

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

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

5:00 p.m. Work Session

1.0 Review Business Session Agenda

The commission will review and discuss agenda items.

2.0 Adjourn

6:00 p.m. Business Session

1.0 Welcome and Acknowledgements

- 1.1 Ex parte communications or conflicts of interest to disclose

2.0 General Public Comment

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

3.0 Business Items

- 3.1 Project ZTA-24-004

This item constitutes a city-initiated request to amend portions of Title 19 (Zoning) to update erroneous, conflicting, or otherwise unclear portions of city code as part of regular code maintenance.

- 3.2 Project GPA-24-001

This item constitutes a city-initiated request to amend a portion of the adopted Wasatch Boulevard Master Plan.

4.0 Consent Agenda

- 4.1 Approval of Planning Commission Minutes from September 4, 2024
- 4.2 Approval of Planning Commission Minutes from October 2, 2024

5.0 Adjourn

Next Planning Commission Meeting: December 4, 2024

Public Comment Policy

Individuals may provide public comment verbally or via writing.

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

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

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

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

Alternatively, **written comments** may be submitted to staff via email at planning@ch.utah.gov. For written comments to be entered into the record and distributed to the planning commission prior to the meeting, they must be submitted to staff by 12:00 p.m. MST on Tuesday, October 15, 2024, the day prior to the meeting. Comments received after this deadline will be distributed to the planning commission after the meeting.

Meeting Procedures

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

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

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

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

Confirmation of Public Notice

On Friday, November 1, 2024, a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Cottonwood Heights City Offices. The agenda was also posted on the City's website at www.cottonwoodheights.utah.gov and the Utah public notice website at <http://pmn.utah.gov>.

DATED THIS 1ST DAY OF NOVEMBER, 2024, Attest: Maria Devereux, Deputy City Recorder

COTTONWOOD HEIGHTS CITY PLANNING COMMISSION STAFF MEMO



November 6, 2024

Request

This application represents a city-initiated request for a zoning text amendment to make minor updates to portions of Title 19 (Zoning) of city code.

The purpose of this text amendment is to clarify ambiguous definitions and procedures and rectify conflicting provisions as part of general city code maintenance.

Background & Overview

In an ongoing effort to provide a more accurate and user-friendly code, staff maintains an ongoing list of ambiguous, conflicting, or otherwise erroneous city code passages which require correction. Throughout the year, staff presents collections of these proposed edits to the Planning Commission and City Council for review and adoption.

Attached to this memo is a complete copy of the changes proposed in this current collection of edits, including staff narrative describing the background, purpose, and scope of each change.

Recommendation & Model Motions

Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed changes.

Approval

I move that we forward a recommendation of approval to the City Council for project ZTA-24-003, based on the finding listed in the staff memo and attachments dated November 6, 2024.

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

Denial

I move that we forward a recommendation of denial to the City Council for project ZTA-24-003, based on the following findings...

- List findings for negative recommendation...

Attachments

1. Proposed Changes

Height Verification Procedure

The Community and Economic Development Department requires height verification when a proposed structure is near its maximum height, in order to ensure that the structure doesn't exceed this maximum. However, this policy has never been codified. The below verbiage adds this procedure to the existing section that describes structural height measurements.

19.76 Supplementary And Qualifying Rules and Regulations

19.76.30 Structures, Bulk And Massing Requirements

D. Structure height — Vertical measurement.

1. Structure height shall be measured by taking the average vertical distance measured at the four corners of the main structure. This measurement shall be taken from the original natural grade of the lot to the highest point of the roof structure. In cases where the four corners of the structure are not explicitly clear, the city's building official and the director shall designate the four corners of the structure.
 2. Structures may be stepped to accommodate the slope of the terrain provided that each step shall be at least 12 feet in horizontal dimension. The height of each stepped segment shall be measured as required in Subsection (A).
 3. Original ground surface shall be the elevation of the ground surface in its natural state before any manmade alterations such as, without limitation, grading, excavation or filling, excluding improvements required by zoning or subdivision ordinances. When the elevation of the original ground surface is not readily apparent because of previous manmade alterations, the elevation of the original grade shall be determined by the director using the best information available.
- ~~3-4.~~ [Structure height determined to be within five feet of the maximum height allowance shall require height verification at the 4-way inspection, or its equivalent. Structure height determined to be within one foot of the maximum height allowance shall require height verification at the foundation and 4-way inspections, or their equivalents.](#)

Structure Regulations

The changes below are proposed in order to comply with regulations adopted during the 2024 Utah Legislative Session, as well as findings from a deck reconstruction project reviewed by the State Ombudsman. The changes provide more consistency between the use of “building” versus “structure” and the associated regulations.

19.76 Supplementary And Qualifying Rules and Regulations

19.76.30 Structures, Bulk And Massing Requirements

J. Yard requirements. “Yard” means a space on a lot, other than a court, unoccupied and unobstructed from the ground upward by buildings or structures, except as follows:

1. Fences;
2. The ordinary projections of windows where the projection is at least 18 inches above floor level, awnings, parapets, relief carvings, roofs, cornices, chimneys, flues, and other ornamental features which project into a yard not more than three feet;
3. Open or lattice-enclosed exterior stairways, located in a commercial or manufacturing zone, projecting into a yard not more than five feet; ~~and~~
4. Structures less than 18 inches in height from the finished ground surface; ~~and~~
- 4.5. In the case of rear setback, an uncovered landing or uncovered walkout porch connected to the rear of a residential dwelling that is no more than 32 square feet in size and is used for ingress to and egress from the rear of the residential dwelling-

R. Miscellaneous Yard Elements

1. Flagpoles
 - a. Flagpoles may be located in any yard area, subject to a minimum three-foot setback from property lines, and may exceed the maximum structure height in the underlying zone by a maximum of 10 feet.
2. Playgrounds
 - a. Playgrounds shall be subject to the same height, setback, placement, and lot coverage standards for accessory ~~structures-buildings~~ in the underlying zone.
3. Gazebos and Pergolas
 - a. Gazebos and pergolas shall be subject to the same height, setback, placement, and lot coverage standards for either attached or accessory ~~structures-buildings~~ in the

underlying zone, depending on whether the gazebo or pergola is attached to the main building or constructed as an accessory structure.

4. Tree Houses

- a. Tree houses shall be subject to the same setback and height requirements for accessory buildings in the underlying zone, but may also be located in the side yard and front yards, and are not subject to building separation or lot coverage standards. The height of the structure is measured from existing grade to the highest roof point.

5. Decks

- a. Decks shall be subject to the same height, setback, placement, and lot coverage standards for either attached or accessory buildings in the underlying zone, depending on whether the deck is attached to the main building or constructed as an accessory structure.

19.04 Definitions

19.04.760 Day Camp for Children

A facility arranged and conducted for the organized recreation and instruction of children including outdoor activities on a daytime basis.

19.04.765 Deck

A structure that is more than 18” in height from existing grade, primarily utilized for incidental leisure occupation.

19.04.770 Density

The total number of residential buildings allowed upon a given tract of land usually expressed in total number of units per gross acres or net acre.

19.04.1390 Laboratory, Scientific Or Research

An establishment that engages in research, testing or evaluation of materials or products, but not medical-related (see also “medical facilities -- medical laboratory”).

19.04.1395 Landing

An uncovered, above-ground platform, with or without stairs, connected to the rear of a residential dwelling.

19.04.1400 Landscaping

Material such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees or palms, and non-living durable materials that are commonly used in landscaping such as, but not limited to, rocks, pebbles, sand, walls or fences, but excluding paving.

19.04.1410 Laundromat

A facility where patrons wash, dry and/or dry clean clothing and other fabrics in machines that are operated by the patron.

19.04.3045 Veterinarian Clinic

An establishment where animals and pets are admitted for examination and medical treatment (see also “kennels”).

HISTORY

Amended by Ord. [421](#) on 9/10/2024

[19.04.3050 Walkout Porch](#)

[Means an uncovered platform that is on the ground and connected to the rear of a residential dwelling.](#)

19.04.3055~~0~~ Water Features

A design element where water performs an aesthetic function, such as ponds, fountains, or waterfalls which serve a strictly ornamental purpose, and are not utilized for recreation.

HISTORY

Adopted by Ord. [421](#) on 9/10/2024

19.04.3060~~55~~ Weapon

A weapon is (a) any firearm, including, without limitation, any barreled device, of any description, from which any shot, bullet, pellet, dart, paintball or other potentially harmful missile can be discharged, any component part of or accessory to such a firearm, including accessories designed or adapted to diminish the noise or flash caused by the firing of the firearm; (b) any knife, including, without limitation, a belt buckle knife, dirk, dagger, sword, cane sword, pen knife, lipstick knife, switchblade, butterfly knife or any other knife that has a blade longer than 2.5 inches, opens automatically, or has more than one sharp edge; (c) nunchaku; (d) metal knuckles; (e) blow guns in excess of 12” in length; (f) bows and crossbows; (g) ammunition, arrows, bolts, bullets or any explosive device.

19.04.3065~~0~~ Wrecking Yard (Junkyard Or Auto Salvage)

Any lot upon which two or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license, have been placed for the purpose of obtaining parts for recycling or resale.

19.17 RR-1-43 – Rural Residential Zone

19.17.060 Front Yard

In RR-1-43 zone, the minimum depth of the front yard for ~~main~~the primary buildings and for detached garages which have a minimum side yard of eight feet shall be 30 feet, or the average of the existing buildings where 50% or more of the frontage is developed, provided that in no case shall the depth of the front yard be less than 20 feet, or be required to be more than 30 feet. All accessory buildings, other than detached garages which have a side yard of at least eight feet, shall be located at least six feet in the rear of the ~~main~~primary building.

HISTORY

Amended by Ord. [412](#) on 4/9/2024

19.17.070 Side Yard

In the RR-1-43 zone:

1. The minimum side yard for ~~any the dwelling~~primary building shall be ten feet, and the total width of the two required side yards shall be not less than 20 feet.
2. The minimum side yard for a detached garage shall be eight feet, except that detached garages and other accessory buildings located in the rear yard and at least six feet away from the ~~main~~primary building shall maintain a minimum side yard of not less than five feet.
3. On corner lots, the side yard which faces on a street for both ~~main~~primary and accessory buildings shall be not less than 20 feet, or the average of existing buildings where 50% or more of the frontage is developed, but in no case less than 15 feet.

HISTORY

Amended by Ord. [412](#) on 4/9/2024

19.17.080 Rear Yard

In the RR-1-43 zone, the minimum depth of the rear yard for ~~any the~~main primary building shall be 30 feet, and for accessory buildings five feet; provided, that on corner lots which rear upon the side yard of another lot, accessory buildings shall be located not closer than ten feet to such side yard.

19.17.090 Maximum Height Of Structures

In the RR-1-43 zone:

1. For uses where the slope of the original ground surface is greater than 15%, or if a slope stability hazard is present on site, the maximum structure height shall be 30 feet.
2. All other properties shall maintain a maximum structure height of 35 feet.

3. No accessory structure shall exceed 20 feet in height. For each foot of height over 14 feet, accessory structures shall be set back from property lines an additional foot from the minimum setback to allow a maximum height of 20 feet.
4. Accessory structures which meet the minimum side, rear and front setbacks for [main primary](#) buildings in the RR-1-43 zone may have an increase in maximum height to equal the maximum height of [main primary](#) buildings in the RR-1-43 zone.

19.18 RR-1-29 – Rural Residential Zone

19.18.060 Front Yard

In RR-1-29 zone, the minimum depth of the front yard for [main the primary](#) buildings and for detached garages which have a minimum side yard of eight feet shall be 30 feet, or the average of the existing buildings where 50% or more of the frontage is developed, provided that in no case shall the depth of the front yard be less than 20 feet, or be required to be more than 30 feet. All accessory buildings, other than detached garages which have a side yard of at least eight feet, shall be located at least six feet in the rear of the [main primary](#) building.

HISTORY

Amended by Ord. [412](#) on 4/9/2024

19.18.070 Side Yard

In the RR-1-29 zone:

1. The minimum side yard for [any the dwelling primary building](#) shall be ten feet, and the total width of the two required side yards shall be not less than 20 feet.
2. The minimum side yard for a detached garage shall be eight feet, except that detached garages and other accessory buildings located in the rear yard and at least six feet away from the [main primary](#) building shall maintain a minimum side yard of not less than five feet.
3. On corner lots, the side yard which faces on a street for both [main primary](#) and accessory buildings shall be not less than 20 feet, or the average of existing buildings where 50% or more of the frontage is developed, but in no case less than 15 feet.

HISTORY

Amended by Ord. [412](#) on 4/9/2024

19.18.080 Rear Yard

In the RR-1-29 zone, the minimum depth of the rear yard for [any the main primary](#) building shall be 30 feet, and for accessory buildings five feet; provided, that on corner lots which rear upon the side yard of another lot, accessory buildings shall be located not closer than ten feet to such side yard.

19.18.090 Maximum Height Of Structures

1. For uses where the slope of the original ground surface is greater than 15%, or if a slope stability hazard is present on site, the maximum structure height shall be 30 feet.
2. All other properties shall maintain a maximum structure height of 35 feet.
3. No accessory structure shall exceed 20 feet in height. For each foot of height over 14 feet, accessory structures shall be set back from property lines an additional foot from the minimum setback to allow a maximum height of 20 feet.
4. Accessory structures which meet the minimum side, rear and front setbacks for [main primary](#) buildings in the RR-1-29 zone may have an increase in maximum height to equal the maximum height of [main primary](#) buildings in the RR-1-29 zone.

