

**NOTICE OF  
PLANNING COMMISSION MEETING  
Tuesday, February 27, 2018 7:00 p.m.  
Community Recreation Center, 10640 N Clubhouse Drive**

Notice is hereby given that the Planning Commission of the City of Cedar Hills, Utah, will hold a **Planning Commission Meeting on Tuesday, February 27, 2018 beginning at 7:00 p.m.** at the Community Recreation Center, 10640 N Clubhouse Drive, Cedar Hills, Utah. This is a public meeting and anyone is invited to attend.

**PLANNING COMMISSION MEETING**

1. Call to Order
2. Public Comment: Time has been set aside for the public to express their ideas, concerns, and comments (comments limited to 3 minutes per person with a total of 30 minutes for this item)

**PUBLIC HEARING**

- Review/Recommendation on Preliminary Approval for the Wardell Subdivision, located at approximately 9730 N Canyon Road
- Amendments to the City Code Title 10, Chapter 6A: Planned Commercial Development Projects Related to Conditional Uses in the SC-1 Commercial Zone
- Amendments to the City Code Title 10, Chapter 4B & 4F Related to Accessory Structures in the R-1-15,000 and the RR-1-20,000 Rural Residential Zones
- Amendments to the City Code Title 10, Chapter 5-32 Related to Accessory Apartments

**SCHEDULED ITEMS**

3. Approval of Minutes from the January 23, 2018 Planning Commission Meeting
4. Review/Recommendation on Preliminary Approval for the Wardell Subdivision
5. Review/Action on a Conceptual Plan for the Property located at approximately 9826 North County Boulevard in the SC-1 Commercial Zone
6. Review/Recommendation on Amendments to the City Code Title 10, Chapter 6A:Planned Commercial Development Projects Related to Conditional Uses in the SC-1 Commercial Zone
7. Review/Recommendation on Amendments to the City Code Title 10, Chapter 4B & 4F Related to Accessory Structures in the R-1-15,000 and the RR-1-20,000 Residential Zones
8. Review/Recommendation on Amendments to the City Code Title 10, Chapter 5-32 Related to Accessory Apartments
9. Discussion on Smoke Shops, Vape Shops and Retail Tobacco Specialty Businesses in the SC-1 Commercial Zone

**ADJOURNMENT**

10. Adjourn

Posted this 22nd day of February, 2018

/s/ Colleen A. Mulvey, City Recorder

- Supporting documentation for this agenda is posted on the City's Website at [www.cedarhills.org](http://www.cedarhills.org).
- In accordance with the Americans with Disabilities Act, the City of Cedar Hills will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the City Recorder at 801-785-9668 at least 48 hours in advance of the meeting to be held.
- The order of agenda items may change to accommodate the needs of the Planning Commission, the staff, and the public.
- This meeting may be held electronically via telephone to permit one or more of the commission members to participate.



# CITY OF CEDAR HILLS

|              |                                |
|--------------|--------------------------------|
| <b>TO:</b>   | Planning Commission            |
| <b>FROM:</b> | Chandler Goodwin, City Manager |
| <b>DATE:</b> | 2/27/2018                      |

