

**MINUTES OF THE CITY OF HOLLADAY
PLANNING COMMISSION MEETING
Tuesday, September 19, 2017
7:00 p.m.
Holladay Municipal Center
4580 South 2300 East**

ATTENDANCE:

Planning Commission Members:

Jim Carter, Chair
Jan Bradshaw
Chris Layton
Alyssa Lloyd
Ann Mackin
Marianne Ricks

City Staff:

Paul Allred, Community Development Director
Jonathan Teerlink, City Planner
Pat Hanson, City Planner

PRE-MEETING / WORK SESSION

Chair Jim Carter reviewed the agenda items.

City Planner, Jonathan Teerlink, described the proposed amendment to the existing Callaway Subdivision. He explained that a lot line adjustment is being sought in order for Mr. & Mrs. Markham and Thompson to exchange property. Doing so, however, changes the boundary of the subdivision, which requires Planning Commission approval. Mr. Teerlink recommended that preliminary and final approval could be done at this point. The property is in the R-1-8 zone and Mr. Thompson has left 8,000 square feet. The transaction will be handled in the form of a Quit-Claim Deed at a later date. Staff recommended preliminary and final approval of the proposed amendment.

The Commission next reviewed the proposed renewal of a concept subdivision plan. Mr. Teerlink reported that David Weekley previously proposed seven lots. Jay Rice is now intending to use the lane for access. Mr. Teerlink stated that moving the new street alignment to the east staggers the driveways from the two new subdivisions across the street.

Community Development Director, Paul Allred, reported that currently there is no water running through the Tanner Big Cottonwood Ditch. Salt Lake City has the discretion to allow water to run through it. There was a limited release over the summer that flooded some basements. Mr. Allred pointed out that the survival of many Cottonwood trees on the south end of the City rely on the laterals and ditches. The City did, however, request that some water be released.

The proposed Tree Ordinance was next discussed. Chair Carter described what has occurred in other cities. In response to a question raised, Mr. Allred commented that the latest draft would require a permit for a clear cut. Chris Layton commented that many believe that simply because a tree is growing, that it is good. He stressed that that is not the case. Chair Carter agreed. Many property owners feel that they should be able to remove “trash trees” on their property. He indicated that it is a very complex issue.

A comment was made about the importance of keeping the dialogue open since there are different perspectives with regard to trees and the issue is subjective. Mr. Allred commented that while working for another city, they made a difficult decision to upgrade their architectural standards in an industrial park. This caused problems and there was a great deal of contention. By raising the bar and increasing awareness, within a few years the benefits of the higher standards were recognized. Mr. Allred explained that the proposed language allows for the clear cutting of no more than the maximum pervious area of a residence. Once a building permit is applied for, an applicant must go through an evaluation process. The intent of the proposed ordinance was to slow down the clear cutting of trees and raise awareness.

Mr. Allred reported that three written comments had been received since the last meeting. One suggested that the ordinance be applied at least to the Cottonwoods area. Another questioned how many people actually expressed support for the General Plan and trees. Mr. Allred stated that the number of responses was significant.

(18:58:16) Commissioner Layton moved to adjourn the work session. Commissioner Ricks seconded the motion. The motion passed with the unanimous consent of the Commission.

REGULAR BUSINESS MEETING

1. CONVENE REGULAR MEETING – Public Welcome and Chair Opening Statement.

Chair Jim Carter called the Regular Meeting to order at 7:03 p.m. and read the Chair statement.

ACTION ITEMS

2. PUBLIC HEARING – Amendment to the Calloway Subdivision – 2200 East 6200 South.

City Planner, Jonathan Teerlink, presented the staff report and identified the applicants as Alan Markham and Troy Thompson. The applicants were seeking to do a lot line adjustment. Mr. Teerlink explained that typically lot line adjustments between two property owners are done administratively and recorded with the County Recorder behind the scenes. In this instance, however, they are amending a boundary in a subdivision, which must be done in a public setting.

Additionally, Mr. Thompson's lot was also added to the subdivision, which gives him a proper property description. In doing so, the Technical Review Committee (TRC) verified that all of the property lot line adjustments and new lot line dimensions meet the R-1-8 zone for lot size and width. The TRC recommended approval of the proposed amendment by extending it one lot to Lot 4.

(19:08:09) Chair Carter opened the public hearing. There were no public comments. The public hearing was closed.

Commissioner Bradshaw moved to approve the lot line adjustment requested at 2200 East 6200 South and adding Mr. Thompson's property, which is currently outside of the Calloway Subdivision into the subdivision as Lot #4. Approval was subject to the following:

Findings:

- 1. No new lots/dwelling units are being created.*
- 2. The amendment meets the minimum lot size requirements of the R-1-8 zone.*
- 3. Needed dedication will occur for 6200 South.*

Requirements:

- 1. Submittal of title report and amended Covenants Codes and Restrictions which include Lot #4 into the association.*
- 2. Any issue of concern identified in the conceptual plan must be fully addressed in the preliminary plat process.*

Commissioner Ricks seconded the motion. Vote on motion: Ann Mackin-Aye, Marianne Ricks-Aye, Alyssa Lloyd-Aye, Jan Bradshaw-Aye, Chris Layton-Aye, Chair Jim Carter-Aye. The motion passed unanimously.