19.20 RR-1-21 – Rural Residential Zone

19.20.060 Front Yard

In the RR-1-21 zone, the minimum depth of the front yard for [main the primary](#) buildings and for detached garages which have a minimum side yard of eight feet shall be 30 feet, or the average of the existing buildings where 50% or more of the frontage is developed, provided that in no case shall the depth of the front yard be less than 20 feet, or be required to be more than 30 feet. All accessory buildings, other than detached garages which have a side yard of at least eight feet, shall be located at least six feet in the rear of the [main primary](#) building.

HISTORY

Amended by Ord. [412](#) on 4/9/2024

19.20.070 Side Yard

In the RR-1-21 zone:

1. The minimum side yard for [any the dwelling primary building](#) shall be ten feet, and the total width of the two required side yards shall be not less than 20 feet.
2. The minimum side yard for a detached garage shall be eight feet, except that detached garages and other accessory buildings located in the rear yard and at least six feet away from the [main primary](#) building shall maintain a minimum side yard of not less than five feet.
3. On corner lots, the side yard which faces on a street for both [main primary](#) and accessory buildings shall be not less than 20 feet, or the average of existing buildings where 50% or more of the frontage is developed, but in no case less than 15 feet.

HISTORY

Amended by Ord. [412](#) on 4/9/2024

19.20.080 Rear Yard

In the RR-1-21 zone, the minimum depth of the rear yard for ~~any the main-primary~~ building shall be thirty feet, and for accessory buildings five feet; provided, that on corner lots which rear upon the side yard of another lot, accessory buildings shall be located not closer than ten feet to such side yard.

19.20.090 Maximum Height Of Structures.

1. For uses where the slope of the original ground surface is greater than 15%, or if a slope stability hazard is present on site, the maximum structure height shall be 30 feet.
2. All other properties shall maintain a maximum structure height of 35 feet.
3. No accessory structure shall exceed 20 feet in height. For each foot of height over 14 feet, accessory structures shall be set back from property lines an additional foot from the minimum setback to allow a maximum height of 20 feet.
4. Accessory structures which meet the minimum side, rear and front setbacks for ~~main primary~~ buildings in the RR-1-21 zone may have an increase in maximum height to equal the maximum height of ~~main-primary~~ buildings in the RR-1-21 zone.

19.23 R-1-15 – Residential Single-Family Zone

19.23.060 Setbacks/Yard Requirements

1. Setbacks/yard requirements are intended to provide a description of the required space between buildings and property lines. ~~All The primary buildings intended for human inhabitants~~ shall maintain a minimum distance from property lines as follows:
 1. Front: 25 feet.
 2. Sides: 10 feet on interior lots, 20 feet on corner lots.
 3. Rear: 20 feet.
2. Accessory buildings in the R-1-15 zone shall maintain a minimum distance from property lines as follows:
 1. Front: Accessory buildings, including detached garages, shall maintain a setback of at least six feet from the ~~main-primary~~ building in the rear yard of the particular property.
 2. Sides: Three feet on interior lots; 20 feet on the street side of corner lots.
 3. Rear: Three feet on interior lots; 20 feet on the street side of corner lots.

19.25 R-1-10 – Residential Single-Family Zone

19.25.060 Setbacks/Yard Requirements

1. Setbacks/yard requirements are intended to provide a description of the required space between buildings and property lines. ~~The~~ Alt primary buildings intended for human inhabitants shall maintain a minimum distance from property lines as follows:
 1. Front: 25 feet.
 2. Sides: On interior lots, a total of at least 20 feet between the two side yards, with no side yard of less than eight feet. On corner lots, at least 20 feet per side yard.
 3. Rear: 20 feet.
2. Accessory buildings in the R-1-10 zone shall maintain a minimum distance from property lines as follows:
 1. Front: Accessory buildings, including detached garages, shall maintain a setback of at least six feet from the main primary-building in the rear yard of the particular property.
 2. Sides: Three feet on interior lots; 20 feet on the street side of corner lots.
 3. Rear: Three feet on interior lots; 20 feet on the street side of corner lots.

19.26 R-1-8 – Residential Single-Family Zone

19.26.060 Setbacks/Yard Requirements

1. Setbacks/yard requirements are intended to provide a description of the required space between buildings and property lines. ~~Alt~~ The primary buildings intended for human inhabitants shall maintain a minimum distance from property lines as follows:
 1. Front: 25 feet.
 2. Sides: On interior lots, a total of at least 20 feet between the two side yards, with no side yard of less than eight feet. On corner lots, at least 20 feet per side yard.
 3. Rear: 20 feet.
2. Accessory buildings in the R-1-8 zone shall maintain a minimum distance from property lines as follows:
 1. Front: Accessory buildings, including detached garages, shall maintain a setback of at least six feet from the main primary building in the rear yard of the particular property.
 2. Sides: Three feet on interior lots; 20 feet on the street side of corner lots.
 3. Rear: Three feet on interior lots; 20 feet on the street side of corner lots.

19.29 R-1-6 – Residential Single-Family Zone

19.29.060 Setbacks/Yard Requirements

1. Setbacks/yard requirements are intended to provide a description of the required space between buildings and property lines. ~~At~~The primary buildings intended for human inhabitants shall maintain a minimum distance from property lines as follows:
 1. Front: 20 feet.
 2. Sides: On interior lots, a total of at least 15 feet between the two side yards, with no side yard of less than five feet. On corner lots, at least 15 feet per side yard.
 3. Rear: 20 feet.
2. Accessory buildings in the R-1-6 zone shall maintain a minimum distance from property lines as follows:
 1. Front: Accessory buildings, including detached garages, shall maintain a setback of at least six feet from the ~~main~~primary building in the rear yard of the particular property.
 2. Sides: Three feet on interior lots; 20 feet on the street side of corner lots.
 3. Rear: Three feet on interior lots; 20 feet on the street side of corner lots.

19.31 R-2-8 – Residential Multi-Family Zone

19.31.060 Setbacks/Yard Requirements

Setbacks/yard requirements are intended to provide a description of the required space between buildings and property lines. ~~At~~buildings intended for human inhabitantsPrimary buildings shall maintain a minimum distance from property lines as follows: Front: 25 feet. Sides: On interior lots, a total of at least 15 feet between the two side yards, with no side yard of less than five feet. On corner lots, at least 20 feet per side yard abutting a street. Rear: 20 feet. Accessory buildings in the R-2-8 zone shall maintain a minimum distance from property lines as follows: Front: Accessory buildings, including detached garages, shall maintain a setback of at least six feet from ~~the main~~primary buildings in the rear yard of the particular property. Sides: Three feet, on interior lots; 20 feet on street side corner lots. Rear: Three feet, on interior lots; 20 feet on the street side of corner lots.

19.34 RM – Residential Multi-Family Zone

19.34.060 Setbacks/Yard Requirements

1. Setbacks/yard requirements are intended to provide a description of the required space between buildings and property lines. ~~Alt-Primary~~ buildings ~~intended for human inhabitants~~ shall maintain a minimum distance from property lines as follows: Front: 30 feet. Sides: On interior lots, a total of at least 25 feet between the two side yards, with no side yard of less than ten feet. On corner lots, at least 30 feet per side yard. Rear: 30 feet.

2. Accessory buildings in the RM zone shall maintain a minimum distance from property lines as follows: Front: Accessory buildings, excluding garages, shall maintain a setback of at least six feet from ~~primary~~the main buildings in the rear yard for the particular property. Sides: Five feet, excluding garages, on interior lots; 20 feet on corner lots. Rear: Five feet, excluding garages, on interior lots; 20 feet on corner lots. Attached garages shall conform to the rear yard requirements of main buildings. Detached garages shall conform to the rear yard requirements of accessory buildings, provided that the garage is in the rear yard and at least six feet away from the main building. Garages: The minimum side yard for a private garage shall be eight feet, except that private garages and other accessory buildings located in the rear yard and at least six feet away from the ~~main~~primary building shall maintain a minimum side yard of not less than five feet.

Corner Lot Setback Revisions

For development on a corner lot, the corner side setback is typically larger than the interior side setback. Current code is unclear, however, on whether this bigger setback applies only to the corner side of these lots, or if it also applies to the interior side. The below changes clarify that the larger setback only applies to the corner side, which is consistent with how the code has always been interpreted.

19.23 R-1-15 – Residential Single-Family Zone

19.23.060 Setbacks/Yard Requirements

- A. Setbacks/yard requirements are intended to provide a description of the required space between buildings and property lines. All buildings intended for human inhabitants shall maintain a minimum distance from property lines as follows:
 - 1. Front: 25 feet.
 - 2. Sides: 10 feet on interior lots, 20 feet on [the street side of](#) corner lots.
 - 3. Rear: 20 feet.
- B. Accessory buildings in the R-1-15 zone shall maintain a minimum distance from property lines as follows:
 - 1. Front: Accessory buildings, including detached garages, shall maintain a setback of at least six feet from the main building in the rear yard of the particular property.
 - 2. Sides: Three feet on interior lots; 20 feet on the street side of corner lots.
 - 3. Rear: Three feet on interior lots; 20 feet on the street side of corner lots.

19.25 R-1-10 – Residential Single-Family Zone

19.25.060 Setbacks/Yard Requirements

- A. Setbacks/yard requirements are intended to provide a description of the required space between buildings and property lines. All buildings intended for human inhabitants shall maintain a minimum distance from property lines as follows:
 - 1. Front: 25 feet.
 - 2. Sides: On interior lots, a total of at least 20 feet between the two side yards, with no side yard of less than eight feet. On corner lots, at least 20 feet [on the street side and at least 8 feet on the interior side, per side yard.](#)
 - 3. Rear: 20 feet.
- B. Accessory buildings in the R-1-10 zone shall maintain a minimum distance from property lines as follows:

1. Front: Accessory buildings, including detached garages, shall maintain a setback of at least six feet from the main building in the rear yard of the particular property.
2. Sides: Three feet on interior lots; 20 feet on the street side of corner lots.
3. Rear: Three feet on interior lots; 20 feet on the street side of corner lots.

19.26 R-1-8 – Residential Single-Family Zone

19.26.060 Setbacks/Yard Requirements

1. Setbacks/yard requirements are intended to provide a description of the required space between buildings and property lines. All buildings intended for human inhabitants shall maintain a minimum distance from property lines as follows:
 1. Front: 25 feet.
 2. Sides: On interior lots, a total of at least 20 feet between the two side yards, with no side yard of less than eight feet. On corner lots, at least 20 feet on the street side and at least 8 feet on the interior side, per side yard.
 3. Rear: 20 feet.
2. Accessory buildings in the R-1-8 zone shall maintain a minimum distance from property lines as follows:
 1. Front: Accessory buildings, including detached garages, shall maintain a setback of at least six feet from the main building in the rear yard of the particular property.
 2. Sides: Three feet on interior lots; 20 feet on the street side of corner lots.
 3. Rear: Three feet on interior lots; 20 feet on the street side of corner lots.

19.29 R-1-6 – Residential Single-Family Zone

19.29.060 Setbacks/Yard Requirements

1. Setbacks/yard requirements are intended to provide a description of the required space between buildings and property lines. All buildings intended for human inhabitants shall maintain a minimum distance from property lines as follows:
 1. Front: 20 feet.
 2. Sides: On interior lots, a total of at least 15 feet between the two side yards, with no side yard of less than five feet. On corner lots, at least 15 feet on the street side and at least 5 feet on the interior side, per side yard.
 3. Rear: 20 feet.
2. Accessory buildings in the R-1-6 zone shall maintain a minimum distance from property lines as follows:

1. Front: Accessory buildings, including detached garages, shall maintain a setback of at least six feet from the main building in the rear yard of the particular property.
2. Sides: Three feet on interior lots; 20 feet on the street side of corner lots.
3. Rear: Three feet on interior lots; 20 feet on the street side of corner lots.

19.34 RM – Residential Multi-Family Zone

19.34.060 Setbacks/Yard Requirements

1. Setbacks/yard requirements are intended to provide a description of the required space between buildings and property lines. All buildings intended for human inhabitants shall maintain a minimum distance from property lines as follows:

Front: 30 feet.

Sides: On interior lots, a total of at least 25 feet between the two side yards, with no side yard of less than ten feet. On corner lots, at least 30 feet [on the street side and at least 10 feet on the interior side, per side yard.](#)

Rear: 30 feet.

2. Accessory buildings in the RM zone shall maintain a minimum distance from property lines as follows:

Front: Accessory buildings, excluding garages, shall maintain a setback of at least six feet from the main building in the rear yard for the particular property.

Sides: Five feet, excluding garages, on interior lots; 20 feet on [the street side of](#) corner lots.

Rear: Five feet, excluding garages, on interior lots; 20 feet on corner lots. Attached garages shall conform to the rear yard requirements of main buildings. Detached garages shall conform to the rear yard requirements of accessory buildings, provided that the garage is in the rear yard and at least six feet away from the main building.

Garages: The minimum side yard for a private garage shall be eight feet, except that private garages and other accessory buildings located in the rear yard and at least six feet away from the main building shall maintain a minimum side yard of not less than five feet.

