

COTTONWOOD HEIGHTS CITY PLANNING COMMISSION MEETING AGENDA



September 4, 2024

Notice is hereby given that the **Cottonwood Heights Planning Commission** will convene on **Wednesday, September 4, 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 Form-Based Code Joint Work Session Scheduling

At its June 5, 2024 meeting, The Planning Commission forwarded a recommendation of approval to the City Council for the Form-Based Code project. This project is now being reviewed by the City Council. As part of its review, the City Council has requested a joint work session with the Planning Commission to discuss this project prior to taking a formal vote. Staff will coordinate with the Planning Commission on scheduling options for this joint work session.

3.0 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-24-002

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). 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.

4.0 Adjourn

Next Planning Commission Meetings: October 2, 2024 & October 16, 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, September 3, 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, August 30, 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 30TH DAY OF AUGUST, 2024, Attest: Paula Melgar, City Recorder



PLANNING COMMISSION MEMO

ZTA-24-002 – SLEDS Minor Text Amendment

Meeting Date: September 4, 2024

Staff Contact: Mike Johnson, CED Director

Request

This application represents a city-initiated request for a zoning text amendment to update a provision of the city’s Sensitive Land Evaluation and Development Standards (SLEDS) ordinance ([19.72.050.D](#)) pertaining to a regulation of the maximum amount of impervious surface allowed on developments within SLEDS areas.

The purpose of this text amendment is to provide better clarity in the regulation and more accurately apply the restriction in areas where the regulation serves its intended purpose.

Background & Overview

While the SLEDS ordinance was recently amended and updated in 2023, the above provision, limiting impervious surfaces in sensitive lands areas, existed prior and was not substantially modified as part of that amendment. The provision is written in a broad nature so that if any portion of a property contains a sensitive lands hazard, impervious surface must be limited. Staff has observed numerous recent instances where homes located in various sensitive lands zones propose additions, landscaping, etc. and are required to reduce impervious surface elsewhere on the property to accommodate the new project (i.e. conversion of driveways/walkways to pervious pavers, reduction of patio spaces, etc.). Staff is often asked what the rationale is for imposing the 30% impervious surface limitation, and it is difficult to justify that this provision is needed equally to mitigate all potential natural hazard types that the city regulates. The existing ordinance is generally written to infer that the purpose of the provision is to limit surface water infiltration.

After discussion by the DRC, it was determined that such limitations in surface water infiltration are most important in areas with steep slopes. Excessive surface water runoff onto steep slopes can lead to erosion and weakened slope stability. Numerous previous projects with slope stability hazards contain recommendations or requirements to drain water away from steep slope areas. Other hazards, however, are not commonly negatively impacted by additional surface water runoff.

As the purpose of the SLEDS ordinance is *“to ensure that development is regulated in a manner that will minimize potential impact from natural and man-made hazards and will reasonably preserve natural scenic beauty and ecological integrity,”* staff finds that the proposed amendment better calibrates the intention of the requirement, and clarifies that such impervious surface limitation is not needed in every sensitive lands area to effectively carry out the purpose of the chapter.

As part of the analysis of this provision and preparation of this proposed amendment, staff also analyzed the average impervious surface of residential properties in the city to ensure that the 30% limitation was appropriate. This analysis was done utilizing impervious surface data that is used to generate the city’s stormwater utility fee.

When averaging all residential zones in the city, excluding outliers such as the foothill and forestry zones that contain very little impervious surface and very large lot sizes, the average existing impervious surface coverage on residential lots in the city is 32.6%. Given this, staff finds that 30% impervious surface limitation to be reasonable.

By narrowing the application of this ordinance to hillside sensitive lands areas, verifying that 30% is an appropriate number, and by providing the option for on-site retention of impervious surface exceeding that amount, staff finds that the proposed amendment meets the purpose and intent of the SLEDS ordinance, and eliminates unintended and unnecessary regulations in areas where such limitation is not critical to the mitigation of hazards. It should also be noted that recommendations within specific hazard studies and provisions in other portions of the SLEDS chapter (i.e. riparian protection standards, floodplain development standards, etc.) will remain unchanged and can include additional restrictions related to impervious surface and discharge of surface water.

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-24-002, based on the finding listed in the staff memo and attachments dated September 4, 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-24-002, based on the following findings...

- List findings for negative recommendation...

Attachments

1. Proposed changes

19.72.050.D Maximum impervious surface

Maximum impervious surface. The total maximum allowable coverage by impervious material within ~~the sensitive lands~~ portions of a project that contain a slope stability hazard shall not exceed 30% of the area of those sensitive lands ~~where the slope stability hazard is present. 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. If 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 exceed 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.~~