3. PUBLIC HEARING – Concept Plan Amendment to Big Cottonwood Subdivision – 2150 East 6200 South.

(19:17:36) Mr. Teerlink presented the staff report and stated that the above matter is an amendment to an existing concept approval for the Big Cottonwood Cove Subdivision. On August 4, 2015 David Weekley submitted an application for seven lots in the R-1-8 zone. The applicants proceeded through the process to the point of preliminary approval and subsequently withdrew their application. Jay Rice has picked up where David Weekley left off with one minor change, which is to move the access road for all seven lots from the west side to the east side. Doing so results in crossing an easement through an abutting property owner's land. The Technical Review Committee verified that the request meets the R-1-8 zone requirements and recommended renewal of the concept approval for seven lots for the Big Cottonwood Cove Subdivision. The TRC looked at the preliminary and final plat drawings and were comfortable with the Commission recommending that the applicant come back with preliminary and final plat for absolute approval.

The applicant, Jay Rice, reported that moving the road to the east is a positive change. They are using an existing access, purchasing the road from the Quicks, and widening it to 20 feet. The Quicks support the amendment and have agreed to sell the property in order to connect to the sewer system.

(19:20:51) Chair Carter opened the public hearing.

John Benson gave his address as 2162 East 6200 South and stated that he recently purchased his property, which is immediately to the east. He identified himself as a real estate developer from Park City and commented that his initial concern was that the road is going to impact the side of his property, which runs along the eastern border. He wondered about the trees, the root system, and the current water flow. He had seen what happens when something is disrupted that has existed for many years and he asked that those things be considered before moving forward.

Chair Carter explained that they are currently in the process of reviewing the concept plan. The criteria being applied are that the lots have access and are appropriately sized to determine whether the project meets the numerical requirements and standards. The next steps will be preliminary plat approval. At that point they will look much more closely at the site design, home locations, and lot coverage issues that include the details of the design.

John Quick gave his address as 2164 East 6200 South and confirmed that they have agreed to sell their ownership in the lane own. What is proposed is a better situation for them although it will increase the traffic on the lane. It also allows them to face the development rather than look at the fence on the backside of homes.

Owyn Anderl gave his 2133 East Howie Drive and reported that he lives directly south of the road that runs east and west. He noted that the proposal will impact his property the most. He was concerned about the potential for his property to be devalued since his home is so close to the fence. He questioned whether any other options have been proposed to avoid placing the road so close to his back fence.

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

Chair Carter commented that the Commission is being asked to determine whether the proposed configuration meets the concept approval threshold. In terms of placement of structures on the project, the previous access route to the west would likely have resulted in structures being closer to Mr. Anderl's house than the proposed configuration. The access would have been on the north side so the homes would have been pushed to the south. The general location of the structures would have been about the same.

Mr. Teerlink explained that when a design is presented to the Technical Review Committee, they review the design based on current standards and merits for emergency access, lot size for the zone, etc. There are many other ways the property could be reconfigured but they would still be reviewed with the standards.

Commissioner Layton commented that this is conceptual approval and Mr. Rice will configure the ground within the parameters of the zoning requirements in a manner that results in the best value for him. Issues of tree location, fencing, screening, and buffering come into play when looking at the preliminary and final plats.

It was suggested that those with concerns about how their property might be affected speak with Mr. Rice directly.

(19:32:32) Commissioner Mackin moved that the Commission accept and approve the concept plan amendment to the Big Cottonwood Subdivision at 2150 East 6200 South. The applicant is proposing a revision to the previously approved concept plan and the new revision proposes a new private road on the east side of the property. Approval was subject to the following:

Findings:

- 1. The conceptual plan meets the R-1-8 zone requirements for approval of density, parking, lot size, etc.*
- 2. This project complies with the provisions of the City's General Plan for this area.*
- 3. This application is consistent with single-family land use patterns in the general vicinity.*
- 4. The UFA has approved emergency access as proposed in the roadway configuration for the fire turnaround. Fire hydrant capacity and placement will be addressed in the Preliminary Plat review and approval process.*
- 5. It is believed by staff that utility providers can reasonably serve the property and are expected to provide appropriate service availability letters.*

Requirements:

- 1. Work with the TRC to submit to the Commission Preliminary and/or Final plat level drawings for final approvals.*

The motion was seconded by Commissioner Ricks. Vote on motion: Ann Mackin-Aye, Marianne Ricks-Aye, Alyssa Lloyd-Aye, Jan Bradshaw-Aye, Chris Layton-Aye, Chair Jim Carter-Aye. The motion passed unanimously.

4. Approval of Minutes – 6/20/17 and 7/11/17.

(19:12:01) Commissioner Lloyd moved to approve the meeting minutes of Tuesday, June 20, 2017, as written. Commissioner Ricks seconded the motion. The motion passed with the unanimous consent of the Commission.