Architectural Review Commission Edits

Updated legislative regulations prevent a municipality from reviewing one and two-family dwellings for architectural design standards. As such, the below verbiage updates regulations in the Gateway Overlay District to comply with this.

19.49 Gateway Overlay District

19.49.080 Certificate Of Design Compliance

A. *Certificate required.*

1. It is unlawful for any person or entity to make any external alternations or external repairs of any substantial nature (such as color changes and sign erection) in any manner whatsoever to any area, site, building or structure within a Gateway Overlay District, without first obtaining a certificate of design compliance from the ARC as provided in this chapter.

2. Ordinary maintenance and repair shall be exempt from the requirement of a certificate of design compliance. The director shall be responsible for determining whether or not particular work on a project constitutes ordinary maintenance and repair. Projects determined by the director to be ordinary maintenance shall be reported periodically to the ARC.

- 2.3. One and two-family dwellings located within the Gateway Overlay District are exempt from certificate of design compliance review.

Flag Lot Drive Approach Clarifications

The city has not typically required a minimum 5-foot approach distance on flag lots, which conflicts with typical road standards found in Title 14. Staff proposes a codification in Titles 12 and 14 that states that flag lots are exempt from the 5-foot approach distance from property lines.

Title 12 Subdivisions

12.20 Design Standards

12.20.050 Flag Lots Permitted

A flag lot may be approved in accordance with Chapter 12.08 of this title upon finding that, due to topographic conditions, sensitive land concerns, or other requirements of this title, streets cannot or should not be extended to access substantial buildable areas that would otherwise comply with the minimum lot standards of the underlying zone, subject to compliance with all of the following conditions:

- A. Flag lots may only be created from existing legal lots. Only one flag lot may be subdivided from an existing legal lot.
- B. The flag lot shall be used exclusively for a single-family residential dwelling and shall be located to the rear of the original (front) lot.
- C. The main body of a flag lot, exclusive of the private lane accessing it, shall meet the required lot area, lot width, and front, back and side yard requirements for the zone in which it is located (including the enhanced lot area requirement described in Subsection G of this section), and all other applicable provisions of this code. The area of the private lane accessing the flag lot may not be included to compute the required minimum area of the main body of the flag lot.
- D. The original (front) lot (i.e.—the lot which remains from the original parcel after the creation of the flag lot and the private land accessing the flag lot) shall meet the required lot area, lot width, and front, back and side yard requirements for the zone in which it is located, and all other applicable provisions of this code. The area of the private lane accessing the flag lot may be used to compute the minimum required area of the front or original lot only if the private lane remains in fee title ownership of the front or original lot.
- E. The maximum height of any structure on a flag lot shall be 26 feet, measured in accordance with Section 19.76.030(D) (Structure Height – vertical measurements) of this code or its successor.
- F. The setbacks for flag lots in the R-1 and R-2 zones shall be as follows:
 1. Front: 20 feet.
 2. Sides: 20 feet on each side.

3. Rear: 20 feet.
- G. The setbacks for flag lots in the RR and F zones shall be as follows:
1. Front: 30 feet.
 2. Sides: 30 feet on each side.
 3. Rear: 30 feet.
- H. The minimum lot area of a flag lot, exclusive of the private access lane, shall be one hundred twenty five percent (125%) of the minimum lot area required in the underlying zone.
- I. The private lane accessing a flag lot shall be held either in fee title as part of the flag lot, or the private lane may be evidenced by a recorded express, irrevocable easement for ingress and egress, benefiting the flag lot, over and across the original (front) lot. The form and content of the easement agreement must be acceptable to and approved by the city attorney.
- J. No more than two flag lots may be contiguous to each other and abut upon the same public street. Two adjoining flag lots may share a common private lane.
- K. The private lane accessing a flag lot shall front on a dedicated public street. Private lanes up to a maximum length of 100 feet accessing a flag lot shall include a paved driveway that is at least 12 feet wide and a landscaped buffer that is at least four feet wide on the outside boundary of the paved driveway. Private lanes greater than 100 feet in length accessing a flag lot shall include a paved driveway that is at least 20 feet wide and a landscaped buffer that is at least four feet wide on the outside boundary of the paved driveway. The buffer area is provided to help screen adjacent properties and to provide a drainage area for the paved portion of the private lane. [The drive approach for a private lane is not subject a minimum distance from property lines.](#)
- L. The private lane accessing a flag lot also is subject to approval by the Unified Fire Authority or other fire and emergency protection services provider to the city. Such approval may include a requirement of a maximum private lane length and a designated turnaround area conforming to the fire authority's design and construction standards. Structural permeable surfaces are encouraged in designated fire turnaround areas, subject to the fire authority's approval.
- M. A solid visual barrier six feet in height shall be installed on the outside property line of the flag lot stem, running from the front setback of the original (front) lot to the end of the private lane accessing the flag lot. The width of the barrier may encroach into the 4' buffer up to a maximum of one foot.
- N. The address of the flag lot dwelling shall be clearly visible from or posted at the abutting public street.

Title 14 Highways, Sidewalks And Public Places

14.12 Standards For Roadways, Sidewalks And Other Infrastructure

14.12.110 Driveway Approaches

A. Requirements for commercial, industrial, manufacturing, and multiple family uses requiring motor vehicle access shall meet the requirements as hereinafter provided:

1. Access shall not be by more than one driveway approach for each 100 feet of frontage on any street. The city’s planning commission, or staff where specifically delegated, may modify this requirement when considering a particular site plan in those cases where the commission or staff determines that the safety and convenience of the general public would be better served by more or less driveway approaches.
2. Wherever possible, adjacent sites should share driveway approaches.
3. Additional driveway approaches may be warranted by the following table 3-A for on-center spacing of driveway approaches.

Table 3-A
Recommended Driveway Approach Spacing

Median Barrier	Principal Arterial	Arterial	Collector
No	250 ft.	200 ft.	175 ft.
Yes	185 ft.	115 ft.	85 ft.

4. No two of said driveway approaches shall be closer to each other than 50 feet.
5. No driveway approach shall be closer than 100 feet to the point of intersection of the two property lines at any corner. If there is not 100 feet of frontage then the driveway approach will be placed five feet from the property line furthest from the intersection of the property lines, if the nearest existing driveway approach is 50 feet or further away. In no instance shall a driveway approach be closer than 60 feet from the projected intersection right-of-way lines with a minimum of five-foot flared section. Flared driveway approaches are required for distinction from intersection corners.
6. The minimum width of a driveway approach shall be 12 feet and the maximum shall be 30 feet.
7. The community development director may approve a driveway approach up to a maximum of 50 feet wide.

B. Single-family dwellings shall meet the following requirements as hereinafter provided:

1. Single-family dwellings shall be permitted only one access unless a circular driveway approach is utilized.

2. There shall be a minimum of 35 feet between the entrances of circular driveway approaches and the two closest edges of the driveway approach.
 3. Corner lots will be allowed to have one driveway approach per street frontage.
 4. There shall be a minimum ten feet distance between all approved driveway approaches except on cul-de-sacs.
 5. The minimum street driveway approach width at the property line shall be ten feet and the maximum shall be 25 feet.
 6. A minimum five-foot radius or flared section shall be used [except for flag lot private lane drive approaches](#).
 7. No radius or flare portion of a driveway approach shall intersect the adjacent projected property line except where shared approaches are utilized.
 8. On corner lots, driveway approaches shall be set back a minimum of 25 feet from the point of intersection of the right-of-way lines.
- C. All driveway approach grades shall not exceed 4% within 20 feet of the roadway boundary.
- D. Approaches shall be a minimum of five feet from any line except on cul-de-sacs [and in flag lot private lane drive approaches](#).

ADU Application Expirations

Staff currently experiences a high level of dormancy with ADU applications following initial planning review, despite attempts to notify applicants their applications are not final until a building permit is completed, and business licensure is granted. The code changes below would cause ADU applications to expire after six months of dormancy from the most recent application step.

Title 19 Zoning

19.75 Accessory Dwelling Units

19.75.070 Inspection

1. Prior to approval of an ADU permit, all required building permits shall be completed by the applicant and inspected by the city's building inspector to verify compliance with all applicable city standards.
2. If no additional work is proposed or required to ready an ADU for occupancy, the applicant shall submit a minimum-fee building permit application, accompanied by an inspection by the city's building inspector, to ensure compliance with all applicable standards.

19.75.080 Time Limits

[A. Unless subsequent steps in the approval process of an ADU permit are undertaken within six months after the most recent step, said permit shall expire.](#)

19.75.0890 Termination

If the primary dwelling's record owner changes and is not accompanied by a new ADU application, or if the primary dwelling's record owner is no longer permanently residing in the primary dwelling, then the ADU shall be immediately vacated and shall no longer be used as an ADU. The city may revoke, or may choose to deny license renewal, to any property with unresolved violations of this code arising from or related to operation of an ADU. The city may also hold a lien against a property that contains an ADU that violated this chapter pursuant to the procedures detailed in UTAH CODE ANN. 10-9a-530(5), as amended.

Private Clubs Renaming

City Code references “Private Clubs” and “Class D Private Clubs”, which are essentially anachronistic terms for bars that are no longer in use following the updates to state alcohol laws since the early 2000s. Staff proposes to remove the mention of “Private Clubs” in Title 19 and replace with “bar establishments, in line with what is found in state code and other Utah municipal codes. Staff also proposes to allow “bar establishments” wherever restaurants are allowed, pursuant to state codes governing the location of alcohol-serving facilities.

Title 19 Zoning

19.04 Definitions

19.04.310 Bank, Savings And Loan, Or Credit Union

An establishment for the custody, loan, exchange and/or issue of money, the extension of credit, and/or facilitating the transmission of funds.

19.04.315 Bar Establishment

[A business primarily devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages, in connection with a license issued by the State of Utah to operate as a bar establishment as provided in Title 32B, Chapter 6, Part 4, Bar Establishment, Utah Code, or successor provisions as amended.](#)

19.04.320 Barn

A structure intended for the purpose of storing farming and ranching related equipment and/or housing livestock.

~~19.04.2130 Private Club~~

~~An establishment providing social and/or dining facilities which may provide alcoholic beverage service, to an association of persons.~~

19.36 MU - Mixed Use Zone

19.36.020 Permitted Uses

1. Permitted uses in the MU zone include the following:
 1. Mixed-use residential buildings as defined in this chapter;
 2. Bed and breakfast;
 3. Churches;
 4. Commercial recreation;

5. Convenience store without gasoline or convenience store/fast food combination without gasoline;
6. Home occupations;
7. Home day care/preschool, small (see Section 19.76.040[D]);
8. Retail, gross square footage less than 25,000 square feet;
9. Financial institutions;
10. Community recreation services;
11. Convenience retail stores;
12. Restaurant [or bar establishment](#), under 25,000 square feet of gross floor area;
13. Shop for the manufacture of retail articles sold primarily on the premises;
14. Government services;
15. Public libraries and cultural exhibits;
16. Open food stand/market/food truck, temporary;
17. Professional office, administrative and medical buildings with a maximum of 25,000 gross square feet; and
18. Grocery store, foodstuffs, retailing, or delicatessen with a maximum of 25,000 gross square feet.

19.36.030 Conditional Uses

1. Conditional uses in the MU zone include the following:
 1. Home day care/preschool (see 19.76.040[E]);
 2. Child daycare/preschool;
 3. Convenience store with gas;
 4. Parks, playgrounds or community recreation;
 5. Public and private utility buildings or facilities;
 6. Residential facilities for persons with disabilities;
 7. Residential facilities for elderly persons;
 8. Schools;
 9. Grocery store, foodstuffs, retailing, or delicatessen greater than 25,000 gross square feet;
 10. Hotels;
 11. ~~Class D private clubs;~~

- ~~12~~.11. Retail, gross square footage greater than 25,000 square feet;
- ~~13~~.12. Commercial schools;
- ~~14~~.13. Professional office, administrative and medical buildings greater than 25,000 gross square feet;
- ~~15~~.14. Restaurant [or bar establishment](#), over 25,000 gross square feet;
- ~~16~~.15. Indoor theatre;
- ~~17~~.16. Garages (public); and
- ~~18~~.17. Mixed-use self-storage.

2. Unlike the NC zone, which is intended for smaller mixed-use developments potentially within established communities, the MU zone does not have a maximum allowed floor area for most uses. Such deregulation is intended to encourage those proposing larger commercial and residential developments to consider creating a mixed-use development rather than a regional commercial type development.
3. Any applicant requesting an increase in height or decrease in setbacks which are standard in the MU zone, or any other variation based on permitted planning commission approval under this chapter, shall be considered a conditional use.

