

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

3
4 **Wednesday, October 18, 2023**
5 **5:00 p.m.**
6 **2277 East Bengal Boulevard**
7 **City Council Work Room**
8

9 ***ATTENDANCE***

10
11 **Members Present:** Chair Dan Mills, Commissioner Mike Smith, Commissioner Lucy
12 Anderson, Commissioner Mike Shelton, Commissioner Dan Poulson (via
13 Zoom), Commissioner Jonathan Ebbeler (via Zoom), Commissioner Jessica
14 Chappel
15

16 **Staff Present:** Deputy City Recorder, Maria Devereux, Community and Economic
17 Development Director Michael Johnson, Associate Planner &
18 Sustainability Analyst Ian Harris, Senior City Planner Samantha
19 DeSeelhorst, Systems Administrator Alex Earl
20

21 **Excused:** Commissioner Sean Steinman
22

23 **WORK SESSION**

24
25 Chair Dan Mills called the Work Meeting to order at 5:01 p.m.
26

27 The Work Session Agenda items were reviewed.
28

29 **1.0 Pickleball Court Ordinance Discussion.**
30

31 Community and Economic Development Director, Michael Johnson, presented an overview of the
32 Pickleball Court Ordinance and reported that Staff was instructed to research and draft an
33 Ordinance regulating residential pickleball courts. The City Council issued a moratorium on sports
34 courts that are over 500 square feet in size due to the perceived unique impact of residential
35 pickleball courts and concerns voiced by residents. The moratorium is effective for up to six
36 months. Compared to other court sports, pickleball produces sounds at levels greater than 70 dB
37 and a higher pitch of approximately 1.2K Hz. Chair Mills purchased a decibel meter and
38 discovered that a neighboring pool party, children playing basketball in a front yard, and a family
39 gathering all measured over the 70 dB level.
40

41 Lighting and fencing issues were reviewed. Mr. Johnson reported that lighting concerns have been
42 brought to the attention of City Code Enforcement. According to USA Pickleball standards, the
43 lighting is bright and spills over into areas that do not meet the current outdoor lighting Ordinance.
44 There have not been many fencing concerns and lighting complaints are largely due to illegal light
45 structures that are built without permits. He confirmed that noise remains the primary concern.
46 Council Member Shelton asked if the current Countywide Noise Ordinance is not effective against

1 the noise situation as presented. Mr. Johnson responded that the concern is that currently, a sports
2 court of a certain size can be constructed along property lines. The Cottonwood Heights City
3 Noise Standard has been adopted by reference from Salt Lake County. Noise is perpetual and
4 Code Enforcement is a lengthy criminal citation process. Senior City Planner, Samantha
5 DeSeelhorst, stated that from research it is difficult to meet the Ordinance unless a sports court is
6 set back generously from the property line. Equipment options were discussed.

7
8 Noise mitigation could include the following:

- 9
- 10 • Quiet paddles/balls (seem to only reduce noise level ~5 dB);
- 11 • Structures/acoustic wraps (maximum reduction of 32 dB);
- 12 • Vegetation (highly variable; seasonal);
- 13 • Indoor courts; and
- 14 • Distance from property lines.

15
16 Staff recommendations included the following:

- 17
- 18 • Enforce the existing Fencing Ordinance;
- 19 • Enforce the existing Lighting Ordinance;
- 20 • Require a distance of 150 feet from all property lines; and
- 21 • Allow for a reduction of 75 feet with a fixed mitigation method that brings the dB level
22 down to 65 dB or lower.

23
24 Mr. Johnson stated that alternate options could include:

- 25
- 26 • Prohibiting residential pickleball courts in certain zones;
- 27 • Requiring neighbor approval;
- 28 • Imposing a Building Permit process;
- 29 • Require a signed affidavit acknowledging the City requirements;
- 30 • Quiet equipment requirements;
- 31 • Different setback requirements; and
- 32 • no action.

33
34 Commissioner Anderson understood that the focus is noise and questioned the best way to address
35 the issue while finding a balance between property rights and the disturbance of neighbors. She
36 felt there should be a strong message regarding enforcement and following City guidelines. She
37 believed any conversion of an existing sports court or tennis court to a pickleball court should be
38 required to follow the same process as new construction. Ms. DeSeelhorst reported that structures
39 change where property lines tend to remain and although the impact of the proposed setback is
40 prohibitive, it is also on the smaller end of the scale of a recommended setback. Park City, for
41 example, requires a 600-foot setback.

42
43 Commissioner Chappel understood that the issue was with the pitch of the sound. In looking at
44 the details involved with the pickleball discussion, she felt that many of the options seemed
45 forcible. She questioned whether the requirement would be better enforced by having a required

1 setback OR an acoustic wrap. Ms. DeSeelhorst suggested that if the Commission goes in the
2 direction of considering an acoustic wrap as an option that a Noise Study be included. She believed
3 that reinvesting in underutilized City facilities for potential pickleball court locations could be
4 considered. The Commission discussed pickleball courts throughout the City.

