

**Linda Dunlavy**

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**From:** Michael Black  
**Sent:** Thursday, February 19, 2009 2:01 PM  
**To:** Bruce Jones (UTA)  
**Subject:** RE: Meeting

Either one of those days in the morning would work just fine.

Michael A. Black, AICP  
City Planning Director  
Cottonwood Heights  
1265 E. Fort Union Blvd.; Ste. 250  
Cottonwood Heights, UT 84047  
p. 801-944-7066  
c. 801-842-6071  
f. 801-545-4154

-----Original Message-----

**From:** Jones, Bruce (General Counsel) [mailto:BJones@rideuta.com]  
**Sent:** Thursday, February 19, 2009 1:14 PM  
**To:** Michael Black  
**Subject:** Meeting

Mike,

I have suggested to Terry Diehl that he contact you regarding potential zone or site plan modifications to his project. You recall I briefly discussed with the council an amended site plan that would include some high priced condos, project amenities, clustering and open space. I suggested he keep it, in total, to approximately 3 units per acre that would include some of the present large detached single family lots, some condo units, and potentially some estate like residences. Apparently he has retained John Shirley to put together some concepts for you to review and to consider any impacts on traffic, utilities etc. I would also like to see what he has in mind. Would you be available for a meeting either Tuesday or Thursday morning of next week? Thanks

**Linda Dunlavy**

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**From:** Michael Black  
**Sent:** Thursday, July 30, 2009 5:15 PM  
**To:** J. Thomas Bowen  
**Subject:** CRR Zone

Tom, this is still draft and of course our counsel will review it as well but not until after the PC makes their recommendation. If possible, I would like to see the PC make a recommendation on this on Wednesday but I can only hope for things cant I? By the way, I am going to take another look at this on Monday and make any glaring changes then too.

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Linda Dunlavy

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**From:** Liane Stillman [mailto:LStillman@cottonwoodheights.utah.gov]  
**Sent:** Wednesday, August 12, 2009 12:04 PM  
**To:** Kelvyn Cullimore Jr.  
**Subject:** FW: Meeting with Tee

Fyi

He was flabbergasted that there is any discussion about rezoning Tavaci. He said his district would come "unglued". I stressed that I hadn't read the proposal, that it only came up last night in city council, but he asked about "what's going on in his district" How do you not mention Tavaci?

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**From:** Liane Stillman  
**Sent:** Wednesday, August 12, 2009 12:01 PM  
**To:** Bruce Jones (UTA)  
**Subject:** Meeting with Tee

Hi Bruce,

I just spent a productive 1 ½ hours with Tee Tyler. I think you were in Alaska last week when I told the city council I was contacting all the candidates to offer them an opportunity to come to the city and ask questions about their district, or review how we provide municipal services. I came up with this idea having met with two candidates for Mayor and city council from other jurisdictions. I thought of all the places where we want informed candidates, it is here. So I invited them all.

I met last week with Nichole Omer, a candidate in Don's district. I think there was a little anxiety on their part about how they would be accepted if they are elected – and I hope we have been able to assure them of the neutrality of the city staff, and hopefully they see the professionalism as well.

Anyway, you are right. He is a charming man. He asks good questions, is very eager to learn and serve.

Liane

**Linda Dunlavy**

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**From:** Michael Black  
**Sent:** Tuesday, August 25, 2009 6:01 PM  
**To:** Liane Stillman  
**Subject:** FW: CRR

**From:** Kelvyn Cullimore Jr. [mailto:Kelvyn@dynamtron.com]  
**Sent:** Tuesday, August 25, 2009 4:15 PM  
**To:** Bruce Jones (UTA); Michael Black  
**Cc:** Kelvyn Cullimore; Gordon Thomas; Don Antczak; Scott Bracken  
**Subject:** RE: CRR

I appreciate Bruce articulating his position on the Resort Zone concept. Indeed, design can mitigate density impacts in many situations. I support considering changes to density on this property if it is properly designed. As I mentioned in the meeting with Bruce, this property is under a microscope already given its history. There are many who feel any development is bad development of this property. They will make themselves heard regardless of what we do. That does not concern me if we have a plan that is defensible. To get to that point requires that we dialog with not only the landowner about the possibilities, but allow for public comment as well.

This is a unique property. While I agree that design has much to do with this property development, that design must take into consideration not only the immediate plateau on which the development occurs, but the impact on views from Cottonwood Heights and across the valley. Thus, while I believe designs could be developed for that property that would significantly enhance the site plan for the plateau, we cannot ignore the broader visual impact any development might have on the surrounding community and valley.

I applaud the approach of entering into discussions on options with the landowner and trying to get creative about concepts that emphasize design within appropriate parameters. As we do so, we can hopefully come to a conclusion that is defensible and beneficial to all.

***Kelvyn H. Cullimore Jr.***

**From:** Jones, Bruce (General Counsel) [mailto:BJones@rideuta.com]  
**Sent:** Tuesday, August 25, 2009 12:59 PM  
**To:** Michael Black  
**Cc:** Kelvyn Cullimore; Gordon Thomas; Don Antczak; Scott Bracken  
**Subject:** RE: CRR

Mike,

Yes, I have had some time to consider our discussion. I had a meeting with Kelvyn yesterday. We discussed the history and some ideas regarding this zone. Diehl had requested I set a meeting with Kelvyn some months ago and it never materialized (my fault) and I suspect that would have been better planning. Never-the-less, Kelvyn explained he is not opposed to higher density but wants to discuss a number of issues that relate to this zone as it specifically applies to this property. While typically that kind of design/site plan discussion might occur later, given the particulars, that makes sense and I agree. The next step will be some specific issue meetings with Diehl, you me and Kelvyn. I'm not opposed to discussion this evening, but anticipate that more detailed discussions are required with Diehl and with you. My concern was that we not stop this potential exciting concept (DOA) at this point but allow the open consideration to continue. That would be a big mistake in my view. I am copying Kelvyn on this

email.

Kelvyn notes that he is not opposed to more density. His issues are design, site plan, safety etc. (including height and density). The notion of building height must be discussed at the same time as design and aesthetics, etc. Obviously there are a lot of issues to discuss and tonight hopefully will just be the beginning, but I suggested to him that you and I and Terry get together with him and discuss the details in formulating a specific plan. He supported doing this.

Of course, typically the "site plan/subdivision/conditional use" process happens after there is an ordinance and amendments to the general plan and a zoning change. I think that anticipation unfortunately drove this process. In this case, where the contemplated zone begins with only one project, Kelvyn would like to consider the entire process and related issues now rather than wait until after we have a zoning ordinance and amend the general plan. I am fine with that. It will permit us to better respond to concerns from some groups.

So we are on the same page, I would like you to understand my view. My interest in changing the "plan" for the mouth of the canyon began far before Terry Diehl. The county, groups such as Envision Utah, property owners and others began discussing the general plan for this area when I was on the Planning Commission and represented Cottonwood Corporate Center nearly 15 year ago (before Terry Diehl owned property). The gravel pit and Plato above (now owned by Shelby and Diehl) were the focus of a series of discussions about avoiding further typical ½ acre single family lots spread all over the mountain. The notion of density was just beginning not to be a bad word. It is truly not about density, but about design. Higher density fits in with more current planning techniques for quality of life and enhances good things—not crime, etc. It facilitates public transit so I have a little conflict but generally is supported by current intelligent planning. Further, the market no longer supports the large ½ lot subdivisions with large homes. That just doesn't work. I believed that 15 years ago and was opposed to that notion on Diehl's property at the time for that reason (I wanted higher density but better design). I have since preached that to him on a number of occasions and I believe that, as well as economic issues, gave rise to this process. What our planning commission did to enhance the plan took it even further.

The beginning point in my view is to determine what we want at the mouth of the canyon. I don't want another Top of the World kind of development—we have all we need of that. In addition, the seismic issues and utility lines on the gravel pit make that kind of development unworkable. We will have, if we are smart, something entirely different on the Granite/Shelby/Tavaci properties. The concept of a resort kind of area hadn't even occurred to me, but really appeals to me. This is to be a high quality, probably upper-end community that would appeal to people who don't (for the most part) want a ½ acre lot (although some of that product should be available). On the gravel pit, given the site issues, we probably will need to have some buildings that are 10+ floors—both residential and office. In addition, some neighborhood commercial with neat features (nice local stores, not big boxes, with great open space, walkways, restaurants, and other features—not a straight line strip center concept). You can see some of these kind of developments in other locations, including California. The commercial areas are not typical strip centers but generally include open space, circular sidewalk and shop areas that encourage walking and shopping, sitting areas and places to look out over the valley. It is just very nice looking and not the hot dry asphalt look of a strip center. That is the only way the gravel pit can be developed given site issues such as seismic. We ought to send you to northern California to look at what Granite Construction did on another of their gravel reclamation sites (office, high rise residential, open spaces and water features, walkways etc). Very green and beautiful. That can also be true in my opinion of the Shelby/Diehl properties. Think of how unique that is along the east bench. There is nothing like that resort kind of concept. All we have are typical Cove type residential and strip centers---unsightly and boring. What a terrific concept of a resort up-scale area that including some high rise stuff, but clustering and open space, with neighborhood commercial, and services. People would go to Cottonwood Heights to visit restaurants, shop, activities, events and recreation (skiing to mountain activities). It is a beautiful east side entry into the city between the canyons. ½ acre lots is not. Sure there will be opposition from the Save our Canyons folks and those that hate developers. There

always is when you have a new idea. I can only remember the people on the west side coming to county planning commission meetings with guns when neighborhoods instead of farms were proposed in west SL County. Density is not equal to cheap. This can be really nice and it represents a life-style choice not poverty. Even families don't all want big lots anymore. Many want small lots with nice homes (even attached) with large shared open spaces—better planning in my opinion and better life styles.

The zone you have proposed is all conditional uses. We could look at this for the years to come as to specific site plans for different areas and should do just that, but the concept of a little more density with open spaces and the real issue being design is my objective. Diehl's buildings use great site plan and design techniques of construction on a mountain. It doesn't look like a typical big condo or apartment. That design planning is far more important than either density or height. The height of the structures is important, but must also be considered in light of the trade-offs. Do we want more buildings, do we want to protect sight planes or views, are their sufficient transportation and utility components, fire safety, etc. I don't know the answer but maybe a 75 foot structure looks much better than more 60 foot structures. That is a site planning consideration that is not based merely on building height or density. We should not accept the notion that lower is better if the trade-off is more structures, less visual open space and not as adapted to the mountain. Do we lose some of the architectural beauty of the structures if they don't step back into the mountain as much even though the structures are less high. We shouldn't just say higher is worse—again, this is where we need to also trust your judgment and the judgment of the planning commission. In other words, design is far more important than the rules of thumb on building height and density. Density does not equal "bad" but may equal better aesthetics and quality of life than ½ acre lots, depending on the site plan and design. I hope this makes sense.