19.37 NC – Neighborhood Commercial

19.37.030 Conditional Uses

Conditional uses in the NC zone are as follows:

1. Mixed residential housing as defined in this chapter, provided that the mix of uses is consistent with permitted and conditional uses in this chapter;
2. Bed and breakfast;
3. Commercial recreation;
4. Reception center;
5. Convenience store;
6. Grocery store, foodstuffs, retailing, or delicatessen with a maximum gross floor area of no more than 7,500 square feet on any one floor and 15,000 gross occupiable square feet;
7. Convenience store/fast food combination without gasoline;
8. Medical, optical, dental offices and clinics for health professionals, with the exception of after-hours care, overnight care or traditional medical retail stores, with a maximum gross floor area of no more than 7,500 square feet on any one floor and 15,000 gross occupiable square feet;

9. Administrative, general or professional offices containing no more than 7,500 square feet on any one floor and 15,000 gross occupiable square feet;
10. Studios for an artist, designer, writer, photographer, sculptor or musician;
11. Restaurant [or bar establishment](#);
12. Retail commercial;
13. Churches;
14. Home occupations;
15. Home pre-schools;
16. Child day-care/preschool;
17. Parks, playgrounds or community recreation;
18. Planned unit development;
19. Public and private utility buildings or facilities;
20. Residential facilities for elderly persons;
21. Child or adult day care facilities;
22. Schools;
23. Live/work spaces; [and](#)
- ~~24. Class D private clubs; and~~
- ~~25.-24.~~ Retail/small commercial.

Title 19.40 CR – Regional Commercial Zone

19.40.030 Conditional Uses

1. Any use with an individual gross floor area of more than 10,000 square feet shall be considered a conditional use.
2. Additional conditional uses in the CR zone are as follows:
 1. Supermarkets (groceries, meats and baked goods);
 2. Hardware, lawn and garden supply stores;
 3. Florists;
 4. Offices, administration or professional;
 5. Real estate or insurance office;
 6. Restaurant, [bar establishment, or](#) lunchroom;

7. Indoor theatre;
8. Motor vehicle sales agency, including service and repairs indoors, with outdoor sales, display and storage;
9. Shop for making articles sold primarily at retail on the premises;
10. Bowling alley, commercial recreation building;
11. Gasoline stations;
12. Drugstores and sundries;
13. Banks, savings, loan, and finance offices;
14. Appliance stores;
15. Nursery schools and day care centers;
16. Department stores, furniture and variety stores;
17. Liquor stores;
18. Open stands or markets;
19. Garages (public);
20. Car wash; and
21. Pawn shop without weapons.

Garages in Residential Zones Rear Setback Clause

Residential zones specify attached garages are subject to rear yard setbacks, but no other yard setbacks. This has led to questions by applicants, despite it always being practice for staff to consider any structure attached to a primary structure as part of the primary structure footprint, and thus governed by primary structure setbacks. The changes below remove this specification in each zoning chapter it is mentioned, as it is implied by being part of the primary structure footprint.

Title 19 Zoning

19.23 R-1-15 – Residential Single-Family Zone

19.23.060 Setbacks/Yard Requirements

1. Setbacks/yard requirements are intended to provide a description of the required space between buildings and property lines. All buildings intended for human inhabitants shall maintain a minimum distance from property lines as follows:
 1. Front: 25 feet.
 2. Sides: 10 feet on interior lots, 20 feet on corner lots.
 3. Rear: 20 feet.
2. Accessory buildings in the R-1-15 zone shall maintain a minimum distance from property lines as follows:
 1. Front: Accessory buildings, including detached garages, shall maintain a setback of at least six feet from the main building in the rear yard of the particular property.
 2. Sides: Three feet on interior lots; 20 feet on the street side of corner lots.
 3. Rear: Three feet on interior lots; 20 feet on the street side of corner lots.

~~Attached garages shall conform to the rear yard requirements of main buildings.~~

19.23 R-1-10 – Residential Single-Family Zone

19.25.060 Setbacks/Yard Requirements

1. Setbacks/yard requirements are intended to provide a description of the required space between buildings and property lines. All buildings intended for human inhabitants shall maintain a minimum distance from property lines as follows:
 1. Front: 25 feet.
 2. Sides: On interior lots, a total of at least 20 feet between the two side yards, with no side yard of less than eight feet. On corner lots, at least 20 feet per side yard.
 3. Rear: 20 feet.

2. Accessory buildings in the R-1-10 zone shall maintain a minimum distance from property lines as follows:
 1. Front: Accessory buildings, including detached garages, shall maintain a setback of at least six feet from the main building in the rear yard of the particular property.
 2. Sides: Three feet on interior lots; 20 feet on the street side of corner lots.
 3. Rear: Three feet on interior lots; 20 feet on the street side of corner lots.

~~Attached garages shall conform to the rear yard requirements of main buildings.~~

19.26 R-1-8 Residential Single-Family Zone

19.26.060 Setbacks/Yard Requirements

1. Setbacks/yard requirements are intended to provide a description of the required space between buildings and property lines. All buildings intended for human inhabitants shall maintain a minimum distance from property lines as follows:
 1. Front: 25 feet.
 2. Sides: On interior lots, a total of at least 20 feet between the two side yards, with no side yard of less than eight feet. On corner lots, at least 20 feet per side yard.
 3. Rear: 20 feet.
2. Accessory buildings in the R-1-8 zone shall maintain a minimum distance from property lines as follows:
 1. Front: Accessory buildings, including detached garages, shall maintain a setback of at least six feet from the main building in the rear yard of the particular property.
 2. Sides: Three feet on interior lots; 20 feet on the street side of corner lots.
 3. Rear: Three feet on interior lots; 20 feet on the street side of corner lots.

~~Attached garages shall conform to the rear yard requirements of main buildings.~~

19.29 R-1-6 – Residential Single-Family Zone

19.29.060 Setbacks/Yard Requirements

1. Setbacks/yard requirements are intended to provide a description of the required space between buildings and property lines. All buildings intended for human inhabitants shall maintain a minimum distance from property lines as follows:
 1. Front: 20 feet.
 2. Sides: On interior lots, a total of at least 15 feet between the two side yards, with no side yard of less than five feet. On corner lots, at least 15 feet per side yard.
 3. Rear: 20 feet.

2. Accessory buildings in the R-1-6 zone shall maintain a minimum distance from property lines as follows:
 1. Front: Accessory buildings, including detached garages, shall maintain a setback of at least six feet from the main building in the rear yard of the particular property.
 2. Sides: Three feet on interior lots; 20 feet on the street side of corner lots.
 3. Rear: Three feet on interior lots; 20 feet on the street side of corner lots.

~~3. Attached garages shall conform to the rear yard requirements of main buildings.~~

19.31 R-2-8 Residential Multi-Family Zone

19.31.060 Setbacks/Yard Requirements

Setbacks/yard requirements are intended to provide a description of the required space between buildings and property lines. All buildings intended for human inhabitants shall maintain a minimum distance from property lines as follows:

Front: 25 feet.

Sides: On interior lots, a total of at least 15 feet between the two side yards, with no side yard of less than five feet. On corner lots, at least 20 feet per side yard abutting a street.

Rear: 20 feet.

Accessory buildings in the R-2-8 zone shall maintain a minimum distance from property lines as follows:

Front: Accessory buildings, including detached garages, shall maintain a setback of at least six feet from the main building in the rear yard of the particular property.

Sides: Three feet, on interior lots; 20 feet on street side corner lots.

Rear: Three feet, on interior lots; 20 feet on the street side of corner lots.

~~Attached garages shall conform to the rear yard requirements of main buildings.~~

COTTONWOOD HEIGHTS CITY PLANNING COMMISSION STAFF MEMO



November 6, 2024

GPA-24-001 – Wasatch Boulevard Master Plan Amendment

This application represents a city-initiated proposal to amend portions of the Wasatch Boulevard Master Plan, which was originally adopted by the City Council in 2019. Since adoption of the plan, several substantial actions have taken place. Direction was given by the City Council at its 2024 Retreat to amend specific sections of the Plan to further clarify the city’s position as it relates to the use of added roadway capacity south of Fort Union Boulevard, and the importance of public transit (i.e. buses) to preserve area character and alleviate the local impacts of vehicular traffic and speed through the Wasatch Boulevard corridor.

The Utah Department of Transportation (UDOT) has issued a Record of Decision (ROD) on its Little Cottonwood Canyon Environmental Impact Statement process (EIS). That ROD is now under litigation, and implementation is currently on hold. The final recommendation of the ROD was to phase implementation of UDOT’s identified canyon transit solutions, beginning with increased bus services and a transit mobility hub, future roadway widening, and eventually the construction of a gondola station near the mouth of Little Cottonwood Canyon, within city boundaries.

Cottonwood Heights’ formal position on the EIS was in opposition to the gondola option, and instead in favor of a phased bus solution that limited added roadway capacity, and prioritized transit-focused solutions (The city’s formal public comments also included thorough analysis and input on all facets of the project). This would, in the city’s findings, allow for more efficient use of roadway while limiting single-occupant vehicle traffic during peak ski traffic hours. The city also strongly emphasized the importance of retaining the residential character of the Wasatch Boulevard Corridor through a mix of transit-prioritized traffic solutions and roadway redesign that slows traffic and makes the corridor safer for both local and regional traffic, and all modes of transportation. Stemming from the Wasatch Boulevard Master Plan, substantial public input, and the EIS process, the city council adopted a resolution in 2022 (Resolution 2022-16) affirming the city’s position regarding the importance of thoughtful roadway design with an emphasis on reducing speeds to 35 mph and putting a greater emphasis on active transportation. A copy of this resolution is attached.

During the 2024 City Council retreat, unanimous direction was given by the Council to amend several specific sections of the Wasatch Boulevard Master Plan to more strongly align with the vision of the city and continue to emphasize that the city’s preferred vision of the Wasatch Boulevard Corridor, specifically south of Fort Union Boulevard, includes limited roadway capacity, roadway redesign to limit speeds, and the use of flexible public transit (i.e. buses) during peak ski hours.

Both the city’s Wasatch Boulevard Master Plan and UDOT’s Little Cottonwood Canyon EIS can be found at the following links:

- [Wasatch Boulevard Master Plan](#)
 - [Wasatch Boulevard Master Plan – Executive Summary](#)
- [UDOT Little Cottonwood Canyon EIS](#)

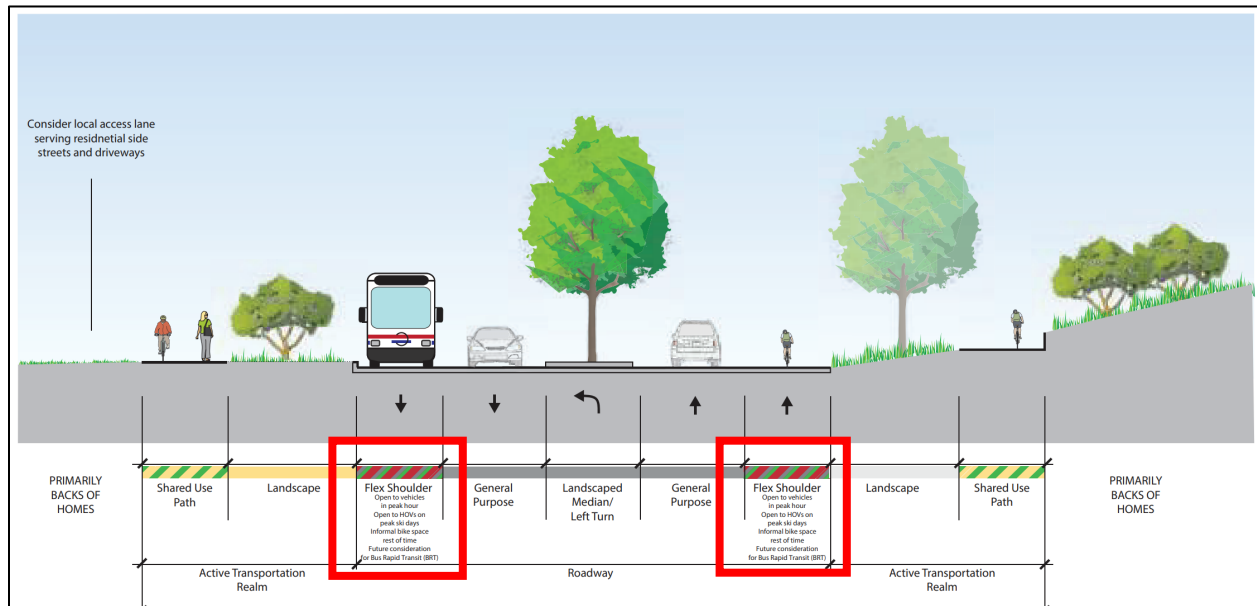
Summary of Proposed Amendments

The proposed amendments are summarized below, and include the existing language, proposed language and page number reference:

Amendment #1 – Recommended Wasatch Boulevard Cross Section Concept (South of Fort Union Boulevard) (WBMP pp. 5, 145)

Proposed Change:

- Amend the Flex Shoulder description to remove reference to utilization of flex shoulder for standard vehicles.
 - **Original Description** – ‘Open to vehicles in peak hour / Open to HOVs on peak ski days / Informal bike space rest of time / Future consideration for Bus Rapid Transit (BRT)’
 - **Proposed Amendment** - ‘Open to **transit during peak hours** vehicles in peak hour / Open to HOVs on peak ski days / Informal bike **active transportation** space rest of time / Future consideration for Bus Rapid Transit (BRT)’



EXISTING PLAN REFERENCE (AMENDMENTS SUMMARIZED ABOVE)

Amendment #2 – Preferred Scenario Summary Finding (WBMP pp. 8, 161)

Proposed Change (found on both pages referenced above):

- Amend the following finding from the section titled “The Preferred Scenario promotes and prioritizes sustainable solutions to Wasatch Canyon access at a local and regional scale by...” (this summary is found on both pages referenced above)

- **Original finding** – ‘Implementing flex shoulders on Wasatch boulevard south of Bengal Boulevard that are open to transit and HOVs only on peak ski days, providing a way to incent trip reduction in the canyons and emphasizing more efficient means of transportation year round’
- **Proposed amendment** – ‘Implementing flex shoulders on Wasatch boulevard south of Bengal Boulevard that are open to transit ~~and HOVs only on peak ski days~~ **during peak hours**, providing a way to incent trip reduction in the canyons and emphasizing more efficient means of transportation year round’

The Preferred Scenario **promotes and prioritizes sustainable solutions to Wasatch Canyon access at a local and regional scale** by:



In partnership with UTA, shaping a vibrant canyons hub, with a wealth of park-and-ride spaces, high-quality transit center, frequent transit service to the key canyons destinations, and complementary land uses such as retail and restaurants, hotel rooms, and on-site recreation.



