

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

**Wednesday, January 3, 2024
5:00 p.m.
2277 East Bengal Boulevard
City Council Work Room**

ATTENDANCE

Members Present: Vice Chair Lucy Anderson, Commissioner Mike Smith, Commissioner Sean Steinman, Commissioner Jessica Chappell, Commissioner Jonathan Ebbeler (via Zoom), Youth City Council Member Alayna Dazley

Staff Present: Deputy City Recorder Maria Devereux, Associate City Planner and Sustainability Analyst Ian Harris, Community and Economic Development Director Michael Johnson, Senior City Planner Samantha DeSeelhorst, System Administrator Alex Earl

Excused: Chair Dan Mills and Commissioner Dan Poulson

WORK SESSION

In the absence of Chair Dan Mills, Vice Chair Lucy Anderson assumed the Chair and called the Work Meeting to order at 5:01 p.m.

1.0 Review Business Session Agenda.

The Business Session Agenda was reviewed.

Senior City Planner, Samantha DeSeelhorst provided an overview of Project ZTA-23-005. She stated that a public hearing will be conducted and possible action taken on a City-initiated Zoning Text Amendment to make administrative updates to portions of Title 2, Title 3, Title 12, and Title 19 of City Code. The purpose of the Text Amendment was to clarify ambiguous definitions and procedures along with conflicting provisions as part of ongoing City Code maintenance. Staff proposed the following changes:

Proposed Change #1 - Pet Boarding Establishments:

In April 2023, a first batch of Zoning Ordinance edits were brought to the Planning Commission as part of ongoing City Code maintenance. Updated regulatory language on dog kennels was included but was removed from the final adopted version, following direction from the Planning Commission to reassess which zones kennels would be allowed in. Following the Commission's direction, Staff drafted an updated Ordinance for the establishment of this type, which broadens the scope to "pet boarding establishments" rather than kennels only for dogs. Clearer regulations were also included for boarding as part of a home business.

Commercial Pet Boarding:

Added as a Conditional Use in the Regional Commercial Zone and required to go through Planning Commission for Business License approval. It will be defined as a commercial establishment with indoor and outdoor space where domestic and licensable pets, as detailed in 8.16 of City Code, are housed on a daytime and/or overnight basis. Establishments may also include grooming, training, and associated retail elements. Regulatory language was reviewed. An overnight and emergency plan will also be required to be submitted for review as part of the Conditional Use.

Home Pet Boarding:

Home pet boarding is a type of home occupation that includes the daytime boarding of domestic and licensable pets, as detailed in 8.16 of City Code, in an eligible residential zone. Overnight pet boarding is prohibited as part of a home pet boarding operation. A home pet boarding establishment may also include pet grooming and training and be divided into the following two categories:

- **Minor Home Pet Boarding:**

Minor home pet boarding constitutes the daytime boarding of up to four pets at any single point. Standards include the following:

- Number of employees;
- Signage; and
- Parking

- **Standard Home Pet Boarding:**

Standard home pet boarding constitutes the daytime boarding of above four and below six pets at any single point. Overnight boarding would not be permitted as most appropriate for residential properties.

Community and Economic Development Director, Mike Johnson reported that home pet boarding is a type of home occupation where it is not specified with specific regulations. With previous cases where a certain type of home occupation is proposed and if the use is allowed in the City, they are entitled to a home occupation. Language may be added to provide standards for their use.

Chair Anderson asked if home pet boarding hours are defined. Ms. DeSeelhorst reported that daytime hours are not specified but overnight stays are not permitted. Standard business hours were suggested. With the restriction of overnight hours, Staff felt that the character of the neighborhood will remain more residential in nature. With regard to noise, pets should always be accompanied outside by a caregiver. Mr. Johnson clarified that Minor Home Pet Boarding allows all pets that are being boarded, groomed, or trained at any given point and will be included in the maximum of four pets allowed, as will any pets which permanently reside in the home. Standard home pet boarding allows for a maximum of six pets, including those that reside in the home.

Proposed Change #2 - Fuel price signs:

The City Code allows electronic signage for time and temperature signs but does not explicitly allow it for fuel price signs, although they are typically included at fuel stations. A zoning interpretation allowed the City to permit electronic fuel price signage, but this approach should be formalized in the Code.

Proposed Change #3 - Bond Adjustments:

Bond procedures have historically been included in multiple sections of City Code, including Title 3, Title 12, and Title 19. However, the provisions outlined in each title were conflicting, which prompted the need for a single procedure. All bond information has since been moved to Title 3.