I believe Kelvyn is open to beginning discussions about design not just rejecting density. I think the next step is not to make final decision (either yes or no) tonight, but to having some detailed discussions involving the land owner (Diehl), you, Kelvyn and me. We can then involve others as the process is considered and questions are answered. While those design and site plan issues are typically not involved when we are merely considering a text change or general plan, given the area and the first potential use of the zone on one property, that is probably wise. Anyway, that is my view of the history and where I'd like to see this head.

Bruce T. Jones  
Phone: (801) 287-2126  
Cell: (801) 560-7841  
[bjones@rideuta.com](mailto:bjones@rideuta.com)

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**From:** Michael Black [mailto:MBlack@cottonwoodheights.utah.gov]  
**Sent:** Tuesday, August 25, 2009 11:01 AM  
**To:** Jones, Bruce (General Counsel)  
**Subject:** CRR

Bruce, in anticipation of the meeting tonight I was wondering if you had time to consider the items I talked to you about last Tuesday? As a reminder, it was the conversation about my concerns over the height and density in the ordinance (we talked about ERUs for a moment as well).

Michael A. Black, AICP  
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## Linda Dunlavy

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**From:** Michael Black  
**Sent:** Wednesday, September 02, 2009 4:41 PM  
**To:** Bruce Jones (UTA); Liane Stillman; Kelvyn Cullimore  
**Subject:** RE: General plan

Bruce, in the last City Council work session I mentioned that it appeared that one of the general concerns of the Council was to make sure the scope of the CRR zone was correct (meaning that all potential properties that could be considered are considered), I believe everyone agreed. Next, I stated that I felt that the Council's desire was to include the canyon racquet club as part of the scope. I believe we talked about that for a few minutes. The procedure for a general plan amendment is to have the planning commission make a recommendation to the Council and they hadn't seen the amendment involving the racquet club yet. That was my reasoning for having them discuss a new amendment tonight.

I do not want to appear to be a rogue planning director. I felt that it was implicit that the Council understood that the racquet club was being made part of the general plan amendment to ensure that the scope was correct. In my opinion, the planning commission has to make a recommendation on that amendment and therefore must consider it in a public meeting before making a decision. I am just trying to follow the process that we have in the past.

If you want to take the racquet club off so that the amendment can get to the city council I can do that and get the PC to likely meet next week or soon after to hold a special meeting and make a decision on the amendment without the racquet club.

Regards,

Michael A. Black, AICP  
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1265 E. Fort Union Blvd.; Ste. 250  
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-----Original Message-----

**From:** Jones, Bruce (General Counsel) [mailto:BJones@rideuta.com]  
**Sent:** Wednesday, September 02, 2009 3:08 PM  
**To:** Michael Black; Liane Stillman; Kelvyn Cullimore  
**Subject:** General plan

Let me briefly share with you the reasoning. We don't want to have further public comment until the council has made its initial changes. That is, we want to be able to feel the plan is defensible and that we believe in it before we go to further public input. There will be plenty of open opportunity for that but we want to first make the general plan and zone something that we feel is defensible. Public comment may cause additional changes but we don't want to be in a position of defending it until it meets our initial requirements, which it does not as yet. The planning commission will still have its day because the zone in its final form will need to go to the planning commission for application to any specific property. That is the idea.

----- Original Message -----

**From:** Jones, Bruce (General Counsel)  
**To:** 'mblack@cottonwoodheights.utah.gov' <mblack@cottonwoodheights.utah.gov>;  
'lstillman@cottonwoodheights.utah.gov' <lstillman@cottonwoodheights.utah.gov>;  
'kcullimore@cottonwoodheights.utah.gov' <kcullimore@cottonwoodheights.utah.gov>  
**Sent:** Wed Sep 02 14:51:57 2009  
**Subject:** General plan

We need to coordinate. Kelvyn and I met with tavaci yesterday and, unless Kelvyn has directed you differently, we intended to get both the general plan and zoning in front of

the city council where we would make sure it got a full hearing and make any changes. The general plan amendment would include both the gravel pit and tavaci but I don't want to open up the racquet club again at this point. Some day we may want to consider the club property again, but we have already been through the zoning for that property. We want to have the general plan amendment for the gravel pit and Tavaci.

Although the general plan might apply to the gravel pit, we probably only would apply the zoning change to tavaci presently because the gravel pit is years off. The zone for the gravel pit might be the same but unlikely.

Kelvyn and I directed Greg Curtis to work with Shane on modifying the proposed zone to reduce the building height to 75 feet (from 90 feet) in the back, 50 feet in the middle and no change to the detached single family residential along the ridge (the heights would be subject to further review at the city council--no decision yet as the heights and might be further reduced, but we are at least starting by reducing the 90 feet to 75 feet). We have asked the developer to float some balloons to see the appropriateness of 75 feet.

The idea is to have the general plan apply to the gravel pit and tavaci, not canyon racquet property at this time (although that could be considered later if we ever want to do that- maybe not because we have already re-zoned that property). That would create public confusion and make us look silly. The new zone, as ultimately modified by the city council, would likely initially only apply to tavaci. We just don't know enough yet, about the future for the gravel pit. We will deal with that down the road. We want the city council to review in detail the proposed zone for Tavaci and get all appropriate public comment. We know there could be changes at the council to the zone recommended by the planning commission but we have all the ability to do that at the city council after we make certain initial changes to the zone which Kelvyn and I discussed with the developer yesterday (acknowledging that future additional changes may well be made but we will at least make the height adjustments discussed above). We can then see the balloons and consider other changes. But unless kelvyn has changed his mind the idea is not to delay the planning commission by expanding the general plan to the racquet club. We, the council, are the body to approve any general plan or zoning changes--not the planning commission beyond what they have already recommended and might recommend tonight on the general plan, but not including the expansion of the general plan to the racquet club. Please clarify the above with Kelvyn to see if he understands it differently. The city council can always send either the general plan or zone back to the planning commission if we should decide, but we haven't done that as yet. Of course, once we get the zone in a form acceptable to the council it will still need to go to the planning commission for recommendation if we want to apply it to Tavaci. It is certainly not my intent or desire to delay the planning commission at this point from making a recommendation on the general plan tonight. The Council will still have total control of the general plan, the proposed zone language and, if we decide, the application of the zone to the Tavaci property. There is no intent to pull the general plan from the agenda tonight. To the contrary, I'd like to get it before the city council so that we can conduct whatever public hearings as determined and make whatever changes to the general plan and zone we wish.

I think this is what Kelvyn and I discussed with the developer yesterday so I am surprised to hear the general pan has been pulled for future changes and process at the planning commission. By copy of this to kelvyn I am requesting he express his intent.  
Thanks Mike

**Linda Dunlavy**

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**From:** Liane Stillman  
**Sent:** Monday, October 05, 2009 7:33 AM  
**To:** Michael Black  
**Subject:** FW: Tavaci development

Would you kindly respond to Travis

-----Original Message-----

**From:** Kylie K [mailto:kylief98@gmail.com]  
**Sent:** Saturday, October 03, 2009 7:09 PM  
**To:** Liane Stillman  
**Subject:** Tavaci development

Hi there can you tell me if you know anything about Terry diehl and tavachi as far as terry re zoning tavachi from single family to multifamily residence? If so are there any public records or up coming meetings i would like to attend meetings and also review notes

Thank you for your time, accept my apologies for any typos I am sending from a mobile device

Thanks

Travis M. Ferran  
1.801.514.8755  
Newport, Inc.

Sent from my iPhone

**Linda Dunlavy**

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**From:** Jones, Bruce (General Counsel) [BJones@rideuta.com]  
**Sent:** Monday, October 05, 2009 6:40 PM  
**To:** Michael Black  
**Subject:** Re: Balloons

Mike,

I asked them to try to find some good weather and put them up again. I also asked they send us pictures taken from various spots. The balloons included (i) red balloons along the front lots showing where 35 feet would be and how that height would cover the middle and back lots. Likewise, I asked that they put up 50 foot and 75 foot balloons for the same purpose. Although there is grade at each level, the 35 foot detached home along the front obscure much of the 75 foot buildings, as do 50 foot in the middle. I told them to take pictures at various places (to show both where the entire project would be unobservable and where you could see portions of the project, including all along Fort Union, at the top of wasatch, on 13th east at the Sandy theaters, at fort union and 13th east, along I-215, at the corporate center, etc. I told them to take the pictures unaltered at standing level both with and without zoom. We'll get copies. I have also suggested to greg curtis that he take you up there when weather permits putting the balloons back up. I believe they put the balloons up early Saturday morning and notified me and I then immediately sent an email to you. I understand that Saturday afternoon the weather was good and the wind still, so that is when they took pictures, but when the weather turned they took them down as they were no longer helpful.

----- Original Message -----

**From:** Michael Black <MBlack@cottonwoodheights.utah.gov>  
**To:** Jones, Bruce (General Counsel)  
**Sent:** Mon Oct 05 11:09:17 2009  
**Subject:** Re: Balloons

I guess I missed them. I hope they have good pictures. I guess I got caught up in other things on Saturday and didn't see the email.

Sent from my iPhone

On Oct 5, 2009, at 11:02 AM, "Jones, Bruce (General Counsel)" <BJones@rideuta.com > wrote:

> My guess is they took them back down in the weather. I will find out.

>

> ----- Original Message -----

> **From:** Michael Black <MBlack@cottonwoodheights.utah.gov>  
> **To:** Jones, Bruce (General Counsel)  
> **Sent:** Mon Oct 05 11:03:35 2009  
> **Subject:** Re: Balloons

>

> Bruce, either the balloons are so small that you can't see them or  
> they aren't up. I can't see them from anywhere. Do you have the code  
> for tavacis front gate?

>

> Sent from my iPhone

>

> On Oct 3, 2009, at 8:55 AM, "Jones, Bruce (General Counsel)"

> <BJones@rideuta.com

>> wrote:

>

>> Mike, mark gaza has placed balloons and called me. He gave me a chart  
>> which I'd like to give you. Call me and we can arrange.

>

**Linda Dunlavy**

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**From:** Michael Black  
**Sent:** Thursday, October 08, 2009 4:12 PM  
**To:** 'kylief98@gmail.com'  
**Cc:** Linda Dunlavy  
**Subject:** Re: Tavaci Development

The owners of Tavaci and the City are considering the appropriateness of changing the general plan and zoning for the property. Currently, the Council is considering the options for the property which may include increased density and/or a resort oriented development.

If you would like to review any records or minutes from meetings, please discuss the GRAMA process for requesting those records with our City Recorder (Linda Dunlavy 801-944-7021). On Tuesday October 13, the City Council will discuss the potential impact that a change in the general plan and zoning would have on the view shed of the City. Please check the agenda for the City Council which will be published on October 12, 2009 for meeting times.