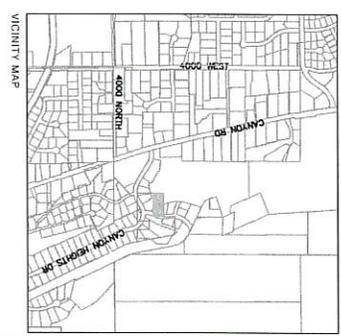
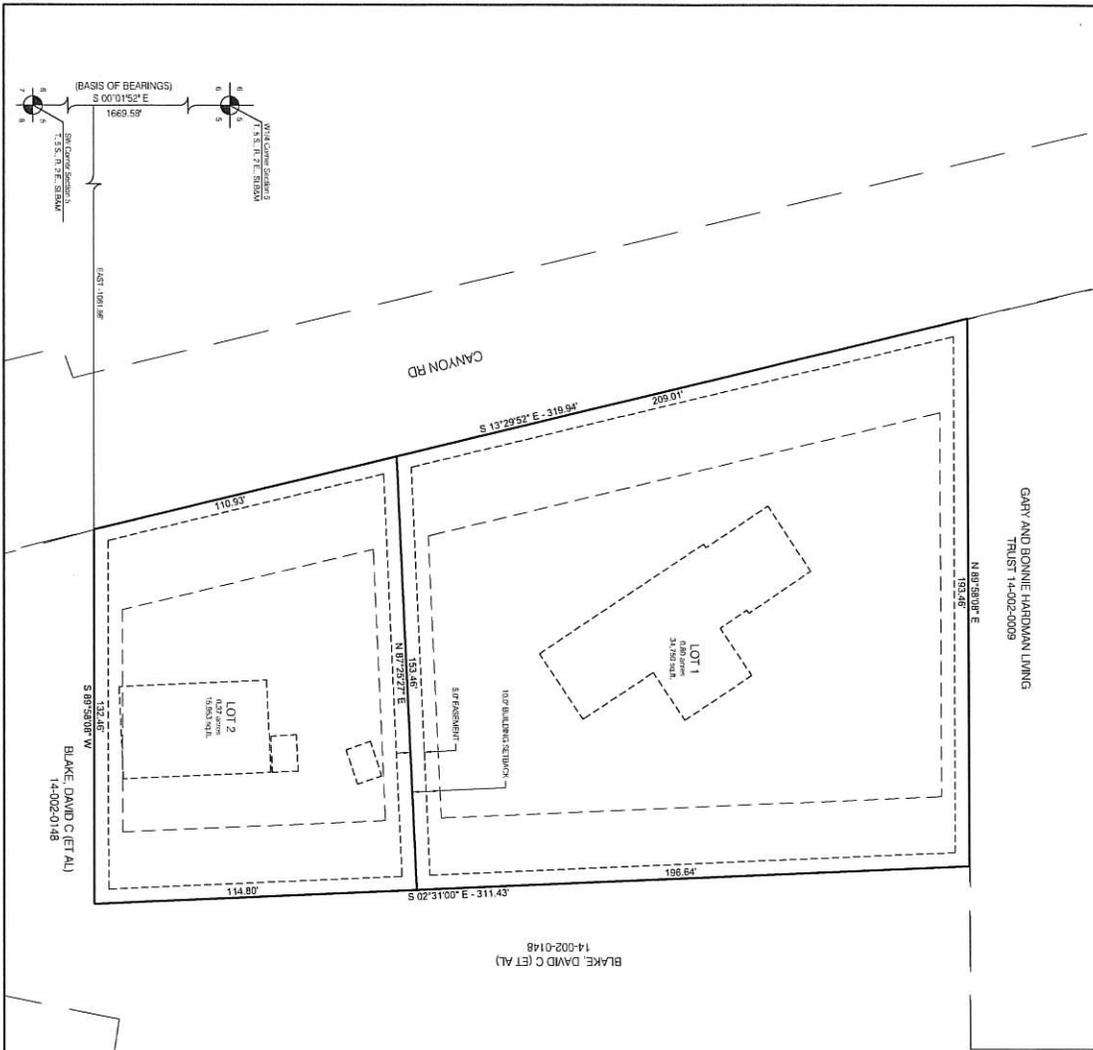
## Planning Commission Agenda Item

|  |  |
|--|--|
| <b>SUBJECT:</b>  | Review/Recommendation on Preliminary Plans for the Wardell Subdivision |
| <b>APPLICANT PRESENTATION:</b>   | n/a  |
| <b>STAFF PRESENTATION:</b>   | Chandler Goodwin, City Manager   |
| <b>BACKGROUND AND FINDINGS:</b><br>The Wardell Subdivision is located at 9730 N Canyon Road. The subdivision is a two lot subdivision with both dwellings existing; one building will be retrofitted to comply with building and zoning code to allow for occupancy. The owner, Martin Wardell, has worked with Utah County on getting his second driveway access approved as part of the approved set of plans for the upcoming Canyon Road reconstruction project. |  |
| <b>PREVIOUS LEGISLATIVE ACTION:</b><br>Concept plan was approved during the November 2017 planning commission meeting  |  |
| <b>FISCAL IMPACT:</b><br>n/a   |  |
| <b>SUPPORTING DOCUMENTS:</b><br>Wardell Subdivision Preliminary Plan   |  |
| <b>RECOMMENDATION:</b><br>Make recommendations for and approve the concept plan to enter into the final phase  |  |
| <b>MOTION:</b><br>To approve/disapprove the preliminary plan for the Wardell Subdivision, subject to the following changes and recommendations {LIST ANY CHANGES}.   |  |