Implementing flex shoulders on Wasatch Boulevard south of Bengal Boulevard that are open to transit and HOVs only on peak ski days, providing a way to incent trip reduction in the canyons and emphasizing more efficient means of transportation year round.



Improving communication about canyon and parking conditions.



Implementing resident access improvements.

EXISTING PLAN REFERENCE (PROPOSED AMENDMENT SUMMARIZED ABOVE)

Amendment #3 – Section 4.4 Recommendation

Proposed Change

- Amend the paragraph under the recommendation labeled “Strongly consider using flex shoulders with future consideration for dedicated bus lanes (BRT)”. The purpose of this amendment is to clarify that added capacity should only be used by buses and HOVs and should not be available for use by regular vehicular traffic.
 - **Original Summary** – ‘One key idea along the lines of the recommendation above that should be strongly considered is the “flex shoulder.” This means employing a roadway shoulder to move peak time traffic. On Wasatch Boulevard/Little Cottonwood Road south of Bengal Boulevard, the shoulder would be open to all vehicles in peak hours (a.m. north/p.m. south) and HOVs/transit on peak ski days. In the future, the flex shoulders/additional capacity could be used to create dedicated bus lanes.’

- **Proposed Amendment** - ‘One key idea along the lines of the recommendation above that should be strongly considered is the “flex shoulder.” This means employing a roadway shoulder to move peak time traffic. On Wasatch Boulevard/Little Cottonwood Road south of Bengal Boulevard, the shoulder would be open to all vehicles in peak hours (a.m. north/p.m. south) and HOVs/transit on peak ski days during peak hours. In the future, the flex shoulders/additional capacity could be used to create dedicated bus lanes.’

<p>Add roadway capacity sensitively</p> <p>The analysis of this plan indicated that, in order to move people reliably through the Wasatch Boulevard corridor at acceptable levels of service, the roadway needs to add more vehicle capacity. Alternative scenarios explored moving more people on the corridor through both transit and street connectivity, however those solutions fell short in the project modeling. Consequently, this plan recommends adding more capacity south of Bengal Boulevard, but in a way that is sensitive to and adds value to the surrounding neighborhood and contributes to sustainable canyon access. This sensitivity includes slower vehicle speeds (see below); creative ways to add capacity; a mechanism to prioritize high-occupancy vehicles and transit; safer neighborhood street access to Wasatch (see below); implementation of pathways (See Objective 3); streetscape and landscape improvements; and restricting the overall pavement width.</p>	<p>and more comfortable for residents and enhance neighborhood character - while maintaining vehicle and person throughput on the corridor. A reduction in corridor-wide traffic speeds does not necessarily mean increases in intersection delay and travel time. Often, slower traffic speeds are more effective at moving traffic more smoothly.</p> <p>Improve neighborhood access</p> <p>Allow for easier and safer vehicular neighborhood access onto the roadway. Consider local access lanes in limited applications, where right-of-way allows.</p> <p>Consider roundabouts and other traffic calming measures</p> <p>Consider one or more roundabouts at strategic locations that would slow traffic, allow safer/easier neighborhood vehicular access to Wasatch Boulevard, allow for pedestrian crossing, create neighborhood gateways, and enhance community identity.</p>
<p>Strongly consider using flex shoulders with future consideration for dedicated bus lanes (BRT)</p> <p>One key idea along the lines of the recommendation above that should be strongly considered is the “flex shoulder.” This means employing the roadway shoulder to move peak time traffic. On Wasatch Boulevard/Little Cottonwood Road south of Bengal Boulevard, the shoulder would be open to all vehicles in peak hours (a.m. north/p.m. south) and HOVs/transit on peak ski days. In the future, the flex shoulders/additional capacity could be used to create dedicated bus lanes.</p>	<p>Local street connectivity improvements</p> <p>Implement local street connectivity improvements where possible, such as at Deer Creek Road.</p> <p>Preserve and enhance on-street bike facility</p> <p>Preserve and make consistent the on-street bike facility – this could be a buffered bike lane or the flex shoulder concept described above.</p>
<p>Slow Wasatch Boulevard</p> <p>This plan recommends slowing both posted and design speed of the roadway. A slow Wasatch Boulevard is a key way to make the corridor safer</p>	<p>Use native landscaping</p> <p>Native landscaping can preserve Wasatch foothill character and help create a parkway character for the corridor.</p>

EXISTING PLAN REFERENCE (PROPOSED AMENDMENT SUMMARIZED ABOVE)

Recommendation and Findings

Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed Wasatch Boulevard Master Plan Amendments. As a legislative item, the City Council will be the final approval authority for this proposal.

1. A public hearing was held in accordance with 19.90.020 of City Code;
2. Adequate notice of such public hearing was provided;
3. The proposed Wasatch Boulevard Master Plan amendments are consistent with the goals of the currently adopted Wasatch Boulevard Master Plan, General Plan, and City Council direction; and
4. The proposed amendment better represents the city’s long-term vision for the Wasatch Boulevard area than the current plan;

Model Motions

Approval

I move that we forward a recommendation of approval to the City Council for project GPA-24-001, based on the finding listed in the staff memo and attachments dated November 6, 2024...

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

Denial

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

- List findings for negative recommendation...

Attachments

1. Resolution 2022-16 – A Resolution Concerning UDOT’s Proposed Redesign of Wasatch Boulevard

COTTONWOOD HEIGHTS

RESOLUTION No. 2022-16

A RESOLUTION CONCERNING UDOT'S PROPOSED RE-DESIGN OF WASATCH BLVD.

WHEREAS, SR 210 (“*SR 210*”) is a Utah state road traversing the entire Easterly side of the city of Cottonwood Heights (the “*City*”), extending 13.62 miles from SR-190 (at or near Fort Union Blvd.) along Wasatch Blvd. (“*Wasatch Blvd.*”) to the mouth of Little Cottonwood Canyon, and thence Easterly up that canyon before terminating in the Town of Alta; and

WHEREAS, the Utah Department of Transportation (“*UDOT*”) has announced its intention to redesign SR 210 and that its two preferred alternatives along the Wasatch Blvd. portion of SR 210 in the City will result in an expansion that may result in increased vehicle traffic, higher traffic speeds, and significant increases in the attendant vehicle-caused noise, air pollution and other adverse impacts; and

WHEREAS, the Wasatch Blvd. portion of SR 210 passes through City residential areas housing hundreds of City’s residents, all of whom are materially, adversely affected by current SR 210 due to traffic noise and fresh air pollution it introduces into the surrounding neighborhoods, the difficulty exiting or entering the many neighborhoods accessed by SR 210 and of traveling between neighborhoods separated by SR 210, and the dangers to drivers and pedestrians caused by the high speeds of vehicles using SR 210; and

WHEREAS, since UDOT’s announcement of its intention to redesign SR 210, City leaders, staff and residents have diligently endeavored to influence UDOT to adopt a design for the Wasatch Blvd. portion of SR 210 that diminishes, rather than increases, the adverse impacts of SR 210 on the City and its residents by utilizing a design emphasizing slower vehicle speeds, traffic calming, and a greater emphasis on active transportation and recreation (running, walking, bicycling, etc.); and

WHEREAS, those efforts by City’s leaders, staff and residents have been based on a hope and expectation that UDOT will use its diligent best efforts to mitigate the adverse impacts of SR 210 on the City and its residents to a similar extent as UDOT has mitigated the adverse impacts of many other state roads—such as SR 89--on the communities they pass through, especially those with residential zoning, by reducing speed limits and taking other available steps; and

WHEREAS, throughout those discussions, City’s leaders, staff and residents have expressed their strong belief that a key way to diminish the adverse impacts of the Wasatch Blvd. portion of SR 210 on the surrounding neighborhoods will be to utilize a design speed of 35 mph; and

WHEREAS, apparently in response, one or more UDOT officials have stated, in one or more City public meetings, that limiting speeds on SR 210 to 35 mph is a worthy goal; and

WHEREAS, City’s Wasatch Blvd. Master Plan (the “*Master Plan*”) details City’s vision for a future, less intrusive, Wasatch Blvd. and suggests various methods of mitigating its impact on the surrounding neighborhoods, including decreasing vehicle speeds and emphasizing active transportation and recreational uses; and

WHEREAS, City’s city council (the “*Council*”) met in regular session on 1 March 2022 to consider, among other things, again encouraging—and requesting—UDOT to use all available means to mitigate the adverse impacts of the Wasatch Blvd. portion of SR 210 on the City and its residents by, among other things, (a) re-designing the roadway to conform to the applicable portions of the City’s Master Plan, including lanes, sidewalks and other pertinent aspects, and (b) designing to ultimately limit vehicle speed to 35 mph; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interests of the health, safety and welfare of City and its residents to so act;

NOW, THEREFORE, BE IT RESOLVED by the Cottonwood Heights city council that the Council hereby encourages and requests UDOT to use all available means to mitigate the adverse impacts on the City and its residents by, among other things, (a) incorporating into UDOT’s proposed redesign of the Wasatch Blvd. portion of SR 210 the applicable portions of the City’s Master Plan, including travel lanes, sidewalks and other pertinent aspects, and (b) utilizing designs to limit vehicle speeds to 35 mph.

This Resolution, assigned no. 2022-16, shall take effect immediately upon passage.

PASSED AND APPROVED effective 1 March 2022.

ATTEST:

By:  Paula Melgar, Recorder

By:  Michael T. Weichers, Mayor

 **COTTONWOOD HEIGHTS CITY COUNCIL**

VOTING:

Michael T. Weichers	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Douglas Petersen	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Shawn E. Newell	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Ellen Birrell	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

DEPOSITED in the office of the City Recorder this 1st day of March 2022.

RECORDED this 3 day of March 2022.

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

Wednesday, September 4, 2024

5:00 p.m.

2277 East Bengal Boulevard

City Council Work Room

ATTENDANCE

Members Present: Chair Dan Mills, Commissioner Sean Steinman, Commissioner Mike Shelton, Commissioner Dan Poulson, Commissioner Mike Smith

Staff Present: Deputy City Recorder Maria Devereux, Community and Economic Development Director Michael Johnson, Alex Earl, System Administrator

WORK SESSION

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

1.0 Review Business Session Agenda.

The Business Session agenda was reviewed and discussed. It was noted that after the Public Comment Period, there is one Business Item on the agenda for consideration, which is Project ZTA-24-002, a City-initiated request for a Zoning Text Amendment for minor adjustments to a portion of Chapter 19.72 – Sensitive Lands Evaluation and Development Standards (“SLEDS”).

Community and Economic Development Director, Michael Johnson, explained that the proposed text amendment is the result of ongoing practical application. City Staff looked internally and discussed the standards currently in place, what those standards are achieving, and whether the standards can be modified to better meet the intention of the language. The standard is in the SLEDS section and there is one provision under Development Standards and Controls. That section contains requirements that typically apply in any sensitive land development project. There are other chapters that mention the need for a Slope Stability Analysis in slope areas and so on. Each individual type of hazard has specific requirements and study recommendations. What is proposed will not modify that. Mr. Johnson noted that this particular provision, 19.72.050D, was not substantially modified or amended when the recent Sensitive Lands Ordinance Amendment occurred. It is a standard regarding the maximum amount of impervious surface allowed on developments within SLEDS areas. He read the existing language for the Commission as follows:

- **Maximum Impervious Surface:** “The total maximum allowable coverage by impervious material within the sensitive lands portion of a project shall not exceed 30% of the area of those sensitive lands. Areas of roofs and private driveways will be estimated and included in the total impervious surface area. Public trails will not be included in the total impervious surface area. In areas where geologic hazards can be mitigated through a

reduction in surface water infiltration, the maximum allowable coverage by impervious material shall follow the recommendations of an approved Geotechnical Report.”

Mr. Johnson explained that when a permit or development application is received, it is run through this chapter and impervious surface standards. This has been impacting applications the most in the areas west of Highland Drive in locations that have high groundwater or are in floodplains. Recently, a lot of homeowners have come in for a sunroom addition, minor garage addition, or detached structure, and that pushes the amount over the 30% total impervious surface for the lot. Often, to address this issue, homeowners will remove patios or convert walkways or driveway areas into pervious paver materials that can absorb water. This issue has occurred regularly enough that there were internal discussions with the Development Review Committee (“DRC”). The DRC includes the City Engineer, the Public Works Department, and those involved in the review of these technical hazard areas. The DRC discussed the purpose of the provision.