Regards,

Michael A. Black, AICP  
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1265 E. Fort Union Blvd.; Ste. 250  
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f. 801-545-4154

From: Kylie K [mailto:kylief98@gmail.com]  
Sent: Saturday, October 03, 2009 7:09 PM  
To: Liane Stillman  
Subject: Tavaci development

Hi there can you tell me if you know anything about Terry diehl and tavachi as far as terry re zoning tavachi from single family to multifamily residence? If so are there any public records or up coming meetings ibwoukd like to attend meetings and also review notes

Thank you for your time, accept my apologies for any typos I am sending from a mobile device

Thanks

Travis M. Ferran  
1.801.514.8755  
Newport, Inc.

Sent from my iPhone

**Linda Dunlavy**

---

**From:** Michael Black  
**Sent:** Monday, October 12, 2009 3:17 PM  
**To:** 'arosevear@gmail.com'; 'bradjorg@me.com'; 'jtbowen@bowenatty.com'; 'joannyfrost@yahoo.com'; Morgan Brim; 'perry@realtysolutionsofutah.com'; 'lholt@theholtgroup.net'; 'scottdvelopment@comcast.net'  
**Subject:** Tavaci

Planning Commission:

At tomorrow's City Council meeting – starting at 5:30 PM – the architect for the Tavaci project (Terry Diehl's property) will be here discussing the architecture and structure massing for the proposed project. He will be here at the request of Terry Diehl to help the City Council to be more comfortable with the concept that Terry has for Tavaci. He will not be here to get approval on the architecture (that will come before you), but he will be speaking about the concepts for architecture that he would like to use at Tavaci and how those styles and the massing will help conceal the buildings on the bench.

The City Council has not yet approved the Canyon Resort Residential Zone and one of the major reasons they have not is the potential height of the buildings. Terry Diehl has invited his architect here to show what he is capable of with building massing and architecture to make the buildings fit into the hillside. You are all welcome, and even encouraged, to attend this meeting if you can make it work with such short notice. In the future, if this zone is approved you will also meet with the architect again at the planning commission level but this will give you a head start.

Please let me know if you will attend.

Regards,

Michael A. Black, AICP  
City Planning Director  
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## Linda Dunlavy

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From: Michael Black  
Sent: Tuesday, October 13, 2009 9:20 AM  
To: 'jsanchez@sltrib.com'  
Subject: RE: From Jenn Sanchez



CRR Zone  
14.2009.pdf (58 KB)

Jennifer, the planning commission reviewed this document and made a recommendation of approval to the City Council. The City Council has not approved it and it is not on an agenda for approval for the near future.

The meeting tonight will consist of Mr. Guy Dreier presenting his conceptual architectural designs for Tavaci (pronounced Ta-va-chee) to the City Council for their information only. The architectural presentation is not for the purpose of the Council approving the design scheme or the site plan, but only an attempt by the developer to convince the City Council of the worthiness of their potential development proposal.

To say the least, this proposal will be fully vetted through the public process and this is only the beginning of a long process. I would invite you to keep informed by calling/emailing me, checking the agendas and coming to meetings.

Best regards,

Michael A. Black, AICP  
City Planning Director  
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-----Original Message-----

From: Jennifer W. Sanchez [mailto:jsanchez@sltrib.com]  
Sent: Monday, October 12, 2009 5:28 PM  
To: Michael Black  
Subject: From Jenn Sanchez

Mr. Black:  
Please e-mail me the draft of the new ordinance that the CH Planning Commission has recommended to the City Council.  
Thanks,  
Jenn

Jennifer W. Sanchez, reporter  
The Salt Lake Tribune  
90 S. 400 West, Suite 700  
Salt Lake City, UT 84101  
Ph. (801) 257-8736  
www.sltrib.com

**Linda Dunlavy**

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**From:** Michael Black  
**Sent:** Tuesday, October 13, 2009 12:46 PM  
**To:** 'Kelvyn Cullimore Jr.'  
**Subject:** RE: Tavaci

Kelvyn, just for your information the Trib reporter also asked about the ordinance that the PC recommended to you and the Council and I provided that to her. I have to say also that I apologize if you feel like my handling of this project has put the City in a bad light. I may be reading too much into things, but I thought I should say that.

Regards,

Michael A. Black, AICP  
 City Planning Director  
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**From:** Kelvyn Cullimore Jr. [mailto:Kelvyn@dynatron.com]  
**Sent:** Tuesday, October 13, 2009 11:19 AM  
**To:** Michael Black; 'Shane Topham'  
**Cc:** Liane Stillman  
**Subject:** FW: Tavaci

FYI. I also had a discussion with him. He is OK and will plan to be there tonight.

***Kelvyn H. Cullimore Jr.***

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**From:** Kelvyn Cullimore Jr.  
**Sent:** Tuesday, October 13, 2009 10:41 AM  
**To:** 'Steve Hopkins'  
**Subject:** RE: Tavaci

Steve,

Feel free to call at your convenience. There is nothing secretive about the Tavaci project. Just as you came to us with a concept plan, so they are coming to us with a concept plan tonight. That plan would ultimately require a zoning change. Just as we did with you, we would expect to have public hearings on the matter prior to any approvals of a zoning change.

The only issue that occurred out of order was staff considering a new zone for the area at the mouth of the canyon that was called a Canyons Resort Zone that anticipated future development on parcels around the mouth of the canyon including the gravel pit, Tavaci and the canyon racquet club property. As that zone was considered, it transformed into a zone anticipating Tavaci more than a general zoning concept. However, consideration of the creation of that zone is on hold as we pursue more specifics about the Tavaci proposal. What I anticipate happening is that Tavaci will present their concept and we will discuss it in light of creating the new Canyons Resort Zone. Any such zone will be reviewed and subject to public hearings. Ultimately, Tavaci would have to apply for a General Plan Amendment and a Zoning change for their property to adopt the new zone

– all of which would trigger new public hearings. All of this is, of course, terribly frustrating to the property owner.

At this point the only actions that have been taken is that the Planning Commission has reviewed the Canyons Resort Zone and recommended the city consider adopting it to our code of ordinances. However, upon review the Council realized that the zone was more colored to accommodate Tavaci than the other properties so we have postponed consideration of the new ordinance until we can reach a comfort level on how it would be implemented on the various properties that could be affected – including Tavaci. I suspect the Zone as proposed will be changed significantly prior to adoption, if it is adopted at all.

***Kelvyn H. Cullimore Jr.***

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**From:** Steve Hopkins [mailto:steve.hopkins@beckstrand.com]

**Sent:** Tuesday, October 13, 2009 10:25 AM

**To:** kcullimore@cottonwoodheights.utah.gov

**Subject:** Tavaci

Kelvyn:

I have heard from several people that Tavaci is proceeding on a much more streamlined and secretive path than our project. Most of what I have heard is simply rumor. I have a lot of faith in your integrity so I thought I should ask you about it rather than believe rumors.

Do you have a minute to talk to me before tonight's Council meeting? I probably need only a minute or two.

Regards:

Steve Hopkins

Cell 801-949-6763

**Linda Dunlavy**

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**From:** Michael Black  
**Sent:** Tuesday, October 13, 2009 1:14 PM  
**To:** 'jen@saveourcanyons.com'  
**Subject:** CRR Ordinance

Jen, as far as the height goes, if the zone were applied to Tavaci, it would change. If it were applied to the Gravel Pit, the height is likely ok.

Michael A. Black, AICP  
City Planning Director  
Cottonwood Heights  
1265 E. Fort Union Blvd.; Ste. 250  
Cottonwood Heights, UT 84047  
p. 801-944-7066  
c. 801-842-6071  
f. 801-545-4154

**Linda Dunlavy**

---

**From:** Liane Stillman  
**Sent:** Wednesday, October 21, 2009 10:57 AM  
**To:** Bruce Jones (UTA); Kelvyn Cullimore (Dynatron)  
**Subject:** RE: Valley Journal Article on Tavaci?

My worry is that the source of information is not us.

I know what you say about emotional response is right, but without the city providing something (anything) it not only may be emotional, but the feeling that we are working behind the scenes, and nobody knows what's going on may add credibility to whoever does bring the information. Right now I think it is the candidates who are disseminating CRR information, and it is anybody's guess if they are stirring the emotional pot – which is pretty tempting at election time. Will they create such suspicion that we have more work to do than if we starting telling the public something?

Of course its your call, and I am really trying to create a climate where the council decisions will have public acceptance.

---

**From:** Jones, Bruce (General Counsel) [mailto:BJones@rideuta.com]  
**Sent:** Wednesday, October 21, 2009 10:44 AM  
**To:** Liane Stillman; Kelvyn Cullimore (Dynatron)  
**Subject:** Re: Valley Journal Article on Tavaci?

This feels to me more like a method of raising clamor and opposition to the zone, especially problematic when we haven't determined how we want the zone to look. We want to have the level of discussion be based on reason and to give everyone who is interested the opportunity to weigh in, but the article at this point may do just the opposite--put the discussion at the lower emotional, public clamor level. People need to have the public forum set out in our ordinances but I don't think we want to create controversy and clamor.

Liane, I know this project is not your favorite and that is important to me, but I also have for sometime attempted to get someone (long before Diehl) to create a resort or village concept in this area and the gravel pit. Others may disagree, but I believe the spread of more detached housing on the mountain side is unwise. I believe we have a unique opportunity to create something there that will be outstanding, nationally recognized and bring something to our city that is different that anywhere along the east bench. Hopefully we can arrive at a wise decision defensible on the facts and not merely raise the level of clamor (rather than intelligent discussion).

Maybe more to the point, I think the council needs to determine in the next short while it's vision for the zone before unleashing undetermined notions to public emotions. The zone may be different by the time a VJ article comes out. The project won't lack for public notice and an article now, before we have a more specific concept, could be damaging and premature.

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**From:** Liane Stillman <LStillman@cottonwoodheights.utah.gov>  
**To:** Kelvyn Cullimore (Dynatron) <kelvyn@dynatron.com>; Jones, Bruce (General Counsel)  
**Sent:** Wed Oct 21 09:51:23 2009  
**Subject:** Valley Journal Article on Tavaci?

Can we put something in the paper on the Canyons Resort Residential zone?

1. That's how we will build support for the concept: educate people
2. We could let people know the timeline and how to learn about the proposal, how to give feedback
3. That's how we handle controversial "neighborhood-resistant" projects in the past, and we have won people over by involvement in the outcome:
  - a. Meadows Mobile Home rezone'
  - b. Cube Storage
  - c. Highland Drive rezone

- d. Beckstrands 12 story building
  - e. Timberline Trailhead
4. So far the source of the information is coming from the tribune (and maybe the candidates, I don't know) but we should be the source of information, or we will be playing catch up to rumors (if we aren't already)
  5. The ordinance will be in draft form by the time the paper comes out so we can direct them to our web page to read the proposal.