Commissioner Mackin moved to approve the minutes of the Tuesday, July 21, 2017, as presented. Commissioner Bradshaw seconded the motion. The motion passed with the unanimous consent of the Commission.

The Commission took a short recess.

DISCUSSION ITEMS

5. Proposed Ordinance Amendment – Tree Canopy Protection.

(19:47:12) Chair Carter commented that the proposed amendment is a key component of the City's newly adopted revised General Plan. Tree preservation was identified as one of the top three attributes regarding the character of Holladay. It was clear that there is a mandate in the General Plan addressing the preservation of the tree canopy in the City. Chair Carter asked for input on the reach of the regulations and at what point it is appropriate for the City to require property owners, developers, and residents to obtain a permit and go through a review and approval process before removing vegetation, clearing their lots, or cutting down trees.

Chair Carter reported that the company he works for has assisted other communities in developing sensitive lands ordinances. He also has a law background. His opinion was that the most

successful approaches have been those that focus on major ground disturbing activities such as new subdivisions, master planned developments, and commercial developments. Many also purchase older homes, tear them down, clear the lots, and construct very large homes.

Commissioner Layton commented that property owners should be able to do what they wish with their property. The duty of the Commission is to come up with sensible regulations that allow people to have their rights so long as they do not negatively affect the community. Chair Carter stated that early on he recognized there was a strong connection to health, safety, and welfare issues. There is evidence to support maintaining a healthy, functioning tree canopy has tangible benefits to the community. Commissioner Layton recognized that trees have value in terms of personal, economic, environmental, and health value. He was in favor of providing criteria that protects trees but still allows people to develop.

Marianne Ricks thought that a preamble would dispel much of the anxiety up front. The importance of developers keeping an open dialog with citizens was also stressed. Commissioner Ricks liked the idea of maintaining property rights unless a situation involves a heritage tree or a street tree, which should be protected. She stressed that the intent was not to take away the rights of property owners.

Mr. Allred felt that the ordinance was pretty clear. It specifies that if someone wants to take down trees they simply have to obtain a permit. He explained that the change can be advertised in the newsletter, on the website, and at the counter when staff is dealing with developers. Over time, the word will get out. He stressed that the intent is to create a broad view to encourage tree canopy preservation through education and peer pressure. He noted that staff does not have the resources to police tree preservation. In response to a question raised, Mr. Allred stated that clear cutting a lot is a Class B Misdemeanor punishable by a fine.

City Planner, Pat Hanson, commented that work is still underway on the original draft that is posted on the City's website. There is no new draft and simply contains suggestions from staff with regard to language changes. Nothing was official.

Mr. Allred stressed that a requirement was added that a permit must be issued before a lot is clear cut. Replacement tree language was also included in the draft. Chair Carter explained that calculating the maximum pervious surface coverage creates the size of the footprint. Trees within the footprint can be removed. Anything else needs to be replaced. For those who have been in their home for a specified period of time can remove trees on their property unless they are street trees, heritage trees, or waterway trees. Chris Layton asked if the same applies to a commercial property. Mr. Allred explained that the ordinance currently requires a minimum amount of landscaping in every commercial zone with the exception of the Holladay Village. The percentage is typically 30 to 40 percent.

The issue of trees in parking lots was discussed. Chair Carter offered to work with staff in making further changes to the draft. Mr. Allred suggested that Chair Carter draft a preamble to be incorporated into the existing landscaping purpose statement. There was also discussion about the level of control the City might have. Tree canopy sustainability was the intent. The ordinance will take a holistic view of the community. He suggested that the purpose of the preamble be clear

in the General Plan and the previous drafts. The preamble will be linked to the General Plan and the previous language limiting the impervious surface areas. The idea was to draft the preamble first and then let the ordinance flow from that.

Mr. Allred identified other important comments made tonight including the fact that there is danger in use of the term “clear cutting”. It was recommended that it be better defined. The Commission also rejected the idea of looking just at tree caliper and instead sticking with canopy. They prefer a civil penalty approach to a criminal penalty and they pursue the addition of trees in parking lots. The desire of the Commission was also to support individual rights. Mr. Allred recommended that as a group they try to have an ordinance ready to vote on by the end of October. The next Planning Commission Meeting was scheduled of October 3. The goal for the next meeting was to setting time aside to discuss the matter further. In the meantime, staff was directed to incorporate the items discussed tonight into the draft and work on the preamble.

ADJOURN

(20:52:11) Commissioner Ricks moved to adjourn. Commissioner Bradshaw seconded the motion. The motion passed with the unanimous consent of the Commission.

The Planning Commission Meeting adjourned at approximately 8:50 p.m.

I hereby certify that the foregoing represents a true, accurate and complete record of the City of Holladay Planning Commission Meeting held Tuesday, September 19, 2017.



Teri Forbes
T Forbes Group
Minutes Secretary

Minutes approved: **January 8, 2018**