It was noted that the line, “Areas of roofs and private driveways will be estimated and included in the total impervious surface area,” is somewhat confusing. Mr. Johnson pointed out that on a Building Permit, there is no estimate and the exact area is known. That indicates that the language might have been originally intended as a subdivision-level requirement. During the discussions, the DRC was unable to determine why the standard exists so broadly in the ordinance and why it was disproportionately impacting certain portions of the City. He reminded the Commissioners that there is a floodplain zone in the city. The language also runs into some incompatibilities with the lot coverage standards. In the R-1-8 Zone, the typical single-family zone, the lot coverage maximum is 50% for building footprint only. That goes down for the Rural Residential Zones, which are typically a half-acre or larger, where there is a 30% standard. He reiterated that there were some inconsistencies and enough questions about the broad application.

Mr. Johnson explained that this is a sensitive lands-specific standard. However, there are certain ordinances outside of this that touch on impervious surfaces. For example, if a new park strip will be built or retrofitted, then a certain amount of hardscape can be used and a certain amount of impervious surface can be used. In that sense, there are some guidelines, but nothing on an actual parcel or development lot. There are the park strip standards and the sensitive lands standards.

After reviewing this with the GIS team, stormwater, and sensitive lands experts, some proposed changes have been made. Mr. Johnson reviewed the proposed language from the Staff Report:

- 19.72.050.D - Maximum Impervious Surface:
 - Maximum Impervious Surface: The total maximum allowable coverage by impervious material within portions of a project that contain a slope stability hazard shall not exceed 30% of the area where the slope stability hazard is present. Public trails will not be included in the total impervious surface area. If the proposed impervious surface coverage exceeds 30% in slope stability hazard areas, the applicant shall be responsible for providing on-site stormwater retention for all runoff generated by the portions of the impervious surface exceeding 30%. Analysis and calculation of the excess runoff generated, and the amount of retention required, shall be submitted in a Geotechnical Report and approved by the DRC.

There have been conversations with the City Staff, City Engineer, Public Works Department, and the Storm Water Manager. It was determined that in any sensitive lands area, the last place where water runoff should be focused is sensitive hillsides or steep hillsides. That can lead to erosion and slope stability issues. Runoff contributes to weakened slope stability. All of the other hazard areas are analyzed, such as fault setbacks, which are mitigated by distance away from the fault.

It was agreed that this standard is still good to have in slope stability areas. That is the reason the language has been refined so that it only applies to areas that contain a slope stability hazard. Mr. Johnson noted that areas with steep slopes typically require a Slope Stability Analysis in another portion of the code. Sometimes, those studies include specific recommendations for the site. Those requirements can still be imposed, per the recommendations of the Geotechnical Reports.

Mr. Johnson reported that there were discussions about the 30% number and where that initially came from. An analysis of the average impervious surface was conducted for all residential lots in the City. It was found that in smaller lot areas, such as R-1-8 and R-1-6 Zones, the impervious surface is higher on average at 40% to 50%. This number goes down on larger lots, which is to be expected, where the average is around 30% overall. It made sense to leave that number in place.

Commissioner Poulson asked if this language would impact a property that is one-half acre and flat. Mr. Johnson explained that if the property is in an area with high groundwater, it would, but it would not trigger until work was done that required a permit. It was determined that a lot of development that has been around since before the City was incorporated is already over 30%.

Commissioner Shelton noted that there might be some language that is difficult. For example, "...the portions of the impervious surface exceed 30%." It is hard to know which portions exceed the 30%. He recommended a change that states, "...retention of all runoff generated by the impervious surface," instead. Commissioner Sean Steinman thought that was important, especially for larger commercial developments in sensitive land areas. Mr. Johnson stated that there are not a lot of commercial developments in slope stability hazard areas, so that is not an issue that will be seen often but can still occur. He confirmed that the language can be tweaked slightly to address that. Commissioner Shelton suggested that the first 30% reference remain, but the portions that exceed language are what he feels should be amended slightly.

Chair Mills noted that the SLEDS Ordinance is fairly new and he was hesitant to make a lot of changes to it. He wants to make sure the riparian side of things is not walked back. He asked to leave the riparian restrictions untouched in terms of any exceptions to impervious surfaces. Mr. Johnson stated that he looked into this. There is language that already addresses that, but it can be reviewed and discussed further. He shared the Riparian Protection Area section for reference.

Mr. Johnson explained that there are standards that apply mainly to non-residential and standards that apply mainly to single-family zones. For the first group, which is mainly commercial and more intense uses, there is a use table. It states that in Area A, a new primary structure is not allowed nor are new impermeable accessory structures, decks, patios, sports courts, swimming pools, or driveways. Other things that could be impervious, such as stairs, landscape walls, and

paths, are allowed with review. It also states that Area A must be covered with a minimum of 50% landscaping, except in the case of a trail. There are some standards in place that strictly limit how much impervious surface can be in the most sensitive area adjacent to the top of the bank. In the residential table, it states that new primary structures and new impermeable structures within 20 feet are not allowed. The 50% landscaping is a recommendation rather than a requirement.

Chair Mills explained that for residences, it is possible to be reasonably close being 20 feet away from the edge of the body of water. He worried about anything that would shift uses closer to the creek but acknowledged that some development is grandfathered in. Mr. Johnson reported that the standards in residential zones are the same standards that are already in place with Salt Lake County Flood Control. Their requirements have been mirrored in the language. He reiterated that the language specifically addresses primary structures and impermeable accessory structures. The two most common things that trigger the review of the impervious surface requirements are already called out as being regulated by the current riparian standards, so there is some coverage there.

There was discussion about the gravel pit development, as it is in SLEDS. Mr. Johnson reported that any development that is already entitled and in progress is subject to the ordinance as it is. For the northern gravel pit, that is approved and entitled. For the larger piece, the owner would need to go through the Sensitive Lands Analysis and identify the extent of the site hazards.

Limiting impervious surfaces in steep slope areas is more of a concern on developments at the top of a slope rather than at the bottom of a slope. Usually, it is the top of the slopes that are more sensitive. Chair Mills mentioned the Old Mill development. It is important to discuss what number of impermeable structures are reasonable to have and what distance those should be from the creek.

Commissioner Shelton noted the permissible discharge will often find its way to the creek. Mr. Johnson reported that Drainage Plans are regulated by stormwater laws from the State. There is a Storm Water Manager that looks at this kind of information. There are acceptable levels of discharge and this can be subject to review by various entities. It is accurate to state that discharge is allowed within creek areas, as long as the discharge is filtered and appropriately regulated.

There was discussion about the distance an impervious surface can be placed from the bank of a water feature. Mr. Johnson explained that it depends on the zone. For example, for commercial development, it is 50-feet, and for a residential area, it is 20-feet. A lot depends on the zone and the standards in place there. A question was raised about a residential lot that wants to add a swimming pool. Mr. Johnson clarified that the 20 to 50-foot requirement is zone-dependent. The Riparian Code specifies that in residential areas a new primary structure and a new impermeable accessory structure, deck, patio, sports court, swimming pool, or driveway are not allowed within 20 feet of the top of the bank. 20 feet past the top of the bank, there can be those types of uses.

Mr. Johnson informed the Commission that there is no recommendation to modify the riparian language. There are reasonable standards in the riparian table. He does not believe the proposed amendments will lead to any unintended consequences there. Chair Mills stated that he does not want to unintentionally impact the riparian standards, as those were put together with a lot of thought. Support was expressed for the modification proposed earlier by Commissioner Shelton.

Chair Mills was sensitive to the fact that when a number like 30% of the area is determined, someone with a smaller lot may be penalized. He likes the idea of adding some more flexibility in the name of property rights, as long as it will not cause harm to the neighbors or other residents.

Commissioner Steinman wondered whether the Geotechnical Report is the correct type of report for this purpose or if there are additional water studies that could be clarified. A Geotechnical Report would primarily find faults and other types of soil structure issues. He is not sure a Geotechnical Report would be ideal to provide the appropriate information for this purpose. Mr. Johnson stated that the geotechnical language is defined fairly broadly in the ordinance. That being said, there can be further clarification. Commissioner Steinman felt that would be best. In practice, how this would work would be if a permit came in where the impervious surface in one of the hazard areas was over 30%, typically, a study and some ground samples would be needed. There would be a Scoping Meeting to discuss what is needed and is not needed for the site. There are some guardrails in place already, but it does not hurt to add more specificity. Discussions were had about the costs associated with different types of studies and retention standards on a site.

2.0 Form-Based Code Joint Work Session Scheduling.

Mr. Johnson reported that the City Council is interested in holding a Joint Work Session to discuss the Form-Based Code. He explained that Form-Based Code was introduced to the Council in a Work Session already and some of the Council Members asked questions. City Staff is working to respond to those questions and that information will be shared with the Council in mid-October. The desire is to hold a Joint Work Session in late October, potentially on October 29, 2024. Council Members are interested in learning more about the Planning Commission experience of reviewing the Form-Based Code since it spent a lot of time at the Planning Commission level.

Mr. Johnson noted that October 29, 2024, was a recommended date for the Joint Work Session. If there are other dates that work better for the Commission, he asked that those be emailed to him.

3.0 Adjourn.

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

The Work Meeting adjourned at 5:33 p.m.

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

Wednesday, September 4, 2024

6:00 p.m.

2277 East Bengal Boulevard

City Council Chambers

Members Present: Chair Dan Mills, Commissioner Sean Steinman, Commissioner Mike Shelton, Commissioner Dan Poulson, Commissioner Mike Smith

Staff Present: Deputy City Recorder Maria Devereux, Community and Economic Development Director Michael Johnson, Alex Earl, System Administrator

BUSINESS SESSION

Chair Dan Mills called the Planning Commission Business Session to order at 6:00 p.m.

1.0 Welcome and Acknowledgements.

1.1 Ex Parte Communications or Conflicts of Interest to Disclose.

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

2.0 General Public Comment.

Chair Mills opened the Public Comment period.

Shawna Bland shared comments about the Old Mill development. She understands that there will be development there as the Walker family wants to develop the property. However, she lives in the area and wants it to be developed in a manner that will be pleasing and similar to the existing development. In the area, there are 148 homes, one road, a bar, and school bus stops. Residents do not want the high density that is proposed, which includes condominiums and townhomes.

At the last meeting, there was new information shared and the family stated there would be more single-family housing. There is support for that, but there is a desire to see it all be single-family homes. That is what it is zoned for currently. The family also has proposed the Old Mill be removed and there be a swimming pool. She found that to be disheartening since many people want to see the Old Mill stay and be restored in some manner. There are grants and historical societies that look for projects like this. It is a beautiful building and it should be restored. The property owners have now opened the parking so trucks can come in and out of there for the construction that is happening on 7200. The conditions are getting worse and she feels that is deliberate. Ms. Bland believes that what is proposed is too much development and asked for Commission support.

Roger Bland mentioned the meeting that took place last Wednesday. At that time, a new iteration of the plan was presented. There was some surprise about the plan. There were a few single-family homes proposed where the Old Mill is located, which is now proposed to be a gated community with amenities. However, everything else largely remains. He expressed concern about 29 townhomes lining the stretch of land between Big Cottonwood Canyon Road and the pathway. What is proposed will more than quadruple the traffic on that road. Mr. Bland is against the extreme density proposed in the area and asked the Commission to consider the impacts.

Mike Young explained that the way the development moves forward will impact this unique location in Cottonwood Heights. Over the last decade or so, there have been townhomes and condominiums built everywhere. This is a unique area in Cottonwood Heights and he does not believe it makes sense for it to look the same as every other street in the City and State. It makes more sense to preserve this location in Cottonwood Heights. Mr. Young asked the Planning Commission to consider the uniqueness of this location as well as the creek that comes through.

Jackie Hibbard explained that when the Old Mill Estates Homeowners Association (“HOA”) Board originally met with Think Architecture over two and a half years ago, there was a discussion about the area across the street from the Old Mill, next to the trail and the stream. It was implied that it would be some kind of green space or a park there, which was a relief to residents. The second time there was a meeting with Think Architecture was earlier this year. The area was discussed again, but it was no longer proposed to be green space or a park, but an amenity that could be a small business and/or restaurant placed in the middle of the land with parking on both sides. Renderings were shown during that meeting. It was also stated that they had done some Seismic Studies on this area of land known as the banana strip and found a fault on the property that extends up to the gravel pit area above Wasatch Boulevard. Last week, it was found the plans for the banana strip have since changed and the plan is now for 29 townhomes to be built in that area.

The renderings seen earlier in the year had the Old Mill completely destroyed, but a nice memorial wall was planned to be installed. The plans from last week still show the Old Mill to be destroyed. Rather than the memorial wall shown previously, it is proposed that there be a smaller version with a large community swimming pool as an amenity to the townhomes. Several weeks after there were news reports about the Old Mill on local stations, there was a fire there on June 26, 2024.

Chris Kaley asked to share comments about the Sensitive Lands Evaluation and Development Standards (“SLEDS”) Ordinance and what was discussed during the Work Session. Chair Mills clarified that there will be a separate comment period during that item on the meeting agenda.