Linda Dunlavy

---

**From:** Kelvyn Cullimore Jr. [Kelvyn@dynatron.com]  
**Sent:** Friday, October 23, 2009 9:33 AM  
**To:** Liane Stillman; Bruce Jones  
**Subject:** Tavaci

We had between 15 & 20 people in attendance last night at Carlene's house. Tavaci was the big topic and they are very concerned. I think I assuaged their concerns that they would have ample opportunity to comment. They are definitely organizing their opposition. I educated them that public clamor would not be effective. They needed to focus on detrimental effects. They seemed genuinely appreciative of how we were handling it.

Kelvyn Cullimore

**Linda Dunlavy**

---

**From:** Michael Black  
**Sent:** Friday, October 23, 2009 4:10 PM  
**To:** Bruce Jones (UTA)  
**Subject:** RE: Resort Zone

We can do it, I can lay it out and I will and send it over to you. Do we want to have the PC joint meeting though? I could schedule that for 10<sup>th</sup>.

Michael A. Black, AICP  
City Planning Director  
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1265 E. Fort Union Blvd.; Ste. 250  
Cottonwood Heights, UT 84047  
p. 801-944-7066  
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f. 801-545-4154

---

**From:** Jones, Bruce (General Counsel) [mailto:BJones@rideuta.com]  
**Sent:** Friday, October 23, 2009 4:12 PM  
**To:** Michael Black  
**Subject:** RE: Resort Zone

Please lets try very hard to get the zone decision completed by the Dec 29 meeting. thanks

Bruce T. Jones  
General Counsel, UTA  
Phone: (801) 287-2126  
Cell: (801) 560-7841  
[bjones@rideuta.com](mailto:bjones@rideuta.com)

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**From:** Michael Black [mailto:MBlack@cottonwoodheights.utah.gov]  
**Sent:** Friday, October 23, 2009 4:05 PM  
**To:** Jones, Bruce (General Counsel)  
**Cc:** Kelvyn Cullimore  
**Subject:** RE: Resort Zone

Bruce, I have received the confirmation from Kelvyn. Thanks.

Michael A. Black, AICP  
City Planning Director  
Cottonwood Heights  
1265 E. Fort Union Blvd.; Ste. 250  
Cottonwood Heights, UT 84047  
p. 801-944-7066  
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f. 801-545-4154

---

**From:** Jones, Bruce (General Counsel) [mailto:BJones@rideuta.com]  
**Sent:** Friday, October 23, 2009 12:58 PM  
**To:** Michael Black  
**Cc:** Kelvyn Cullimore  
**Subject:** RE: Resort Zone

Thanks Mike. If you haven't already, you should speak with the Mayor today in completing a draft of the Resort Zone ordinance (please email me a copy when available). In a meeting yesterday we changed our focus from building height to an overall maximum elevation limitation. That is, we talked about measurement of a building at 4 points (our typical methodology) vs 2 points and during the course of the discussion concluded what we were primarily concerned about was visibility of the buildings from below (elevation on the hillside) and not building height. If you can't see a building from below, its height is not an issue. If a building were taller or shorter than the 66 feet (as measured from our present 4 points) is less relevant than how it looks from below.

We expect we may be able to see the highest buildings in the back (above the 35 foot detached housing in the front), but the extent of the visibility is the real issue, not the specific height. The density (within reason) and the center portion of the project were not the concern as long as traffic congestion etc are acceptable--it is how it looks from below. Therefore, we would like to deal with the height issue with a limitation of the maximum elevation (how it looks from below) rather than specific building height (which doesn't matter if it isn't observable from below).

In addition to limiting building height by elevation, we discussed limiting the number of buildings at the highest elevation to 5 (as you know, the developer originally requested 10 buildings, then 8, then 6, and now we are thinking 5). The other buildings in the center of the project (buildings other than the 35 foot detached homes along the ridge and the above referenced 5 tallest) would be limited to the lower of (a) 50 feet (measured from 4 points averaged) and (b) the same overall elevation limitation as the 5 tallest buildings. We have requested Diehl again fly balloons and provide engineer drawings as to how this would look from below. It may be that by limiting the elevation of the 5 buildings (and decreasing the number of tallest buildings from 10 to 5) that the remaining 5 buildings will hardly be observable from below. If that is true, then they do not present a problem because they would mostly be observable only from inside the project. Specifically, I'd like to see if more than one floor is even observable from below (from Butler Elementary for example). If the 5 buildings limited by elevation are only slightly observable (above the 35 foot front ridge homes) then the elevation limitation would have worked and we may have found the answer to the height limitation. To test this, we have asked Diehl to fly the 35 foot balloons and the balloons on each of the 5 tallest remaining buildings Monday morning so we can make that determination. It would be a participatory kind of test--we will pick a site (such as Butler Elementary) and see how the balloons for the 5 remaining buildings look at various elevations and then adjust as we determine to pick an acceptable maximum elevation. We will then tell the developer the buildings cannot exceed that elevation and ask him to get with his architect and design the project on that basis.

I actually suspect that if Diehl will buy into limiting the highest buildings to only 5 that those 5 buildings will not be offensive because of how they are hidden on the hillside and behind the 35 foot homes. Hopefully that does not delay your zone drafting effort. We appreciate what you are doing Mike as we work our way through this. Please confirm what I have stated with the Mayor and let's be prepared for Monday morning.

Bruce T. Jones  
Cell: (801)-560-7841  
bjones@rideuta.com

## Linda Dunlavy

---

**From:** Jones, Bruce (General Counsel) [BJones@rideuta.com]  
**Sent:** Saturday, October 24, 2009 11:07 AM  
**To:** Kelvyn Cullimore; Michael Black; gcurtis60@gmail.com  
**Subject:** Tavaci

Mark Gaza called greg curtis and I today to make sure they were correctly putting up balloons again Monday morning. The intention is to have balloons marking the highest elevation on the 5 remaining proposed new buildings. The project engineer was with Mark and I also asked them to prepare a visual picture from the spot on Fort Union where the balloons would be most visible and unobstructed by trees etc. I told them the picture should depict the visual line (elevation) where the highest buildings would be located and also a line showing the presently approved 35 foot structures along the ridge line.

The engineer then made a very interesting comment respecting the elevation of the presently approved 12 buildings that are otherwise (if there is no new zone) to be located at the back (east) of the property. He said the 12 presently approved buildings would have a higher elevation and more mass from below than the proposed new structures. To test this assertion, I asked them to also spot a line showing the presently approved elevation of the 35 foot structures that would be built along the back (an east) of the property under the present zoning. That is, how would the presently approved 12 detached homes look along the back of the property as presently approved in comparison with the new proposed buildings?

The results that the engineer believes you will see are interesting. As you know, we asked that the new proposed structures be brought forward and down on the hillside toward the road so that they would not be as high on the hillside. As a result, it appears that the proposed new buildings actually are (even at their highest point) well below the elevation of the presently approved 12 detached homes. From below, the presently approved 12 structures would be at both a higher elevation and present a larger mass (because there are 12 buildings-large homes). It appears the presently approved 12 detached homes would be visually more of an issue (elevation and mass from below) than the proposed new structures. We'll see if that is correct, but it is something I had not previously considered.

With the highest buildings limited to 5 (instead of 10) and elevations limited (instead of based on building height as previously discussed) the remaining 5 proposed new buildings are also likely to be substantially obstructed by the 35 foot homes along the front ridge line from below. It is likely that the front 35 foot structures will obscure the remaining 5 proposed new structures in some cases completely and substantially in others, according to the engineer. The 35 foot ridge line structures will also likely obscure the new proposed structures much more than they would obscure the presently approved 12 buildings along the back (east) of the property if the project were to be built as presently approved. We'll see if that is correct but, in any event, it is an interesting additional factor to be considered.

**Linda Dunlavy**

---

**From:** Michael Black  
**Sent:** Saturday, October 24, 2009 12:13 PM  
**To:** Kelvyn Cullimore (Dynatron)  
**Subject:** Re: Tavaci

<  
> On Oct 23, 2009, at 7:23 PM, "Michael Black"  
> <MBlack@cottonwoodheights.utah.gov  
>> wrote:

>  
>> I think I can be there maybe by 7:30  
>>  
>> Sent from my iPhone

>>  
>> On Oct 23, 2009, at 6:54 PM, "Kelvyn Cullimore Jr."  
>> <Kelvyn@dynatron.com> wrote:

>>> If you were not planning to be there Tuesday we can limit the  
>>> discussion to a timeline discussion.

>>>  
>>> I will try to read the ordinance over the weekend.

>>>  
>>> Kelvyn Cullimore

>>>  
>>> On Oct 23, 2009, at 3:55 PM, "Michael Black"  
>>> <MBlack@cottonwoodheights.utah.gov  
>>>> wrote:

>>>>  
>>>> Kelvyn, before your email I had already spent a lot of time on the  
>>>> ordinance and had transformed it into what I would have written for  
>>>> the City. In other words, it is now what I would present to you as  
>>>> a logical redevelopment idea for Tavaci. I do believe that the  
>>>> redevelopment is a good idea and mostly for the reasons you laid  
>>>> out in your email. I would just like you to take a look at it and  
>>>> what my recommendations are first and I will change whatever you  
>>>> feel is necessary if you will just highlight it and let me know  
>>>> what it is you would like changed.

>>>>  
>>>> Also, Shane has not received this version of the ordinance until  
>>>> just now so he has not had a chance to make his adjustments.

>>>>  
>>>> I will wait for your response. If you are planning to discuss this  
>>>> item in the City Council on Tuesday, I will cancel my plans to be  
>>>> there. I have spent a lot of time, energy and thought on this item  
>>>> over the last six months and don't want to miss any major discuss  
>>>> ion s on the path of the development. Also, if you want me to work  
>>>> out a schedule for getting this on a business meeting by the end of  
>>>> Dece mber I will do that. I just need to know if you still want to  
>>>> hold a joint meeting with the PC before that time.

>>>>  
>>>> Best regards,

>>>>  
>>>> Michael A. Black, AICP  
>>>> City Planning Director  
>>>> Cottonwood Heights  
>>>> 1265 E. Fort Union Blvd.; Ste. 250  
>>>> Cottonwood Heights, UT 84047  
>>>> p. 801-944-7066  
>>>> c. 801-842-6071  
>>>> f. 801-545-4154  
>>>>  
>>>> <CRR Zone 10.14.2009.doc>

**Linda Dunlavy**

---

**From:** Kelvyn Cullimore Jr. [Kelvyn@dynatron.com]  
**Sent:** Sunday, October 25, 2009 10:25 PM  
**To:** Roger Kehr  
**Cc:** Kelvyn Cullimore; Michael Black; Ronna Cohen; StanR  
**Subject:** Re: Tavaci Project

Roger & Stan,

As I stated at a meeting thursday night at the home of Carlene walker where many of your neighbors were in attendance, there is a an effort by the property owners of tavaci to request higher density development. There will be ample opportunity for public input on this process. Your input is welcome at any time.