Proposed Change #4 - F-1-21 Accessory Buildings Permitted:

Accessory buildings, such as sheds and detached garages, are currently allowed in all residential zones except the Foothill Residential Zone. For an unknown reason, most likely an administrative error, this zone allows single-family homes but does not list accessory buildings. The draft updates this to provide consistency across all residential zones.

Proposed Change #5 - Lot Coverage and SLEDS:

Each zone in Cottonwood Heights lists the lot coverage maximum, which signifies that the maximum percentage of the lot that can be covered by structures. However, for properties within the Sensitive Lands Overlay Zone, lot coverage includes not only structures, but also all impervious surfaces such as driveways, patios, decks, etc. Currently, each zone's individual ordinance only lists the underlying lot coverage maximum, without mention of the more restrictive standard for properties also in the overlay zone. This has created confusion for residents who read these ordinances, without knowing how to also check the Sensitive Lands Overlay Zone standards. As such, the draft incorporates information about this more restrictive standard within each zone's ordinance, as means of providing better information to the public.

(audio dropped)

Proposed Change #6 - Definition of Street:

Although there are both public and private streets in Cottonwood Heights, the current definition of "street," only specifies public rights-of-way. The draft has been updated to also include private rights-of-way.

Proposed Change #7 - Height Measurements and SLEDS:

Each zone in the City lists the maximum height for structures. However, the height limit is reduced for many properties in the City if they are located in the Sensitive Lands Overlay Zone, due to

hazards that may exist in this overlay zone. Currently, the restriction is listed inconsistently in individual zones, with some listing the particular hazard (slope stability) that necessitates the reduced height restriction, and some listing a blanket reduced height for all structures if a property is located in the overlay zone. In addition, several zones fail to mention this restriction altogether. This has created confusion for property owners and staff. As such, the draft incorporates clarification about this more restrictive standard and cleans up formatting inconsistencies within each zone's Ordinance.

(Audio resumed)

Associate City Planner and Sustainability Analyst, Ian Harris reviewed the following changes:

Proposed Change #8 - Board of Adjustment Fixes:

When Cottonwood Heights was first incorporated, the City utilized a Board of Adjustment to review appeals, including things such as nonconforming expansions and variances. Since then, the City has moved to a single Appeals Hearing Officer to replace the Board of Adjustment. Fixes to Title 19, removing mention of a Board of Adjustment were adopted last year. Since that time, Staff has become aware of other instances where a Board of Adjustment is mentioned in Title 2. It recommends that it be replaced with mention of the Appeals Hearing Officer, as this is the current procedure utilized by the City.

Proposed Change #9 - Zoning Map Location Fixes:

When Cottonwood Heights was first incorporated, City maps were printed and maintained on file at City Hall for residents to view. As Staff capabilities have evolved technologically, many City resources have moved to the City's website. This Code Amendment clarifies that zoning maps are in the custody of the Community and Economic Development Department (which includes planning and GIS mapping staff), and that they can be found both on the City's website and in-person at City Hall.

Proposed Change #10 - Rural Residential Zones Accessory Building Fixes:

Compared to other residential zones, Rural Residential Zones (RR-1-43, RR-1-29, and RR-1-21) contain distinct setback requirements for Accessory Buildings and "Private Garages." This is due to the rural nature of the zone as well as a desire not to create a large number of nonconformities, given that many of these properties were developed prior to the City's adoption of its current Zoning Code. Upon staff's review of zoning Ordinances, it was discovered that contradictory information regarding accessory building setbacks exists in the Maximum Height subsection of each Rural Residential Zone section. Staff is proposing a fix of these inconsistencies, as well as a relabeling of "private garages" as "detached garages" for clarity.

Proposed Change #11 - Fencing Clarifications:

Currently, City Code is ambiguous with regard to fencing in the case of key lots, where one the front yard of on lot abuts another lot's rear yard. In this case, fencing standards conflict, fences

along property lines in the front yard may be constructed up to a height of four feet, while fences along property lines in the rear yard may be constructed up to six feet (with extensions allowed as a Conditional Use). A recent neighbor dispute brought this to Staff's attention. Upon investigation, Staff found that the definition of a key lot to be incorrect, and also found a loophole in the wall height extension process, which would have allowed extensions in front yards. Staff was proposing supplanting the definition of a key lot with the definition found in the Planner's Dictionary, adding a provision for fences to be constructed up to six feet in the case of key lots, and clarifying that no wall height extensions are allowed in the front yard of lots, including key lots. Ms. DeSeelhorst reported that there was unclear language whereby someone may interpret a wall height extension where there may be a unique circumstance where additional height is needed. These are only intended to be a possible avenue for side yards and rear yards. Language would state explicitly that a wall height extension cannot be granted in the case of a key lot.