Mr. Kaley reported that he attended the workshop on August 28, 2024, with Think Architecture and was surprised to see the changes that were presented. It is an improvement over the previous proposal due to the single-family units, but what is contemplated will result in too much traffic on a limited roadway. The area is unique for Cottonwood Heights, as it is quiet, there is a lot of neighborhood pedestrian traffic, and the trail is used by many. Adding 29 townhomes to the banana strip will completely change the character of what was envisioned when the hiking trail was put in. He hopes a better agreement can be reached with the Walker family than what is

currently proposed. He feels the area should remain zoned as it is currently zoned, which is R-1-8. There should be single-family homes built there to limit the impact of traffic on that roadway.

Debbie Bush encouraged the Planning Commission to say no to what is proposed for the Old Mill area. The property is zoned for single-family homes and there is a reason that zone is in place. She reported that there is an online petition to save the Old Mill with over 1,400 signatures. Many residents in the community have also signed a petition asking for the zoning to remain. It is obvious that the public feels the road is too small and the impacts are too high. The impacts will ultimately cost the community millions of dollars, as the road would need to be widened in time. Ms. Bush pointed out that the area was zoned this way for a reason and asked that it remain.

Jay Robb represents the Old Mill Circle neighborhood. They live on the border of Holladay and there is a 1.8-acre lot that currently is being looked at for development by Brad Reynolds. The City of Holladay will be holding a rezone hearing to consider a rezone from a residential zone to a multi-purpose zone. There is a desire to add an additional 40 units of low-income housing there. Mr. Robb is worried about all of the development happening in the area. There is a blind curve to get in and out of the neighborhood. The amount of traffic that will be added is reckless and dangerous, as there is a lot of traffic from both directions. While he can understand some development and adding more density, the amount of density that is being proposed is too much.

There were no further comments. The Public Comment period was closed.

3.0 Business Items.

3.1 Project ZTA-24-002 – A Public Hearing and Possible Action on a City-Initiated Request for a Zoning Text Amendment to Make a Minor Adjustment to a Portion of Chapter 19.72 (Sensitive Lands Evaluation and Development Standards (“SLEDS”). The Purpose of this Text Amendment is to Further Clarify a Development Requirement Related to the Amount of Impervious Surface Allowed in New Development Projects.

Chair Mills reported that the item relates to a City-initiated request for a Zoning Text Amendment to a portion of Chapter 19.72 – Sensitive Lands Evaluation and Development Standards. There was a discussion about this during the Work Session. Community and Economic Development Director, Michael Johnson, shared information about the proposal. He explained that this is a provision in the existing Sensitive Lands Ordinance related to the maximum amount of impervious surface within sensitive land areas. The current provision is a blanket requirement, no matter which sensitive land a property has. For example, steep slopes, fault lines, groundwater, flood plain, debris flow, or liquefaction. Approximately one-third of the properties in the City are within some sort of sensitive land hazard area. The provision currently states that any portion of a property within a sensitive lands hazard must be limited to no more than 30% impervious surface.

Mr. Johnson reported that many properties existed before the City incorporated and now additions and renovations are desired. Some property owners come in and the property is in a groundwater area, where the whole property is technically considered sensitive land. The groundwater hazard is not being perpetuated at all, but the intention is to add onto the impervious surface of the

property. There was an internal discussion with the City Engineer, Public Works Department, Geologic Hazards Consultants, and so on. The aim was to determine the purpose of the blanket restriction as it currently exists. There were discussions about whether there is a reason to limit impervious surfaces in every sensitive land hazard or if it is possible to better refine the language.

Based on those conversations, it was determined that excess discharge created by impervious surfaces is most impactful with steep slopes. Discharge onto steep slope areas is known to cause erosion, slope stability issues, and other concerns. The proposal is an amended ordinance that limits that regulation and the limitation on impervious surface to slope stability hazard areas only. There is not a solid reason to maintain the broad regulation of every sensitive land area. This does not change the requirement to specifically study sensitive land hazards throughout the City. Those studies can come back with recommendations to limit impervious surfaces, which is valid. However, the text amendment will add further clarity to the provision and state that the impervious surface is most impactful to hillside areas, so that is where the provision should be targeted.

The proposed language states that if there is a desire to develop in a hillside area, the limit is 30% of impervious surface, unless the amount of impervious surface that is over 30% will have on-site drainage and retention provided, subject to study and approval by the City Engineer.

Chair Mills opened the public hearing.

Chris Kaley shared a comment related to the riparian protections in the SLEDS Ordinance. For over 175 years, the occupants of the valley have not been very careful about what is put into the watershed. The Great Salt Lake has 800 square miles of lake that has now been exposed and that lakebed has 175 years of human pollution and mining pollution. The arsenic, lead, and selenium pollution in the lake is pretty severe. The selenium pollution has caused a great deal of difficulty for migrating birds because their eggs are soft and the hatch rate has decreased. The impervious provisions in the riparian portion of SLEDS are important, because they prevent things like petroleum products, rubber from tires, and plastics, from being washed into the watershed and ending up in the Great Salt Lake, where there is no exit. What the City decides to do will impact many generations to come, so it is important to be mindful of what protections are reasonable.

Debbie Bush noted that not everything is visible. It is easy to see when a cliff is being eroded by water, but not all hazards are seen. There is more to these hard surfaces than meets the eye. This matter is not only about erosion but about the long-term impacts. There is a reason for the 30%.

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

Commissioners discussed the proposed text amendment. Commissioner Smith agreed with the need to protect the environment. There was a discussion during the Work Session about the riparian areas. At that time, Chair Mills stated that there was no desire to compromise anything that had already been established to protect the waterways. Commissioner Sean Steinman does not believe the riparian will be impacted by the amendments proposed. It seems this will allow for more clarification as well as better studies. Commissioner Shelton made a recommendation during the Work Session that one small amendment be made to the proposed language. He reiterated that there is a desire to make that change. He feels the amendments are straightforward.

Chair Mills asked to discuss some of the unintended consequences. Mr. Johnson explained that there have been a lot of requests recently for home improvement projects, such as additions, renovations on existing homes, construction of patios and decks, and similar minor upgrades. If a property is within a Sensitive Lands Overlay, regardless of the hazard, it triggers the ordinance requirement. One of the items requested is a calculation of the impervious surface coverage. For a lot of the homes in the City, the existing condition of the homes is already over that 30% threshold. When someone tries to add on a room or something else that contains an additional impervious surface, the correction received is that it needs to reach 30%. Some people have scaled back their additions, some have walked away from the project, and some have replaced existing driveways with pervious pavers instead of standard concrete. The latter can add a lot of cost to a project. If a certain percentage is being requested, there needs to be a justifiable reason for the requirement.

Chair Mills wanted to know what would happen if someone wanted to build something along the creek that was new construction. There is a desire to understand how this amendment would impact an application and how the Sensitive Lands Ordinance would apply. Mr. Johnson reported that there is a provision in place already that is not proposed to be amended or impacted by the amendment. It relates to riparian protection standards. New construction of new primary structures or impermeable decks, patios, sports courts, swimming pools, or driveways is currently prohibited within that first area from the top of the bank. In residential zones, that is a 20-foot area, and in non-residential zones, that is a 50-foot area. There is already a prohibition on most impervious materials within that most sensitive area from the top of the bank. That is not impacted by this code and that standard would still apply. Chair Mills thanked him for the clarification.

There was discussion about a proposed amendment. The language in the Staff Report states:

- 19.72.050.D - Maximum Impervious Surface:
 - Maximum Impervious Surface: The total maximum allowable coverage by impervious material within portions of a project that contain a slope stability hazard shall not exceed 30% of the area where the slope stability hazard is present. Public trails will not be included in the total impervious surface area. If the proposed impervious surface coverage exceeds 30% in slope stability hazard areas, the applicant shall be responsible for providing on-site stormwater retention for all runoff generated by the portions of the impervious surface exceeding 30%. Analysis and calculation of the excess runoff generated, and the amount of retention required, shall be submitted in a Geotechnical Report and approved by the DRC.

Commissioner Shelton asked that a portion of the proposed language be amended. Instead of stating: "...for all runoff generated by the portions of the impervious surface exceed 30%," the proposal is to change the language to: "...for all runoff generated by the impervious surfaces." Mr. Johnson read the amended language with the proposed change made, which is as follows:

- 19.72.050.D - Maximum Impervious Surface:
 - Maximum Impervious Surface: The total maximum allowable coverage by impervious material within portions of a project that contain a slope stability hazard

shall not exceed 30% of the area where the slope stability hazard is present. Public trails will not be included in the total impervious surface area. If the proposed impervious surface coverage exceeds 30% in slope stability hazard areas, the applicant shall be responsible for providing on-site stormwater retention for all runoff generated by the impervious surfaces. Analysis and calculation of the excess runoff generated, and the amount of retention required, shall be submitted in a Geotechnical Report and approved by the DRC.

As for the last sentence in that section, Mr. Johnson noted that during the Work Session, there was a recommendation to refine the reference to a Geotechnical Report. The Commission expressed a desire for that to be specific to a report catered around drainage and runoff analysis. Instead of drafting that language during the Planning Commission Meeting, he wanted to take the recommendation back to the Development Review Committee (“DRC”) for the right terminology.

Commissioner Shelton moved to forward a recommendation of APPROVAL to the City Council for Project ZTA-24-002, based on the findings in the Staff Memo and attachments dated September 4, 2024, and with the amendments discussed. Commissioner Steinman seconded the motion. Vote on Motion: Commissioner Smith-Yes; Commissioner Steinman-Yes; Commissioner Shelton-Yes; Commissioner Poulson-Yes; Chair Mills-Yes. The motion passed unanimously.

4.0 Adjourn.

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

The Business Meeting adjourned at approximately 6:41 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Planning Commission Work Session and Regular Meeting held on Wednesday, September 4, 2024.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: _____

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

**Wednesday, October 2, 2024
5:00 p.m.
2277 East Bengal Boulevard
City Council Work Room**

ATTENDANCE

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

Staff Present: Community and Economic Development Director Michael Johnson, Associate Planner and Sustainability Analyst Ian Harris, System Administrator Alex Earl

WORK SESSION

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

1.0 Review Business Session Agenda.

The Business Session agenda was reviewed and discussed. It was noted that after the Public Comment Period, there were two Business Items on the agenda for consideration. The first is the Planning Commission Chair and Vice Chair elections and the second is Project SUB-24-007.

Community and Economic Development Director, Michael Johnson, shared information about the process for the Chair and Vice Chair vote. The Planning Commission will vote during the Business Session, but it is possible for the Commission to discuss the nominees during the Work Session. Chair Mills asked if there are any Commissioners with interest in running for the Chair or Vice-Chair position. Commissioner Anderson expressed interest in the Chair position. Chair Mills informed those present that the Planning Commission is a collaborative body and the Chair and Vice-Chair largely focus on facilitating the communication. In the Chair position, there is a need to sit back a little bit more and facilitate rather than always express a point of view. It was noted that Commissioner Steinman has an interest in filling the Vice-Chair position.

Associate Planner and Sustainability Analyst, Ian Harris, presented the Staff Report and explained that Project SUB-24-007 is a request for a Subdivision Amendment for the Uhrhahn Subdivision located at 7484-7486 South 2300 East and 7494-7496 South 2300 East. The purpose of the amendment is to divide ownership within existing townhomes. No new development is proposed.

Mr. Harris shared a satellite image of the property for context. The applicants are Rodger and Diane Uhrhahn. He explained that this is a two-lot subdivision with one duplex on each lot, referred to as two-family dwellings in the Code. There are two units to each lot because the duplex

is not separated, which was the reason for the application. There is a desire to have division so the ownership can then be separated. The Staff recommendation is to approve the application.

The properties are zoned R-2-8 (Multi-Family Residential), which allows for a two-family dwelling per property. There is a total acreage of 0.41-acres and the surrounding zoning is a mixture of multi-family and single-family. The proposal is to divide the two-family dwellings into condominium units and create a common area out of the existing yard and driveway space. Mr. Harris reiterated that no new development or site alterations have been proposed by the applicant.

Commissioner Anderson asked about the distinction between a duplex and a condominium in this case. Mr. Harris explained that a condominium in this instance would be individual units separated as their own lots that are able to be owned independently. Commissioner Anderson wanted to understand why that cannot happen currently. Mr. Harris reported that it is because the two units exist on one block and there is no division in those units at the current time. Mr. Johnson clarified that it is possible to rent one of the units out to a separate family but it cannot be sold to that family.

Commissioner Steinman asked if the duplex is separately metered. Mr. Harris was not certain but pointed out that the applicant could answer that question during the Business Session portion of the meeting. Commissioner Steinman also wanted to know more about the firewall between the two units. Mr. Johnson reported that there will be a technical review. He pointed out that there is a fire separation standard. As for whether a Homeowners Association (“HOA”) will be required to maintain the roof and landscaping, it was noted that to make this code compliant will require some mechanism to maintain the common space on the lots. That could be with an HOA or agreement.

The current layout of the subdivision was shared. Mr. Harris explained that the applicant proposed to split the buildings into four individual units that follow the footprint of the units within the buildings. The yard area would become a common area and any proposed public utility easement modification would require approval from the utilities prior to Final Plat recordation. Staff did not find substantial issues with the proposed Plat Amendment, but the proposal to create one single common area for all four units does conflict with the underlying zoning, which allows two units per property. This would be four units per property. As such, the applicant is required to update the plat to show two distinct common area parcels while still showing each two-family dwelling divided into separate condominium units. He shared an example image with the Commission.