I understand your sentiments. However, as I mentioned to your neighbors the other night, any property owner may seek to change zoning on their property. The city's responsibility is to evaluate the property owner's request and weigh the detrimental effects of their proposal against any mitigations of those detrimental effects. We must also take into consideration the impact on the property rights of others as well as the general conformance to our general planning principles.

I realize that many feel that development should never have been allowed in the first place. But the fact remains that it was allowed. It is not my intent, nor would it be appropriate, for us to be punitive toward this property owner based on how current entitlements were granted. Nor am I willing to deny this property owner their due process arbitrarily just because neighbors are opposed to the development. In America property rights are fundamental as is due process.

I am willing to allow mr. Diehl the same rights as any other property owner and the same due process. I am unwilling to be an obstructionist for obstruction sake. I am willing to allow all voices to be heard in this matter and to make a decision based on real detriments and whether or not they can be properly mitigated. I will also consider general conformance with good planning principles.

Whether or not this change would be beneficial financially to the developer is of little concern to us. Such factors do not figure in to our decision. The fact it might help city coffers should be a consideration every taxpayer would want us to evaluate. That said, you and Stan are well aware of our past track record with the offices at wasatch that we successfully derailed. Therefore, any accusation of greed on the part of the city is without any historical precedent. To the contrary, there is a pattern to the opposite. That is because each development is unique and must stand on it's own merits.

If you and Stan would like to meet sometime to discuss this further, I am more than happy to do so. You should know that I am always open to dialog. If, as Stan asserts, there are citizens ready to oppose me on this it is only because they have made assumptions that are inaccurate about the "direction of the city" and it's elected officials. This process will be no different than any other similar request. It will be an open process with much public dialog. In the end the decision of the council will be a reasoned decision that will strive to balance the interests of all parties within the framework of the law.

And lest rumors start, I have never taken any campaign money from Mr. Diehl nor any surrogate of Mr. Diehl.

Kelvyn Cullimore

On Oct 25, 2009, at 11:31 AM, "Roger Kehr" <rogerkehr@gmail.com> wrote:

> Greetings Michael and Mayor,  
> As the Salt Lake Tribune said you were looking for input into the  
> Tavaci project (and you never know whether the media is correct) I  
> will assume that their statement is factual.  
> When the time comes to speak in public I will be present at City Hall  
> to make my sentiments known. However, until that time arrises I

> wanted to express my feelings. As you all know we have worked  
> together in the past to accomplish great things for the city.  
>  
> The construction of large buildings on the current project area is a  
> very bad idea. The only benefits I can comprehend are to the benefit  
> of Terry Diehl and the coffers of the city. The list of negatives, as  
> you have probably been bombarded with, are great. I do not wish to  
> restate them, only to add my personal comments that I feel you would  
> be doing the residents of the city a great disservice to allow any  
> construction other than the planned residential development as  
> previously approved.  
>  
> Being a local and having a birds eye view of the site and being a  
> biker and ski resort visitor (Brighton and Solitude)I can personally  
> attest that the traffic alone would create a nightmare far beyond the  
> one that already exists for drivers backed up on Wasatch heading up  
> the Big Cottonwood Canyon. Not only would it make it difficult for  
> the owners of the homes to leave their development in the winter it  
> would also aggravate the traffic exiting off 215 Southbound year  
> round. It is also against your stated goals and accomplishments of  
> having "Open Space" as a priority in our beautiful city.  
>  
> Our City logo states "City between the Canyons" not "City between the  
> Condos".  
>  
> Thank you, as always, for being open minded and dedicated.  
>  
> Sincerely,  
>  
> Roger

**Linda Dunlavy**

---

**From:** Stan Rosenzweig [stanr@stanrosenzweig.com]  
**Sent:** Sunday, October 25, 2009 11:50 AM  
**To:** Roger Kehr; Kelvyn Cullimore; Michael Black  
**Cc:** Ronna Cohen; Liane Stillman  
**Subject:** Re: Tavaci Project

Roger:

Once again I applaud your characteristically well thought out views on behalf of Cottonwood Heights. If you ever decide to increase your level of public service through public office I know of many in the community who are willing to support you. Just back from abroad, already I have heard of some who are gathering a legal fund to challenge this perceived change in our city's direction, which includes, for the first time, mounting challenges to current office holders.

I don't know how this will play out, but your many contributions to Cottonwood Heights are significant, for which I thank you.

Stan  
 Cell: 917-617-4129

----- Original Message -----

**From:** Roger Kehr  
**To:** Kelvyn Cullimore ; Michael Black  
**Cc:** Ronna Cohen ; StanR  
**Sent:** Sunday, October 25, 2009 11:31 AM  
**Subject:** Tavaci Project

Greetings Michael and Mayor,

As the Salt Lake Tribune said you were looking for input into the Tavaci project (and you never know whether the media is correct) I will assume that their statement is factual.

When the time comes to speak in public I will be present at City Hall to make my sentiments known. However, until that time arrives I wanted to express my feelings. As you all know we have worked together in the past to accomplish great things for the city.

The construction of large buildings on the current project area is a very bad idea. The only benefits I can comprehend are to the benefit of Terry Diehl and the coffers of the city. The list of negatives, as you have probably been bombarded with, are great. I do not wish to restate them, only to add my personal comments that I feel you would be doing the residents of the city a great disservice to allow any construction other than the planned residential development as previously approved.

Being a local and having a birds eye view of the site and being a biker and ski resort visitor (Brighton and Solitude)I can personally attest that the traffic alone would create a nightmare far beyond the one that already exists for drivers backed up on Wasatch heading up the Big Cottonwood Canyon. Not only would it make it difficult for the owners of the homes to leave their development in the winter it would also aggravate the traffic exiting off 215 Southbound year round. It is also against your stated goals and accomplishments of having "Open Space" as a priority in our beautiful city.

Our City logo states "City between the Canyons" not "City between the Condos".

Thank you, as always, for being open minded and dedicated.

Sincerely,

Roger

**Linda Dunlavy**

---

**From:** Kelvyn Cullimore Jr. [Kelvyn@dynatron.com]  
**Sent:** Monday, October 26, 2009 11:37 AM  
**To:** Shane Topham; Bruce Jones; Don Antozak; Gordon Thomas; Liane Stillman; Scott Bracken  
**Subject:** Tavaci/Canyons Resort Residential Zone

For your information, there are balloons flying today at Tavaci that illustrate the height of the buildings. Let me give you some guidelines so you will know what you are looking at.

The stand alone red and blue balloons mark the current height allowed under the ordinance for a 35 single family structure. They are a bit exaggerated as they placed them as high on the hill as possible to illustrate what "could" happen. Mike and I feel it unlikely a property owner would build so high on the hill. Nevertheless, it provides a point of reference.

The white balloons represent the approximate height of each building that would be built. The red balloon tied on the same string below it represents the "line of sight". What we mean by "line of sight" is that if you were standing at the bend in the road on Fort Union just east of 3000 east, your view of the buildings would be obstructed by natural berms or the 35 foot structures in front of them such that the only part that would be visible from the Fort Union/3000 east vantage point would essentially be the portion between the red and white balloons.

Bruce and I feel that the building furthest West (or North depending on your perspective) is too visible and needs to be dropped to the 50 foot limit, which is only 15 feet higher than the currently allowed 35 foot limit. And if they put the building down closer to the curb, the actual height may be about where the sight line would have been if they had built a 35 foot home higher up the hill. This structure will be the most visible.

I am providing this information because the rest of the week looks like bad weather. So if you want to look at it, I suggest you do it today. Remember the code for going on the property is #1600.

The property owner is looking for guidance on what height limitations we are comfortable with and a timeline of sorts. We have it set for discussion on our agenda tomorrow night.

Let me know if you have any questions.

***Kelvyn H. Cullimore Jr.***

**Linda Dunlavy**

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**From:** Michael Black  
**Sent:** Tuesday, October 27, 2009 11:27 AM  
**To:** 'Jennifer Kecor'  
**Subject:** RE: FW: CRR Ordinance

I honestly don't know, but I don't think so.

Michael A. Black, AICP  
City Planning Director  
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**From:** Jennifer Kecor [mailto:[jen@saveourcanyons.org](mailto:jen@saveourcanyons.org)]  
**Sent:** Tuesday, October 27, 2009 11:29 AM  
**To:** Michael Black  
**Subject:** Re: FW: CRR Ordinance

is there a possibility the CRR could be approved before years end?

On Tue, Oct 27, 2009 at 11:20 AM, Michael Black <[MBlack@cottonwoodheights.utah.gov](mailto:MBlack@cottonwoodheights.utah.gov)> wrote:  
I am not sure. I have not heard the whole councils feelings on the zone yet. I will ~~hope~~ <sup>hope</sup> that tonight. As far as the development of Tavaci, I will be talking about what the process is for the developer going forward after the ordinance is approved, if it is approved.

Michael A. Black, AICP  
City Planning Director  
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1265 E. Fort Union Blvd.; Ste. 250  
Cottonwood Heights, UT 84047  
p. 801-944-7066  
c. 801-842-6071  
f. 801-545-4154

---

**From:** Jennifer Kecor [mailto:[jen@saveourcanyons.org](mailto:jen@saveourcanyons.org)]  
**Sent:** Tuesday, October 27, 2009 11:17 AM  
**To:** Michael Black  
**Subject:** Re: FW: CRR Ordinance

Thank you for the quick response. On the agenda it states Report on CRR Zone modifications and timeline (Tavaci) so people might be jumping to conclusions. This sort of makes it seem they are in tandem with each other. It's a sensitive issue to many. So this meeting more to discuss the zone and ordinance and the timeline behind it rather than addressing Tavaci right now? Does it seem the Council wants to move ahead with the approval of the CRR zone?

On Tue, Oct 27, 2009 at 10:53 AM, Michael Black <[MBlack@cottonwoodheights.utah.gov](mailto:MBlack@cottonwoodheights.utah.gov)> wrote:  
Who says Tavaci is moving forward? The ordinance hasn't even been created. They can't even request a zone change if the zone doesn't exist. I was asked by our Council to just inform them about how long a process like this usually takes. It usually takes a long time, but I will be more specific tonight.