The next agenda item was Project ZTA-23-004. Mr. Johnson reported that this item involved consideration of a public hearing and action on a City-Initiated Zoning Text Amendment to establish standards and permitting requirements for Outdoor Sport Courts in residential areas. Mr. Johnson reported that Staff does not have additional details as this Ordinance is in the same position as last discussed. The Planning Commission took initial public comment with a motion to continue the item. One additional public comment was received from Mike Shelton with two additional comments received after the deadline. He recommended discussion continue and that the public hearing be held. The moratorium was issued in September 2023 and runs a maximum of six months. Should the March deadline be met, and the moratorium lifted, the Ordinance cannot be further restricted.

Chair Anderson stated that productive discussions have taken place regarding the Sports Court Ordinance. She questioned whether the Commission wishes to reengage in those discussions.

Commissioner Steinman questioned similar uses as a City, County, or State where such activities are regulated on private property. Mr. Johnson explained that without going through the Conditional Use process, the mechanism regulates uses. The idea was to begin with a minimum and comply with current setback regulations creating distance between the hazard and the structure. Should the applicant desire to reduce the setback, a noise analysis and sound mitigation may be conducted confirming the mitigation. Commissioner Steinman suggested exercising caution in overstepping land use as there is already an Ordinance Officer who manages noise. If there are similarities in residential uses, he felt that many will breach the regulations and it will be costly for the City to work through those issues.

Ms. DeSeelhorst reported that from a Staff perspective, the struggle comes from allowing a resident to construct something that has a high likelihood of violating the noise Ordinance or getting ahead of the potential issue and imposing regulations from being built in a way to mitigate potential violations. Staff has tried to create flexibility with the noise study requirement. They went to great effort to find a middle ground that allows the right to use and construct sports courts but establishes a reasonable permitting process to head off potential impacts before they happen.

Chair Anderson felt that the concern lies with finding a balance between the construction of sports courts while ensuring that the construction and use does not infringe on the rights of neighbors to enjoy their property.

Council Member Shelton commented that an interesting thought would be to consider all of the places where the use is not regulated. He asked if a home-based business, such as dog boarding, is highly likely to exceed 70 decibels (“dB”). If a resident were to construct a concrete slab for a dog kennel, it would not require the same approval process. Mr. Johnson pointed out the Sports Courts Ordinance is only applicable to spaces over 500 square feet and assumes that the court is large. A small landscaping pad is generally not as impactful as a large patio. Staff discussion has also taken a different direction regarding providing more education when a resident is warned of potential implications. There have been unique concerns shared with the impact of specifically noise related to pickleball. He confirmed that complaints of dogs greatly outnumber pickleball. There are regulations that dog owners are required to abide by, and an enforcement process is in place.

Commissioner Steinman reported that there are ways to mitigate noise without having to tear up the court. Similar to that of taking a barking dog inside, a different paddle and ball can be used to bring noise levels down below the 65 dB requirement. Ms. DeSeelhorst noted that additional information is needed to determine if muffling the noise will reduce the impact. The frequency of the noise was also a shared concern.

Chair Anderson reiterated the need to find a balance with regulations of anything creating a noise impact and having guardrails in place. Staff was of the understanding that there are still concerns that may require further discussion.

Commissioner Smith asked if it is the role of the Planning Commission to act as an advisor to the City Council who ultimately makes the final determination. Mr. Johnson confirmed that the Commission’s role is advisory in nature. He reported that legislative items will be forwarded to the City Council with a recommendation from the Planning Commission. If during the Business Meeting, the vote does not reflect a consensus, it would be helpful to offer findings as to their decision. This is a unique item and having as much rationale and findings as possible will be beneficial. Model motions were reviewed.

2.0 Adjournment.

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

The Work Meeting adjourned at 5:58 p.m.

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

Wednesday, January 3, 2024

6:00 p.m.

2277 East Bengal Boulevard

City Council Chambers

Members Present: Vice Chair Lucy Anderson, Commissioner Mike Smith, Commissioner Sean Steinman, Commissioner Jessica Chappell, Commissioner Jonathan Ebbeler (via Zoom), Youth City Council Member Alayna Dazley

Staff Present: Deputy City Recorder Maria Devereux, Associate City Planner and Sustainability Analyst Ian Harris, Community and Economic Development Director Michael Johnson, Senior City Planner Samantha DeSeelhorst, System Administrator Alex Earl

Excused: Chair Dan Mills and Commissioner Dan Poulson

BUSINESS SESSION

In the absence of Chair Dan Mills, Vice Chair Lucy Anderson called the Business Meeting to order at 6:00 p.m.

1.0 Welcome and Acknowledgements.

Chair Anderson welcomed those in attendance.