**MARTIN WARDELL PLAT A**  
 A SUBDIVISION LOCATED IN THE NW 1/4 OF SECTION 5,  
 TOWNSHIP 5 SOUTH, RANGE 2 EAST,  
 SALT LAKE BASE & MERIDIAN  
 CEDAR HILLS, UTAH COUNTY, UTAH

GARY AND BONNIE HARDMAN LIVING  
 TRUST 14-002-009



0 10' 20' 30'

- LEGEND**
- Section Corner
  - Street Monument
  - Property Corner
  - Section Line
  - Right-of-Way Line
  - Examined Line
  - Setback Line

**ARISE** Engineering & Surveying, LLC  
 4410 West 2500 South, Suite 100, Salt Lake City, UT 84119  
 801.487.8888

**APPROVED:** \_\_\_\_\_ DATE: \_\_\_\_\_  
 (SEE SEAL BELOW)

**ATTEST:** \_\_\_\_\_  
 (SEE SEAL BELOW)

**BOUNDARY DESCRIPTION**

KNOWN ALL MEN BY THESE PRESENTS THAT WE, ALL OF THE UNDERSIGNED OWNERS OF ALL OF THE PROPERTY DESCRIBED IN THE SUBDIVISION CERTIFICATE HEREIN AND SHOWN ON THIS PLAT, HAVE HEREBY DECIDED TO CONVEY TO THE PUBLIC THE RIGHT OF WAY FOR THE PERPETUAL USE OF THE PUBLIC. WE HEREBY DECIDE TO SET OUR HANDS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_.

**OWNERS' DEDICATION**

STATE OF UTAH )  
 COUNTY OF UTAH ) SS

**ACKNOWLEDGMENT**

PERSONALLY APPEARED BEFORE ME THE SHERIFF OF THE COUNTY OF UTAH AND COUNTY CLERK TO BE THAT THE UNDERSIGNED OWNERS OF THE PROPERTY DESCRIBED IN THE SUBDIVISION CERTIFICATE HEREIN AND SHOWN ON THIS PLAT HAVE FULLY MADE A DEDICATION NUMBER \_\_\_\_\_ TO THE PUBLIC FOR THE PERPETUAL USE OF THE PUBLIC.

**ACCEPTANCE BY LEGISLATIVE BODY**

THE \_\_\_\_\_ CITY ENGINEER OF \_\_\_\_\_ COUNTY OF UTAH APPROVES THIS DEDICATION AND HEREBY ACCEPTS THE DEDICATION OF ALL THE PROPERTY DESCRIBED IN THE SUBDIVISION CERTIFICATE HEREIN AND SHOWN ON THIS PLAT FOR THE PERPETUAL USE OF THE PUBLIC THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_.

**APPROVED:** \_\_\_\_\_ DATE: \_\_\_\_\_  
 (SEE SEAL BELOW)

**ATTEST:** \_\_\_\_\_  
 (SEE SEAL BELOW)

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 A SUBDIVISION LOCATED IN THE NW 1/4 OF SECTION 5,  
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 CEDAR HILLS, UTAH COUNTY, UTAH

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**APPROVED:** \_\_\_\_\_ DATE: \_\_\_\_\_  
 (SEE SEAL BELOW)