Michael A. Black, AICP  
City Planning Director  
Cottonwood Heights  
1265 E. Fort Union Blvd.; Ste. 250  
Cottonwood Heights, UT 84047  
p. 801-944-7066  
c. 801-842-6071  
f. 801-545-4154

---

**From:** Jennifer Kecor [mailto:[jen@saveourcanyons.org](mailto:jen@saveourcanyons.org)]  
**Sent:** Tuesday, October 27, 2009 10:41 AM

**To:** Michael Black  
**Subject:** Re: FW: CRR Ordinance

I plan on attending the meeting. I was under the impression that this was going to be a project placed on hold. I am baffled by the sudden modifications and timeline. Specifically as it pertains to Tavaci. How can Tavaci proceed if the ordinance is underway? The process seems backward. It was my understanding the presentation two weeks ago was just Diehl's proposal, so what can they, what are they pursuing at this time?

Best,

On Mon, Oct 26, 2009 at 2:58 PM, Michael Black <[MBlack@cottonwoodheights.utah.gov](mailto:MBlack@cottonwoodheights.utah.gov)> wrote:  
Jennifer,

I have a new ordinance that I am proposing to the Council tomorrow at 9:00 PM. I can get a copy of that one to you then. I can't give it out yet, because the council hasn't even received it and it won't be public until they receive it. Let me know if you can make it, otherwise I will send you a copy late in the afternoon or in the morning of the 28<sup>th</sup>.

Michael A. Black, AICP  
City Planning Director  
Cottonwood Heights  
1265 E. Fort Union Blvd.; Ste. 250  
Cottonwood Heights, UT 84047  
p. 801-944-7066  
c. 801-842-6071  
f. 801-545-4154

---

**From:** Jennifer Kecor [mailto:[jen@saveourcanyons.org](mailto:jen@saveourcanyons.org)]  
**Sent:** Monday, October 26, 2009 11:14 AM  
**To:** Michael Black  
**Subject:** Re: FW: CRR Ordinance

Michael,

Thanks for sending the CRR zone. Would you mind sending along a copy of the draft Sensitive Lands Ordinance and the proposed amendments. I believe I also asked if there were maps in color that you could send along. Let me know what you can and can't send along. I will be happy to GRAMA anything else.

Best,

On Tue, Oct 13, 2009 at 1:15 PM, Michael Black <[MBlack@cottonwoodheights.utah.gov](mailto:MBlack@cottonwoodheights.utah.gov)> wrote:

Jen, as far as the height goes, if the zone were applied to Tavaci, it would change. If it were applied to the Gravel Pit, the height is likely ok.

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Jennifer Kecor  
Issues Coordinator  
Save Our Canyons  
801-363-7283  
[jen@saveourcanyons.org](mailto:jen@saveourcanyons.org)

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**Linda Dunlavy**

---

**From:** Michael Black  
**Sent:** Tuesday, October 27, 2009 5:32 PM  
**To:** 'Jennifer Kecor'  
**Subject:** RE: FW: CRR Ordinance

Jenifer, I thought I would give you a heads up. Our attorney is not ready to hand out the draft of the ordinance yet. It will not be going to the Council tonight, so it will not be public tonight. Sorry, I had expected that his revisions would be done by tonight. We will be talking about the sticking points of the CRR zone and we will also discuss the timeline for the CRR zone only. Again, I am sorry that we will not have that ordinance ready tonight. I expect it will be ready by next weeks meeting.

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**From:** Jennifer Kecor [mailto:jen@saveourcanyons.org]  
**Sent:** Tuesday, October 27, 2009 11:29 AM  
**To:** Michael Black  
**Subject:** Re: FW: CRR Ordinance

is there a possibility the CRR could be approved before years end?

On Tue, Oct 27, 2009 at 11:20 AM, Michael Black <MBlack@cottonwoodheights.utah.gov> wrote:  
 I am not sure. I have not heard the whole councils feelings on the zone yet. I will here that tonight. As far as the development of Tavaci, I will be talking about what the process is for the developer going forward after the ordinance is approved, if it is approved.

Michael A. Black, AICP  
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**From:** Jennifer Kecor [mailto:jen@saveourcanyons.org]  
**Sent:** Tuesday, October 27, 2009 11:17 AM  
**To:** Michael Black  
**Subject:** Re: FW: CRR Ordinance

Thank you for the quick response. On the agenda it states Report on CRR Zone modifications and timeline (Tavaci) so people might be jumping to conclusions. This sort of makes it seem they are in

tandem with each other. It's a sensitive issue to many. So this meeting more to discuss the zone and ordinance and the timeline behind it rather than addressing Tavaci right now? Does it seem the Council wants to move ahead with the approval of the CRR zone?

On Tue, Oct 27, 2009 at 10:53 AM, Michael Black <[MBBlack@cottonwoodheights.utah.gov](mailto:MBBlack@cottonwoodheights.utah.gov)> wrote:  
Who says Tavaci is moving forward? The ordinance hasn't even been created. They can't even request a zone change if the zone doesn't exist. I was asked by our Council to just inform them about how long a process like this usually takes. It usually takes a long time, but I will be more specific tonight.

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**To:** Michael Black  
**Subject:** Re: FW: CRR Ordinance

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**From:** Jennifer Kecor [<mailto:jen@saveourcanyons.org>]  
**Sent:** Monday, October 26, 2009 11:14 AM  
**To:** Michael Black

**Subject:** Re: FW: CRR Ordinance

Michael,

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On Tue, Oct 13, 2009 at 1:15 PM, Michael Black <[MBlack@cottonwoodheights.utah.gov](mailto:MBlack@cottonwoodheights.utah.gov)> wrote:

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**Linda Dunlavy**

---

**From:** Michael Black  
**Sent:** Thursday, October 29, 2009 3:29 PM  
**To:** Michael Black; 'jtbowen@bowenatty.com'; 'bradjorg@me.com'; 'joannyfrost@yahoo.com'; 'perry@realtysolutionsofutah.com'; 'arosevear@gmail.com'; 'lholt@theholtgroup.net'; 'Jennifer Shah'; 'scottdevelopment@comcast.net'  
**Subject:** RE: Special meeting with the City Council

With regard to materials to review before the meeting, I will send out a revised ordinance next week. The ordinance is in its final tweeking stage and once it is ready I will send to everyone.

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**From:** Michael Black  
**Sent:** Thursday, October 29, 2009 3:11 PM  
**To:** 'jtbowen@bowenatty.com'; 'bradjorg@me.com'; 'joannyfrost@yahoo.com'; 'perry@realtysolutionsofutah.com'; 'arosevear@gmail.com'; 'lholt@theholtgroup.net'; 'Jennifer Shah'; 'scottdevelopment@comcast.net'  
**Subject:** Special meeting with the City Council

Planning Commission:

The Canyon Resort Residential zone that you have voted on already has been modified by the City Council from the version you recommended to them. To keep you updated on the changes, and to get your input on those changes, I have requested that the City Council hold a joint meeting with you. At the meeting I can give a presentation on the ordinance and receive comments from both the PC and CC. This will also give you a chance to discuss your feelings about the zone and a potential development at Tavaci.

Would you please let me know via email if you can make it to a meeting on the 17<sup>th</sup> of November at 7:30 PM at the City Office? The meeting will likely last between 1.5 and 2.0 hours.

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**Linda Dunlavy**

---

**From:** Michael Black  
**Sent:** Thursday, August 06, 2009 1:13 PM  
**To:** Liane Stillman; Shane Topham  
**Subject:** Notes

I kept the attached notes from my first review of the ordinance as it was proposed by Terry Diehl. Pay special attention to my thoughts, as they were written on 4/21/09, on density and height as it was proposed by the Diehl team. I believe I relayed these concerns to the Diehl team verbally in a meeting. I have also included the actual draft of the ordinance that was submitted to me with my margin notes and deletions noted in ink.

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**Linda Dunlavy**

---

**From:** Michael Black  
**Sent:** Monday, August 31, 2009 1:19 PM  
**To:** 'Kelvyn Cullimore Jr.'; Bruce Jones (UTA); Liane Stillman  
**Cc:** 'Shane Topham'  
**Subject:** FW: Terry Diehl Subdivision

I received this from Save Our Canyons today. Please advise on how you would like me to respond. I was thinking of stating that:

*"Terry Diehl has not requested a zone change from the City; our Land Use map of the general plan would not allow him to do that at this point. That being said, however, we, as the City, are currently reviewing master planning options for the future development of the vacant Canyon Racquet Club, the Big Cottonwood Canyon Gravel Pit and we are evaluating whether or not Tavaci should be included as a potential site for redevelopment with this master plan. We are also examining options for a general plan amendment that would identify other areas as perpetual open spaces and we are pondering our options for acquiring land for the Bonneville Shoreline Trail from private land owners and the future construction of that project. All of these efforts are linked in a broad review of the general plan at Big Cottonwood Canyon."*

Thanks for your input, I just want to check with you on this because I don't necessarily want our general plan review to be unjustly classified as an "issue" with save our canyons.

**Michael A. Black, AICP**  
City Planning Director  
Cottonwood Heights  
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---

**From:** Jennifer Kecor [mailto:[jen@saveourcanyons.org](mailto:jen@saveourcanyons.org)]  
**Sent:** Monday, August 31, 2009 12:52 PM  
**To:** Michael Black  
**Subject:** Terry Diehl Subdivision

Michael,

Terry Diehl has recently been the topic of conversation with the recent South Mountain open space deal with the County. We have heard some rumors, quite possibly speculation, that Diehl might be considering rezoning the subdivision at the mouth of Big Cottonwood Canyon, rezoning the parcels to a smaller size. It appears the subdivision is having a difficult time selling off the parcels. I monitor Cottonwood Heights Planning Commission and Town Council for occasional issues, but thought I might raise the subject with you, see if you are aware of anything.

I look forward to hearing from you. Have a wonderful day.

Best,

--  
Jennifer Kecor  
Issues Coordinator  
Save Our Canyons  
801-363-7283  
[jen@saveourcanyons.org](mailto:jen@saveourcanyons.org)

**Linda Dunlavy**

---

**From:** Liane Stillman  
**Sent:** Wednesday, September 02, 2009 3:07 PM  
**To:** 'Kelvyn Cullimore Jr.'  
**Cc:** 'Shane Topham (wstopham@cnmlaw.com)'  
**Subject:** Tavaci

Wow. We are in a world of confusion here. Did I misunderstand last night (If so I am sorry) But I thought I was supposed to have Mike make a courtesy call to Tavaci to be sure they understood there was nothing on for decision with the planning commission.

Now we have Bruce asking why we have "pulled the decision". It was never noticed as such.

Mike has no clue what to do: the last direction he was given (last week, not last night) was to make the zone more inclusive of other property and slow down the fast track this general plan amendment is taking.

Now he hears from Terry (not me) that Curtis and Shane are writing the ordinance. That was news and embarrassing to the person hired as our land use expert. Terry then called back to let Mike know that he has instructed Curtis to include him and Terry mentions Bruce is disappointed that he has pulled the ordinance, as Terry made travel plans to be here.