5
6 Commissioner Shelton stated that he is an avid pickleball player and felt that the challenge lies
7 with picking out a function, not a problem. He felt that the draft would completely prohibit
8 residents from building a sports court altogether. He compared the degree of noise and pitch to a
9 dog barking or mowing the lawn with regulated usage to having similar characteristics to a
10 pickleball court. He found the difference to be that the City does not try to enumerate and prohibit
11 the use. Commissioner Anderson stressed the need to address the fact that it must be understood
12 that if one owns a pickleball court, there are rules that must be followed. Staff research found that
13 noises of a reoccurring or insistent nature are more detrimental to health and more of a nuisance.
14 Hours of regulation were also considered. Ms. DeSeelhorst explained that one of the challenging
15 aspects of developing an Ordinance is that there are not many case studies in the valley to build
16 on. It was confirmed that the noise issue is being experienced across Salt Lake County.

17
18 It was the preference of Commissioner Shelton that the City not select a particular game of a
19 particular name or particular activity. If an area for an outdoor activity is to be built and there is a
20 challenge for neighbors, the owner should be required to remedy that challenge. If neighbors are
21 opposed to the noise created and file a complaint, the noise is required to cease. He felt that the
22 remedy was to focus on the issue, not the use. He recommended that a Building Permit be required
23 to be issued by Staff to construct an outdoor structure or surface.

24
25 Commissioner Ebbeler listened to the remarks and appreciated the condition regarding fence
26 height and requiring neighbor approval. He cautioned against only looking at it as a Noise
27 Ordinance issue and believed the issue is similar to a short-term rental. If at some point the noise
28 becomes a nuisance, he recommended including a trigger regarding a certain number of tickets for
29 noise violations issued within a specific time period. He was reticent to looking at the issue as
30 singling out a use due to the number of other uses in the City that exceed the decibel
31 recommendation. Ms. DeSeelhorst appreciated the discussion and confirmed that Staff will
32 continue to refine the issue to determine the most successful way to address it. Chair Mills
33 recommended that the public comment process be included.

34 35 **2.0 City Project Update.**

36
37 Mr. Johnson presented the City Project Update that included the following projects:

- 38
39 • The Town Center Redevelopment Project Site Master Plan. Is in place with Lead
40 Consultant, MGB&A Design Firm as well as several other specialists and subcontractors.
41 A Citizen Advisory Committee was established and approved by the City Council and
42 includes 12 representatives, two from each Council District, in addition to several City
43 Representatives. Public outreach and surveys were to be sent out as the City began this
44 process.

- 1 • The Ferguson Park New Off-Leash Dog Park and Parking Lot. Now open with access off
2 of Wasatch Boulevard and Prospector Drive. The park opened on September 26, 2023.
3
- 4 • The Big Cottonwood Canyon Trail installation of Mile Markers, New Wayfinding Signs,
5 and Trail Signage. The project has been completed. Striping along the trail has also been
6 done to provide more of a trail feel. Damaged portions of the trail have also been
7 reconstructed.
8
- 9 • The General Plan Update. High level and internal coordination was taking place with
10 larger projects. This will be a focus and get to the point that the Plan can be brought back
11 for consideration and additional public input. It was anticipated that the update would be
12 introduced to the Planning Commission in late 2023.
13
- 14 • Form-Based Code. Is part of the General Plan Project and was funded under the same
15 source and grant.
16
- 17 • The Doverhill Drive Development and Park. Is located across Wasatch Boulevard from
18 Ferguson Park. The lots were sold to Ivory Homes who has entitled it for 13 single-family
19 lots. The first phase has been approved and sitework was underway. The nine lots to the
20 east were under review with the two-acre park in the middle being designated as a public
21 park. The City acquired the property as part of the deal and will be constructed by Ivory
22 Homes per a Development Agreement with the City. Mr. Johnson reported that the park
23 must be completed within two years of the start of Phase I.
24
- 25 • The East Jordan Canal Trail Feasibility Study. Is focused on opportunities, constraints,
26 and possibilities for expanding the paved portion of the East Jordan Canal Trail. The trail
27 is currently built on the covered portion of the canal. The study was funded through grants
28 and is an analysis to determine if the City decides to expand the trail. The study provides
29 any hurdles, challenges, and opportunities to connect with other regional trail systems.
30 Mr. Johnson reported that the idea of the study is to gain an understanding of what it would
31 take to construct the trail and return findings to the City Council.
32

33 Ongoing Projects included the following:

- 34 • The Transportation Master Plan;
- 35 • The Fort Union Boulevard Shared Use Path and Bike Lane;
- 36 • The Highland Drive Shared-Use Path; and
- 37 • The Little Cottonwood Canyon Bonneville Shoreline Trail Trailhead Design.
38

39
40 Commissioner Smith asked if there had been any thought to consider the Highland Drive Share-
41 Use Path running south. Mr. Johnson replied that none of the projects to this point included going
42 south but he was confident that they would get there eventually.
43

44 The City Council expressed their gratitude to the Planning Commission for their efforts and were
45 grateful for the collaboration and role they are playing.
46

1 **3.0 Adjournment.**

2

3 *Commissioner Ebbeler moved to ADJOURN. Commissioner Smith seconded the motion. The*
4 *motion passed with the unanimous consent of the Commission.*

5

6 The Work Meeting adjourned at 6:11 p.m.

1 *I hereby certify that the foregoing represents a true, accurate, and complete record of the*
2 *Cottonwood Heights City Planning Commission Work Session held Wednesday, October 18,*
3 *2023.*

4

5 Teri Forbes

6 Teri Forbes

7 T Forbes Group

8 Minutes Secretary

9

10 Minutes Approved: _____