2.0 General Public Comment.

Audrey Pines stated that she previously submitted questions to the City and would appreciate a response addressing those concerns. She was strongly opposed to the potential for a dog kennel in her neighborhood.

There was no further public comment. Chair Anderson closed the public comment.

3.0 Business Items.

3.1 Project ZTA-23-005 – A Public Hearing and Possible Action on a City-Initiated Zoning Text Amendment to Make Administrative Updates to Portions of Title 2, Title 3, Title 12, and Title 19 of City Code. The Purpose of this Text Amendment is to Clarify Ambiguous Definitions and Procedures and Rectify Conflicting Provisions as Part of Ongoing City Code Maintenance.

Senior City Planner, Samantha DeSeelhorst presented the Staff Report and stated that a full disclosure of updates to portions of Title 2, Title 3, Title 12, and Title 19 of the City Code are

available on the City’s website. She reported that this is an effort to improve the City Code’s accuracy while making it more user-friendly. The proposed updates were described as minor. Per the discussion that took place during the Work Session, clarification regarding hours of daytime operation was requested. She stated that the Home Pet Boarding Establishment Section specifies that overnight boarding is not permitted but lacks specific metrics on daytime hours.

The addition of language regarding the Salt Lake County Noise Ordinance was next reviewed. Ms. DeSeelhorst stated that it was suggested that pets be accompanied outdoors by a caregiver and that reference be made to an allowable threshold. Commission input was welcomed.

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

Commissioner Ebbeler moved to forward a recommendation of APPROVAL to the City Council for Project ZTA-23-005 based on findings listed in the Staff Report and attachments dated January 3, 2024, with the additional changes:

- 1. Clarification of daytime hours.***
- 2. Reference to the Salt Lake County Noise Ordinance.***

Commissioner Steinman seconded the motion. Vote on motion: Commissioner Chappell-Yes, Commissioner Smith-Yes, Commissioner Shelton-Yes, Commissioner Steinman-Yes, Commissioner Ebbeler-Yes, Chair Anderson-Yes. The motion passed unanimously.

3.2 Project ZTA-23-004 – A Public Hearing and Possible Action on a City-Initiated Zoning Text Amendment to Establish Standards and Permitting Requirements for Outdoor Sports Courts in Residential Areas.

Chair Anderson reported that the above item is a public hearing and possible action on a City-initiated Zoning Text Amendment for Project ZTA-23-004 to establish Standards and permitting requirements for Outdoor Sports Courts in residential areas. This item has been discussed in several meetings with details presented by Staff.

Chair Anderson opened the public hearing.

Rena Cundick identified herself as a lifelong resident of Cottonwood Heights. She felt that pickleball courts are vastly different than sports courts with three located within .25 miles of her home. She stated that sports courts are used for occasional basketball games or for children to play on. The three courts near her home are used for recreational purposes and rented out hourly. She reported that she can hear the noise from the courts inside her home while working. In the spring, the third will be located three feet from her property line and greatly impact her family and neighbors. She appreciated the Planning Commission discussion and implored them to conduct further research with online documentation to differentiate between the two courts. She submitted a public comment via email and welcomed City officials to visit her property to see the 10-foot fence and the view of the pickleball court from her porch.

Ms. DeSeelhorst noted that Ms. Cundick's comment was received by Staff and will be forwarded to the Planning Commission.

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

Commissioner Ebbeler asked for clarification regarding the process should a citizen wish to submit a comment based upon the actual sound of a pickleball court from their property. Mr. Johnson confirmed that multi-media comments are permitted and may be submitted through the same means as a written comment.

Commissioner Chappell moved to CONTINUE Project ZTA-23-004 to the January 17, 2024, Planning Commission Meeting, including Public Comment. Commissioner Shelton seconded the motion.

Commissioner Smith appreciated the comments received and the interest shown by residents. He tends to think in terms of property owners' rights but felt persuaded by the concerns expressed. He had heard several comments regarding the adverse effects of having a nearby pickleball court and not many advocating in favor.

Vote on motion: Commissioner Chappell-Yes, Commissioner Smith-Yes, Commissioner Shelton-Yes, Commissioner Steinman-Yes, Commissioner Ebbeler-Yes, Chair Anderson-Yes. The motion passed unanimously.

4.0 Consent Agenda.

4.1 Approval of Planning Commission Minutes from December 6, 2023.

Commissioner Ebbeler moved to APPROVE the Consent Agenda. Commissioner Shelton seconded the motion. The motion passed with the unanimous consent of the Commission.

5.0 Adjournment.

Commissioner Ebbeler moved to ADJOURN the Business Meeting. Chair Anderson seconded the motion. The motion passed with the unanimous consent of the Commission.

The Business Meeting adjourned at 6:25 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, January 3, 2024.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: _____