Terry is not even the applicant. This is a city initiated general plan amendment.

I guess we should be appreciative that Terry believes Mike should be involved. This project has pretty well shot Mike's credibility.

**Linda Dunlavy**

---

**From:** Michael Black  
**Sent:** Thursday, September 03, 2009 4:33 PM  
**To:** 'Shane Topham'  
**Cc:** Liane Stillman; Kelvyn Cullimore (Dynatron)  
**Subject:** RE: CRR Zone

Shane, this should be the latest draft and I like your approach.

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---


**From:** Shane Topham [mailto:wstopham@cnmlaw.com]  
**Sent:** Thursday, September 03, 2009 4:25 PM  
**To:** Michael Black  
**Cc:** Liane Stillman; Kelvyn Cullimore (Dynatron)  
**Subject:** CRR Zone

Mike—

In thinking about how to best revamp the CRR zone ordinance, I believe that it will be most efficient for me to just slog through preparing a redraft of the current ordinance to cover the issues I see and incorporate the approach directed by the mayor. I think it is appropriate for the city to take the lead on drafting the ordinance for this city-initiated zone. So, can you email me an electronic version of the latest version of the CRR zone? I'll go ahead and revamp it to my satisfaction, and then will want to sit down with you and go through it and get your input on what works and what doesn't in my redraft. I'll then revise it to incorporate your suggestions, and then send it out for review by Kelvyn and Liane and you. I'll then revise it again as directed, and it'll then be available for dissemination to and discussion with Greg Curtis or whomever.

Thanks—

Shane

 CNMlaw-logo.gif

**W. SHANE TOPHAM**  
ATTORNEY AT LAW

ZIONS BANK BUILDING, SUITE 900  
10 EAST SOUTH TEMPLE  
SALT LAKE CITY, UTAH 84133  
TELEPHONE 801-530-7300

DIRECT DIAL  
801-530-7478  
E-MAIL  
wstopham@cnmlaw.com

FAX 801-364-9127

PLEASE NOTE: The information contained in this message may be privileged and confidential. If you are not the intended recipient, you are hereby notified that any review, printing, dissemination, distribution, copying or other use of this communication is strictly prohibited. If you have received this communication in error, please reply to the sender and delete all copies of the message.

**Linda Dunlavy**

---

**From:** Don Antczak [donantczak@comcast.net]  
**Sent:** Monday, October 12, 2009 11:54 AM  
**To:** Kelvyn Cullimore (Dynatron); 'Shane Topham'; Bruce Jones; Don Antczak; Gordon Thomas; Liane Stillman; Scott Bracken  
**Subject:** RE: Floating Balloons

I looked for the balloons when I was taking more signs out and I had to go almost to the mouth of the canyon to see them. What is the height they are floating?

Don J. Antczak  
[dantczak@cottonwoodheights.utah.gov](mailto:dantczak@cottonwoodheights.utah.gov)

-----Original Message-----

**From:** Kelvyn Cullimore Jr. [mailto:Kelvyn@dynatron.com]  
**Sent:** Monday, October 12, 2009 8:46 AM  
**To:** 'Shane Topham'; Bruce Jones; Don Antczak; Gordon Thomas; Liane Stillman; Scott Bracken  
**Subject:** Floating Balloons

Tavaci is floating balloons this morning. The weather finally cooperated. I encourage you to go take a look if you can. They will only be up for a few hours.

***Kelvyn H. Cullimore Jr.***

No virus found in this incoming message.  
Checked by AVG - [www.avg.com](http://www.avg.com)  
Version: 8.5.421 / Virus Database: 270.14.10/2429 - Release Date: 10/11/09 18:34:00

**Linda Dunlavy**

---

**From:** Michael Black  
**Sent:** Thursday, October 08, 2009 5:07 PM  
**To:** 'Kelvyn Cullimore Jr.;; 'Shane Topham'  
**Cc:** Liane Stillman  
**Subject:** RE: ordinance

Greg cant get a redlined copy to us until Monday.

Michael A. Black, AICP  
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---

**From:** Kelvyn Cullimore Jr. [mailto:Kelvyn@dynatron.com]  
**Sent:** Thursday, October 08, 2009 5:07 PM  
**To:** Michael Black; 'Shane Topham'  
**Cc:** Liane Stillman  
**Subject:** RE: ordinance

There is more to the issues than just the height. Perhaps we need to review it knowing that we will change the height.

*Kelvyn H. Cullimore Jr.*

---

**From:** Michael Black [mailto:MBlack@cottonwoodheights.utah.gov]  
**Sent:** Thursday, October 08, 2009 4:04 PM  
**To:** Kelvyn Cullimore Jr.; 'Shane Topham'  
**Cc:** Liane Stillman  
**Subject:** RE: ordinance

I think Greg just took it and made it the "Tavaci" zone. I wasn't expecting this; I thought we were still trying to figure out the height issue which was the main change to be made aside from the formula for calculating density. I haven't compared the entire document to our version. I will ask him for a redlined version.

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---

**From:** Kelvyn Cullimore Jr. [mailto:Kelvyn@dynatron.com]

**Sent:** Thursday, October 08, 2009 4:00 PM  
**To:** 'Shane Topham'; Michael Black  
**Cc:** Liane Stillman  
**Subject:** FW: ordinance

Your thoughts? Were we expecting this from Greg or were we working on a draft of our own?

*Kelvyn H. Cullimore Jr.*

---

**From:** Greg J. Curtis [mailto:gcurtis60@gmail.com]  
**Sent:** Thursday, October 08, 2009 2:52 PM  
**To:** Kelvyn Cullimore Jr.  
**Subject:** ordinance

Kelvyn

This is my attempt. It is site specific, calls out the number of units, attaches a map showing the three different sub zones. Let me know what you think. The balloons will be up Monday morning at 8:30 weather permitting.

Greg

**Linda Dunlavy**

---

**From:** Kelvyn Cullimore Jr. [Kelvyn@dynatron.com]  
**Sent:** Tuesday, October 13, 2009 2:19 PM  
**To:** Michael Black; Bruce Jones; Don Antczak; Gordon Thomas; Kelvyn Cullimore; Liane Stillman; Scott Bracken  
**Cc:** 'Shane Topham'  
**Subject:** RE: Tavaci

The presentation from Tavaci will be in our work session so there will be no public comment taken. We will, however, provide an explanation of where we are at in the process.

***Kelvyn H. Cullimore Jr.***

---

**From:** Michael Black [mailto:MBlack@cottonwoodheights.utah.gov]  
**Sent:** Tuesday, October 13, 2009 1:30 PM  
**To:** Bruce Jones; Don Antczak; Gordon Thomas; Kelvyn Cullimore; Liane Stillman; Scott Bracken  
**Cc:** 'Shane Topham'  
**Subject:** Tavaci

FYI – The Tribune and Save Our Canyons have both requested copies of the CRR ordinance that the planning commission recommended to you. I have provided that to them. They both plan to attend tonight as well.

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**Linda Dunlavy**

---

**From:** Michael Black  
**Sent:** Tuesday, October 13, 2009 3:58 PM  
**To:** Gordon Thomas  
**Subject:** RE: Tavaci

There is not a newer one.

Michael A. Black, AICP  
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---

**From:** Gordon Thomas  
**Sent:** Tuesday, October 13, 2009 5:01 PM  
**To:** Michael Black  
**Subject:** RE: Tavaci

Michael,  
Have we been given a newer copy of the ordinance? I have on from, I think, last August. Is there a newer one for tonight?

---

**From:** Michael Black [mailto:MBlack@cottonwoodheights.utah.gov]  
**Sent:** Tuesday, October 13, 2009 12:30 PM  
**To:** Bruce Jones; Don Antczak; Gordon Thomas; Kelvyn Cullimore; Liane Stillman; Scott Bracken  
**Cc:** 'Shane Topham'  
**Subject:** Tavaci

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**Linda Dunlavy**

---

**From:** Kelvyn Cullimore Jr. [Kelvyn@dynatron.com]  
**Sent:** Friday, October 23, 2009 3:01 PM  
**To:** Bruce Jones (UTA); Michael Black  
**Cc:** Kelvyn Cullimore; 'Shane Topham'; Liane Stillman  
**Subject:** RE: Resort Zone

Bruce has accurately characterized our discussions yesterday. This should help us to better regulate the main issue of height. Then, as Bruce notes, there are other issues that would need to be addressed.

In a meeting last night at Carlene Walker's house, the opponents were out in full force. They are very concerned about traffic implications, for instance. Many expressed being appalled that we would consider making additional concessions. They felt he should have to work with what he got from the County since so many "illegal" concessions were made to get him that. They feel he is a big boy and knew the risks.

I explained that we were not in the business of being punitive. We have processes that allow any property owner, regardless of how they got their present entitlements, to pursue zoning changes that would benefit them. The council then has to decide if the detrimental effects of the proposed zoning change can be properly mitigated or not. If not, we can deny it. If they can be mitigated we should consider it. I explained that while I would never have agreed to the concessions given by the County, we are now left with what they did. I explained that philosophically I am opposed to councils acting arbitrarily in land use matters or being obstructionist just because we don't like the project. EVERY property owner is entitled to make proposals and it is the job of the Planning Commission and Council to evaluate those proposals.

They commented that the reason we became a city was to control our own destiny. I agreed with them, but explained that controlling our own destiny does not mean denying any property owner of due process and the right to make the best use of their property. So long as what they propose is consistent with the General Plan, does not impose detrimental effects that cannot be mitigated, and does not offend development principles such as sensitive land issues, we should be willing to consider it.

By the end of the meeting, they all appreciated most that we were doing this openly and in public so they could have their say. I assured them that my final decision would be based on rational analysis, not on emotion. I would not act arbitrarily nor would I be obstructionist. They seemed to understand and they also understood that their arguments in opposition need to focus on detrimental effects.

I am more convinced than ever that we need to be totally transparent in this process. We discussed a timeline to get us to a final vote by December 29<sup>th</sup> so Bruce could vote on this. I think we need to work on it from our perspective to see if that is achievable. If not, we need to diminish Diehl's expectations sooner rather than later. If we can establish a timeline, we may want to publicize that in the Valley Journal.

We also need to have some work session discussions on this so we are bringing the council along with the rest of us.