There was discussion about the applicant’s proposal. Commissioner Steinman’s primary concern pertained to maintenance. There are economies of scale when one individual owns the buildings, but with this, there will not be an HOA. He asked if there is a Condominium Conversion Code in Cottonwood Heights. This was denied. Commissioner Steinman pointed out that in Millcreek and Salt Lake, there are minimum requirements to ensure certain economies are in place. His hesitation with what has been proposed is the maintenance and who will be responsible. It might be worth considering a condominium conversion code in the City moving forward.

Mr. Johnson reported that in other private developments, there have been requests for copies of maintenance agreements. For example, trash removal, driveway snow removal, and so on. It is reasonable to request that here as well. Commissioner Steinman was supportive of that approach.

Additional discussions were had about condominium conversions in the City. Mr. Johnson explained that there have been some done in the past, but it is not necessarily a common request. Commissioner Steinman noted that it is advantageous to create more housing stock, but has seen issues when there are four separate owners without an HOA in place. He pointed out that there could be a scenario where there is a roof issue with Units 1 and 2, but one of the owners is unable to afford their portion of the work and the second owner is only able to afford half. There needs to be some way to manage situations like that, but he does like the addition of housing stock.

Commissioner Steinman stressed the importance of determining whether there are separate meters for water and electrical. Mr. Johnson stated that there are separate meters between the two parcels. Commissioner Steinman wanted to know if the same was true for the separate units. Chair Mills noted that the split in ownership will increase housing affordability in the City. He believed that in the future there will be additional applications that are at least somewhat similar to this one. Chair Mills did not want to see an uneven level of responsibility between two property owners who impacted one another. The Commission discussed condominium conversions in other cities.

Mr. Johnson reported that conditions not listed in the ordinance cannot be imposed. However, there is precedent to ask for a Maintenance Plan that can be recorded on the properties. Commissioner Steinman asked if there could be Covenants, Conditions, and Restrictions (“CC&Rs”). Mr. Johnson did not believe it was possible to require that. It is possible to ask about the plan for maintenance, snow removal, and trash removal, as there is a desire to understand whether thought has been given to those services. He stated that there needs to be compliance with the underlying zoning. There are not a lot of smaller R-2-8 standalone properties in the City.

Mr. Harris explained that if this application is approved by the Planning Commission, the project will undergo a full technical review for compliance with all City standards prior to Final Plat approval and recordation. Technical correction items, including an update requiring the division of the common area into two parcels, will be identified in this review and provided to the applicant. Mr. Harris reported that no public comments were received about this application, but he received a call where a resident asked him some clarifying questions. Staff finds that the application is code compliant and recommends that the Planning Commission approve the Subdivision Amendment.

Mr. Johnson reminded the Commission that there will be a Joint Work Session between the City Council and Planning Commission on October 29, 2024. It will take place at 5:30 p.m. There is a Planning Commission Meeting in two weeks, which tentatively includes the Canyon Centre development and a proposal to amend the entitled office building to a residential building.

2.0 Adjourn.

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

The Work Meeting adjourned at 5:22 p.m.

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

**Wednesday, October 2, 2024
6:00 p.m.
2277 East Bengal Boulevard
City Council Chambers**

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

Staff Present: Community and Economic Development Director Michael Johnson, Associate Planner and Sustainability Analyst Ian Harris, System Administrator Alex Earl

BUSINESS SESSION

Chair Dan Mills called the Planning Commission Business Session to order at 6:00 p.m.

1.0 Welcome and Acknowledgements.

1.1 Ex Parte Communications or Conflicts of Interest to Disclose.

There were no Ex Parte Communications or Conflicts of Interest to disclose.

2.0 General Public Comment.

Chair Mills opened the Public Comment period. There were no comments. The Public Comment period was closed.

3.0 Business Items.

3.1 Planning Commission Chair and Vice Chair Elections. This Item Constitutes the Annual Election of a Planning Commission Chairperson and Vice Chairperson. The Terms of these Individuals shall be One Year and Selected Individuals shall not Hold the Position for More than Two Consecutive Terms.

Chair Mills reported that it is time for the Annual Election of the Chair and Vice-Chair of the Planning Commission. He asked for nominations for the Chair position and Commissioner Anderson was nominated by Commissioner Steinman. The nomination was seconded by Commissioner Smith. There were no additional nominations for the Chair position. Commissioner Anderson explained that she has served on the Planning Commission for four years. She looks forward to serving in the role of Chair. It is a facilitator position and the Chair ensures that all discussions remain focused and continue to move forward in a productive manner.

Commissioner Steinman moved to APPOINT Lucy Anderson as Chair of the Cottonwood Heights Planning Commission. Commissioner Smith seconded the motion. Vote on Motion: Commissioner Steinman-Yes; Commissioner Anderson-Yes; Commissioner Smith-Yes; Commissioner Poulson-Yes; Commissioner Shelton-Yes; Chair Mills-Yes. The motion passed unanimously.

It was noted that the newly elected Chair will serve in the Chair position at the next meeting. The Commission next discussed a Vice-Chair nominee. Commissioner Smith moved to nominate Commissioner Steinman to serve as Vice-Chair. Commissioner Anderson seconded the motion. There were no additional nominations for the Vice Chair position. Commissioner Steinman appreciated the nomination and was willing to serve in that role and support Commissioner Anderson. He has been with the Planning Commission for three years and was born and raised in the area.

Commissioner Smith moved to APPOINT Sean Steinman to serve as Vice-Chair of the Cottonwood Heights Planning Commission. Commissioner Anderson seconded the motion. Vote on Motion: Commissioner Steinman-Yes; Commissioner Anderson-Yes; Commissioner Smith-Yes; Commissioner Poulson-Yes; Commissioner Shelton-Yes; Chair Mills-Yes. The motion passed unanimously.

It was noted that Commissioner Steinman would assume the position of Vice-Chair position at the next meeting.

3.2 Project SUB-24-007 - A Public Hearing and Possible Action on a Request from Rodger and Diane Uhrhahn for a Subdivision Amendment to the Uhrhahn Subdivision (7484 South 2300 East). The Purpose of this Subdivision Amendment is to Divide Ownership within Existing Townhomes. No New Development is Proposed.

Chair Mills reported that there was a presentation and discussion on the above matter during the Work Session. Associate Planner and Sustainability Analyst, Ian Harris, presented the Staff Report and noted that an applicant representative was available to answer questions via Zoom. Mr. Harris stated that the subject properties are located at 7484-7486 South 2300 East and 7494-7496 South 2300 East, which is fairly close to City Hall. The two properties consist of 0.41 acres and there is one duplex building per property. The Uhrhahn Subdivision contains a flag lot and a lot in the front. The properties are zoned R-2-8 (Multi-Family Residential). It is surrounded by multi-family and single-family properties.

The proposal is to divide the two-family dwellings into condominium units and create a common area out of the existing yard and driveway space. No new development or site alteration was proposed as part of this application. Mr. Harris shared the current Uhrhahn Subdivision layout and reiterated that there is a flag lot in the rear and a lot in the front. He identified the approximate lot lines currently with the duplexes on the property. He reviewed the proposal submitted by the applicant, which would create four different condominium units and a common area. Any public utility easement modifications would require approval from the utilities before plat recordation.

Staff did not find substantial issues with the application but the proposal was to create one single common area for all four units conflicts with the underlying zoning of the property. Mr. Harris reported that the underlying zoning only allows one duplex or two-family detached dwelling per property. The current proposal to have one common area for all four units would essentially create four units per property, so that request does not meet the underlying zoning requirements. As a result, the applicant was asked to update the plat to show two distinct common area parcels.

Mr. Harris explained that if the application is approved by the Planning Commission, the project will undergo a full technical review for compliance with all City standards prior to Final Plat approval and recordation. Technical correction items, including an update requiring the division of the common area into two parcels, will be identified in this review and provided to the applicant. There were no public comments received by the deadline and Staff found the application is Code compliant with the updates. It was recommended that the Planning Commission approve the project.

The real estate agent for the applicant participated via Zoom. She listened in on the Work Session and believed this would be the best use of the property. It has been listed since February as an investment property but the income did not justify the value of the property. For this reason, it was proposed to be divided into more affordable units to allow individual home buyers to purchase each side as opposed to buying both structures.

Commissioner Smith noted that there was discussion during the Work Session about having agreements in place to prevent future issues related to property maintenance, building repairs, and firewalls. He did not know that the Commission could require those things, but it was something worth discussing in advance. Chair Mills explained that the Work Session included a conversation about potential liability issues for future owners. Commissioner Steinman asked about the number of meters on the parcel for water and electricity. It was reported that each unit has its own meter for electricity. As for water meters, there is one per building. The Party Wall Agreement addresses how that would be handled. One unit per building will serve as the main account for the water bill and they will be able to bill the other unit for their half of the water. Commissioner Steinman asked how many water shut-offs there are per building. He asked what would happen if Unit 1 had a flood but Unit 2 had the shut-off and that homeowner was out of town. The agent believes both sides have a water shut-off but when it comes to the meter that goes to the building, there is only one in place.

Commissioner Steinman asked about the fire rating between the units and if it goes into the attic space as well. The agent was not certain but noted that the applicant would likely have that information. Commissioner Steinman asked about the Maintenance Agreements in place for insurance, the exterior common area, and roof maintenance. It was noted that this is addressed in the Covenants, Conditions, and Restrictions (“CC&Rs”) that have been created. Chair Mills was pleased to hear that CC&Rs exist for this application. It was stated that the CC&Rs were drawn up to include the Party Wall Agreement and how maintenance would be handled. Each owner is responsible for the area around their unit as far as maintenance, snow removal, and landscaping.

Chair Mills opened the Public Hearing.

Vanessa G. reported that she is the daughter of the applicants and is able to answer some of the questions posed by the Planning Commission. The firewall between units exists and there is a water shut-off on each side of the unit. She was not sure whether the firewall reaches the attic.

Chair Mills noted that the concerns from the Commission have to do with whoever owns the units in the future. He asked that there be controls in place so people with varying levels of ability to maintain will be compelled to take care of common areas. The CC&Rs can be shared with Staff.

There were no further comments. The Public Hearing was closed.

Commissioner Anderson reported that during the Work Session, there was discussion about having a Maintenance Plan attached to the plat when it is filed. Now that it is known there are CC&Rs, she wondered if that changes the need for the requirement. She wanted to better understand how the CC&Rs work compared to a Maintenance Plan. The agent reported that she emailed the updated CC&Rs with the Party Wall Agreement to City Staff. It should address everything for future owners. She pointed out that future owners could create their own HOA between the four owners if that is something that is desired for additional support. Commissioner Steinman pointed out that in 2004, the International Building Code was different than it is now. As a result, there are some things that should be considered in the technical review. For example, ensuring that with the condominium conversion, the latest version of the International Building Code is met. In most condominium conversion codes in other cities, that is specified, but there is not a code like that in Cottonwood Heights at the current time. It is something that could be considered in the future.

Chair Mills noted that the Staff Report states it is intended there will be a full technical review that takes place. He asked whether that needs to be mentioned in the motion language. Commissioner Steinman also wanted to know what the technical review would include. Community and Economic Development Director, Michael Johnson, reported that the technical review will run through the Building Department. Since there is no physical work being done to the buildings, there will be a reference to whatever Building Code standards apply if ownership types are being changed within a building. An addition or remodel might trigger some improvements, but a split in ownership is unlikely to trigger the same level of improvements. However, the ownership will be considered as far as the fire separation during the technical review portion of the process. While the Commission can mention this in the motion language, all of that is covered by that process.

Commissioner Steinman asked if utilities would be included in the technical review process. Mr. Johnson confirmed this. He explained that whatever the Building Code necessitates when a commonly owned two-family dwelling is divided into condominiums will be triggered as part of this review. Commissioner Mike Shelton clarified that what is before the Planning Commission is a Subdivision Amendment. The scope of the Commission decision is whether there is approval to amend the subdivision or if there are grounds to disapprove the subdivision. Commissioner Smith feels it is possible to approve this with some of the previously discussed recommendations. He has not heard grounds to deny the application before the Commission.

Mr. Johnson reported that Staff will ask for a Maintenance Plan. Whether it is covered through the CC&Rs or some other type of plan does not necessarily matter, so long as there is something in place. As long as what is submitted addresses issues such as snow removal, trash collection,

common area maintenance, and so on, that would be considered acceptable to the City. Commissioner Anderson asked if this needs to be listed as a Condition of Approval. Mr. Johnson clarified that it is something that will be requested by Staff and does not need to be stated.

Commissioner Smith moved to APPROVE Project SUB-24-007, based on the findings and recommendations listed in the Staff Report dated October 2, 2024, with encouragement that the issues mentioned during the Planning Commission Meeting be addressed. Commissioner Shelton seconded the motion. Vote on Motion: Commissioner Steinman-Yes; Commissioner Anderson-Yes; Commissioner Smith-Yes; Commissioner Poulson-Yes; Commissioner Shelton-Yes; Chair Mills-Yes. The motion passed unanimously.

4.0 Adjourn.

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

The Business Meeting adjourned at approximately 6:31 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Planning Commission Work Session and Regular Meeting held on Wednesday, October 2, 2024.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: _____