***Kelvyn H. Cullimore Jr.***

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**From:** Jones, Bruce (General Counsel) [mailto:BJones@rideuta.com]  
**Sent:** Friday, October 23, 2009 12:58 PM  
**To:** Michael Black  
**Cc:** Kelvyn Cullimore  
**Subject:** RE: Resort Zone

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Bruce T. Jones  
Cell: (801)-560-7841  
bjones@rideuta.com

**Linda Dunlavy**

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**From:** Michael Black  
**Sent:** Friday, October 23, 2009 3:53 PM  
**To:** 'Kelvyn Cullimore Jr.'  
**Cc:** Liane Stillman; 'Shane Topham'  
**Subject:** Tavaci

Kelvyn, before your email I had already spent a lot of time on the ordinance and had transformed it into what I would have written for the City. In other words, it is now what I would present to you as a logical redevelopment idea for Tavaci. I do believe that the redevelopment is a good idea and mostly for the reasons you laid out in your email. I would just like you to take a look at it and what my recommendations are first and I will change whatever you feel is necessary if you will just highlight it and let me know what it is you would like changed.

Also, Shane has not received this version of the ordinance until just now so he has not had a chance to make his adjustments.

I will wait for your response. If you are planning to discuss this item in the City Council on Tuesday, I will cancel my plans to be there. I have spent a lot of time, energy and thought on this item over the last six months and don't want to miss any major discussions on the path of the development. Also, if you want me to work out a schedule for getting this on a business meeting by the end of December I will do that. I just need to know if you still want to hold a joint meeting with the PC before that time.

Best regards,

Michael A. Black, AICP  
City Planning Director  
Cottonwood Heights  
1265 E. Fort Union Blvd.; Ste. 250  
Cottonwood Heights, UT 84047  
p. 801-944-7066  
c. 801-842-6071  
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I explained that we were not in the business of being punitive. We have processes that allow any property owner, regardless of how they got their present entitlements, to pursue zoning changes that would benefit them. The council then has to decide if the detrimental effects of the proposed zoning change can be properly mitigated or not. If not, we can deny it. If they can be mitigated we should consider it. I explained that while I would never have agreed to the concessions given by the County, we are now left with what they did. I explained that philosophically I am opposed to councils acting arbitrarily in land use matters or being obstructionist just because we don't like the project. EVERY property owner is entitled to make proposals and it is the job of the Planning Commission and Council to evaluate those proposals.

They commented that the reason we became a city was to control our own destiny. I agreed with them, but explained that controlling our own destiny does not mean denying any property owner of due process and the right to make the best use of their property. So long as what they propose is consistent with the General Plan, does not impose detrimental effects that cannot be mitigated, and does not offend development principles such as sensitive land issues, we should be willing to consider it.

By the end of the meeting, they all appreciated most that we were doing this openly and in public so they could have their say. I assured them that my final decision would be based on rational analysis, not on emotion. I would not act arbitrarily nor would I be obstructionist. They seemed to understand and they also understood that

their arguments in opposition need to focus on detrimental effects.

I am more convinced than ever that we need to be totally transparent in this process. We discussed a timeline to get us to a final vote by December 29<sup>th</sup> so Bruce could vote on this. I think we need to work on it from our perspective to see if that is achievable. If not, we need to diminish Diehl's expectations sooner rather than later. If we can establish a timeline, we may want to publicize that in the Valley Journal.

We also need to have some work session discussions on this so we are bringing the council along with the rest of us.

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**From:** Kelvyn Cullimore Jr. [mailto:Kelvyn@dynatron.com]  
**Sent:** Tuesday, October 27, 2009 5:30 PM  
**To:** Michael Black; Bruce Jones (UTA); Liane Stillman; 'Shane Topham'  
**Subject:** RE: Preview of tonights comments

Mike,

I think that for tonight's meeting I would like to limit the discussion to the following:

- Let's indicate that a re-write of the ordinance is in process and a draft will be provided as soon as Shane has finished his tweaks to it.
- One of the main detriments to the proposed ordinance is the visibility of the project. Explain that:
  - The current zoning already permits 35 foot structures.
  - If a home was built at the highest point on the highest elevation lots, the height of the structure of the home would be as visible as a 60 foot structure built at street level.
  - The issue becomes one of how to set height limitations on the building to mitigate the incremental detrimental effects of any structure built on the property under a new zone.
  - Discuss the concept of trying to limit visibility of any development by establishing a two pronged approach of height of structure and an elevation ceiling and explain how we are going about trying to establish that ceiling.
- Indicate that there are other concerns the ordinance will address relative to this particular property including fire safety, access, and density, but don't go into any detail at this meeting.
- We should indicate that one of the reasons this is being considered is that in our general plan we discuss the need to be accommodating to and solicitous of the tourist business associated with the ski industry. (I am sure our plan says something like that so we should reference that).

On the timeline, I would tonight focus primarily on the zoning ordinance. It is the most important. Then I would make the following points:

- Once the zone is adopted by the Council any land owner could apply for a general plan amendment to apply the zone to their property under the plan.
  - This process would require an application by the property owner
  - It would be reviewed by the Planning Commission who would take public comment and make a recommendation to the Council
  - The Council would review the application and Planning Commission recommendation and, though

- o not required, probably do as it has in the past and take additional public comment before rendering a decision.
- o This process can take 2-3 months.
- Once the General Plan is amended, the property owner can submit an application for re-zoning.
  - o This application is first heard by the Planning Commission who takes public comment and makes a recommendation to the Council.
  - o The Council then reviews the recommendation and, though not required, will likely take additional public comment.
  - o This process will likely take 2 months.
- If the GP amendment only applied to this property it would be virtually identical to a rezoning application and the two could be considered simultaneously

I think this should be the extent of our public review of the situation at this meeting. I also think that since we will have interested public there we should continue our meeting upstairs after the business meeting.

***Kelvyn H. Cullimore Jr.***

---

**From:** Michael Black [mailto:MBlack@cottonwoodheights.utah.gov]  
**Sent:** Tuesday, October 27, 2009 4:35 PM  
**To:** Kelvyn Cullimore Jr.; Bruce Jones (UTA); Liane Stillman; 'Shane Topham'  
**Subject:** Preview of tonights comments

Kelvyn and Bruce, I just wanted to be sure you had forewarning regarding the findings of the timeline I was asked to put together for Tavaci. My understanding regarding the development timeline I was asked to create for Tavaci is this:

1. I would put together a timeline to help the council and the developer to understand what time could be involved for all of the processes (creation of zone, GP amendment, ZC amendment).
2. The timeline would be based on what I felt was reasonable and what experience we have had in the past with these types of applications.
3. The timeline would presume that the developer would apply for the GP amendment and the ZC himself, as opposed to being city initiated.
4. The timeline would include additional public input at the council level since this seems to be a pattern with legislative decisions (these are not required).

The findings I will show you and the other council members tonight with a GANTT chart are:

1. With regard to the CRR zone:
  - a. It is possible to both meet with the PC jointly and hold another public input meeting with the CC and still have the item on the agenda for decision on 12/29/2009 (this requires having this item on the agenda for one thing or another almost every meeting until the end of the year).
2. With regard to the GP amendment:
  - a. The council needs to decide whether to put the GP amendment through as the city or have the developer do it.
  - b. The typical time frame for a GP amendment is three months (with the Highland Drive Frontage Road it took over a year).
  - c. The anticipated decision date for a GP amendment, if the applicant applied the day after the CRR zone is approved, would be March 23, 2010.
3. With regard to the zone change:
  - a. The developer could not apply until the GP amendment passed (approx. 3/24/2010).
  - b. Based on a typical timeframe for ZCs, the item could be voted on by June 8, 2010.

This is the typical path for these types of applications sometimes their faster, usually their slower. I talked to a

number of people regarding tonight's meeting. So far, I know that the Trib (Jenn Sanchez) and Save Our Canyons (Jennifer Kecor) will be there. They were concerned that the item might come up before 9:00 PM as an informal discussion and they would miss it. I told them it wouldn't be talked about until 9:00 PM at the earliest since it was noticed that way. So, I will see you at nine and I had planned on going through the ordinance section by section and discussing the changes I have made since the last time you viewed it.

Regards,

Michael A. Black, AICP  
City Planning Director  
Cottonwood Heights  
1265 E. Fort Union Blvd.; Ste. 250  
Cottonwood Heights, UT 84047  
p. 801-944-7066  
c. 801-842-6071  
f. 801-545-4154

**Linda Dunlavy**

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**From:** Michael Black  
**Sent:** Tuesday, October 27, 2009 5:44 PM  
**To:** 'Kelvyn Cullimore Jr.'; Bruce Jones (UTA); Liane Stillman; 'Shane Topham'  
**Subject:** RE: Preview of tonights comments

No problem. I think I can handle that and will keep it to the point. Thanks.

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**Linda Dunlavy**

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**From:** Gordon Thomas  
**Sent:** Wednesday, November 04, 2009 10:54 AM  
**To:** Scott Bracken  
**Cc:** wstopham@cnmlaw.com  
**Subject:** RE: CRR Zone

Thanks, Scott!

---

**From:** Kelvyn Cullimore Jr. [mailto:Kelvyn@dynatron.com]  
**Sent:** Wednesday, November 04, 2009 8:20 AM  
**To:** Michael Black; Scott Bracken; Bruce Jones; Don Antczak; Gordon Thomas; Kelvyn Cullimore; Liane Stillman  
**Cc:** wstopham@cnmlaw.com  
**Subject:** RE: CRR Zone

Thanks for giving this priority. We had represented to the property owners that a draft would be ready last week. However, since this is a "city-initiated" ordinance, I suppose we have a little leeway to draft it well. I believe this ordinance is the most important part of this process. Let's do it right.

***Kelvyn H. Cullimore Jr.***

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**From:** Michael Black [mailto:MBlack@cottonwoodheights.utah.gov]  
**Sent:** Wednesday, November 04, 2009 9:13 AM  
**To:** Scott Bracken; Bruce Jones; Don Antczak; Gordon Thomas; Kelvyn Cullimore; Liane Stillman  
**Cc:** wstopham@cnmlaw.com  
**Subject:** RE: CRR Zone

Shane and I are still working on the ordinance. We worked on it most of the day yesterday and will likely do the same today. I will get it to you as soon as I am able.

Michael A. Black, AICP  
City Planning Director  
Cottonwood Heights  
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Cottonwood Heights, UT 84047  
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**From:** Scott Bracken  
**Sent:** Wednesday, November 04, 2009 9:15 AM  
**To:** Bruce Jones; Don Antczak; Gordon Thomas; Kelvyn Cullimore; Liane Stillman  
**Cc:** wstopham@cnmlaw.com; Michael Black  
**Subject:** CRR Zone

I haven't received any full-text versions of the proposed CRR zone. I thought we were going to have a draft out as of the end of last week.

What is the status and when can I/We expect to see a full draft?

Scott Bracken  
Cottonwood Heights City Council  
(801) 944-7000 Phone  
(801) 694-1744 Mobile  
[sbracken@cottonwoodheights.utah.gov](mailto:sbracken@cottonwoodheights.utah.gov)  
[www.cottonwoodheights.utah.gov](http://www.cottonwoodheights.utah.gov)