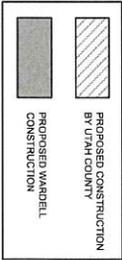
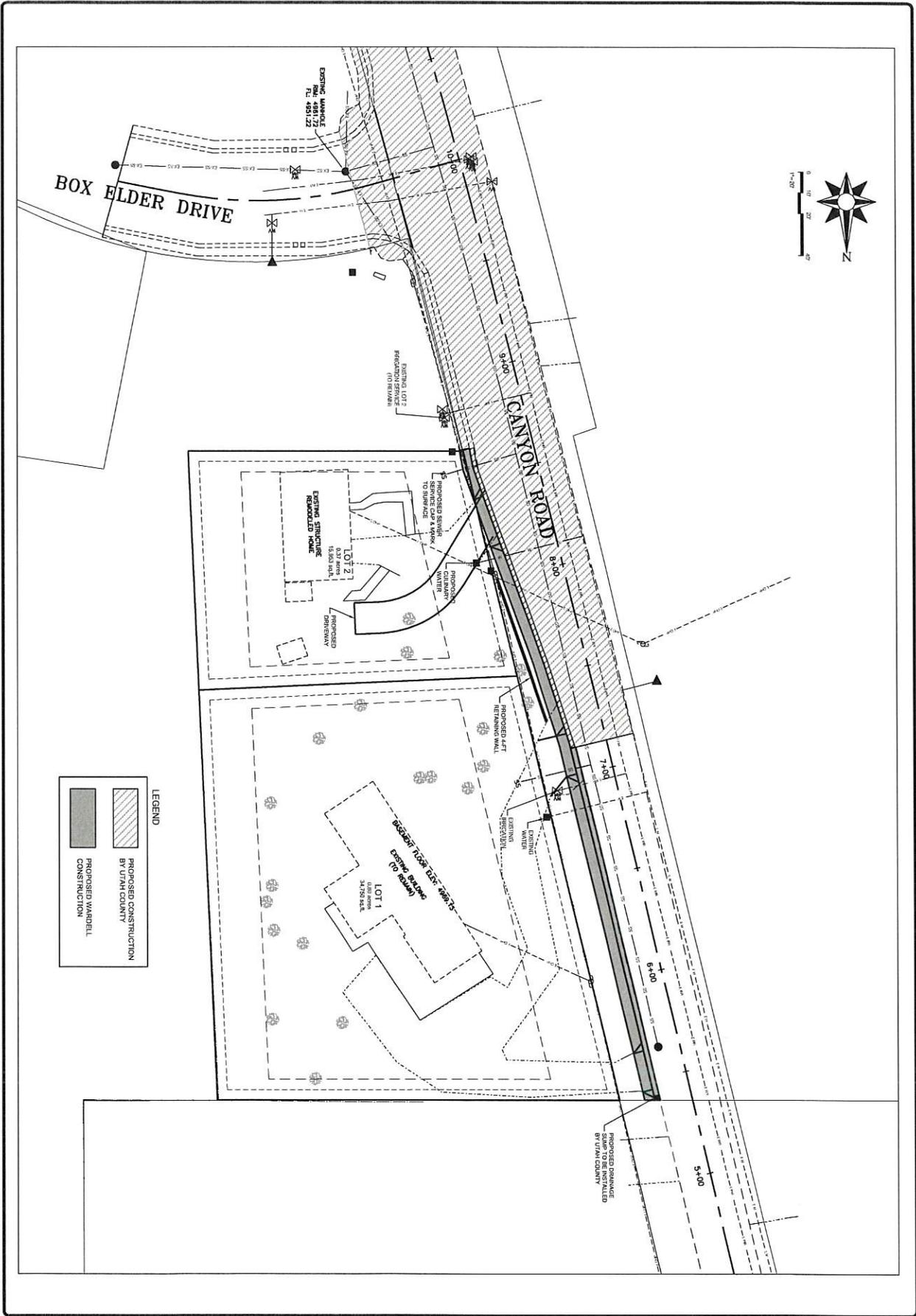
**ATTEST:** \_\_\_\_\_  
 (SEE SEAL BELOW)

**BASIS OF BEARINGS**

BEARINGS AND DISTANCES SHOWN ON THIS PLAT IS BASED ON NAD 83 STATE PLANE COORDINATE UTAH CENTRAL ZONE, AND INFORMATION AVAILABLE TO THE SURVEYOR FROM THE RECORDS OF THE CITY UTILITIES APPROVAL.

**CITY UTILITIES APPROVAL**

Public Works Director \_\_\_\_\_ Date \_\_\_\_\_  
 Public Works Director \_\_\_\_\_ Date \_\_\_\_\_  
 Sewer/Storm Drain \_\_\_\_\_ Date \_\_\_\_\_



SHEET  
03

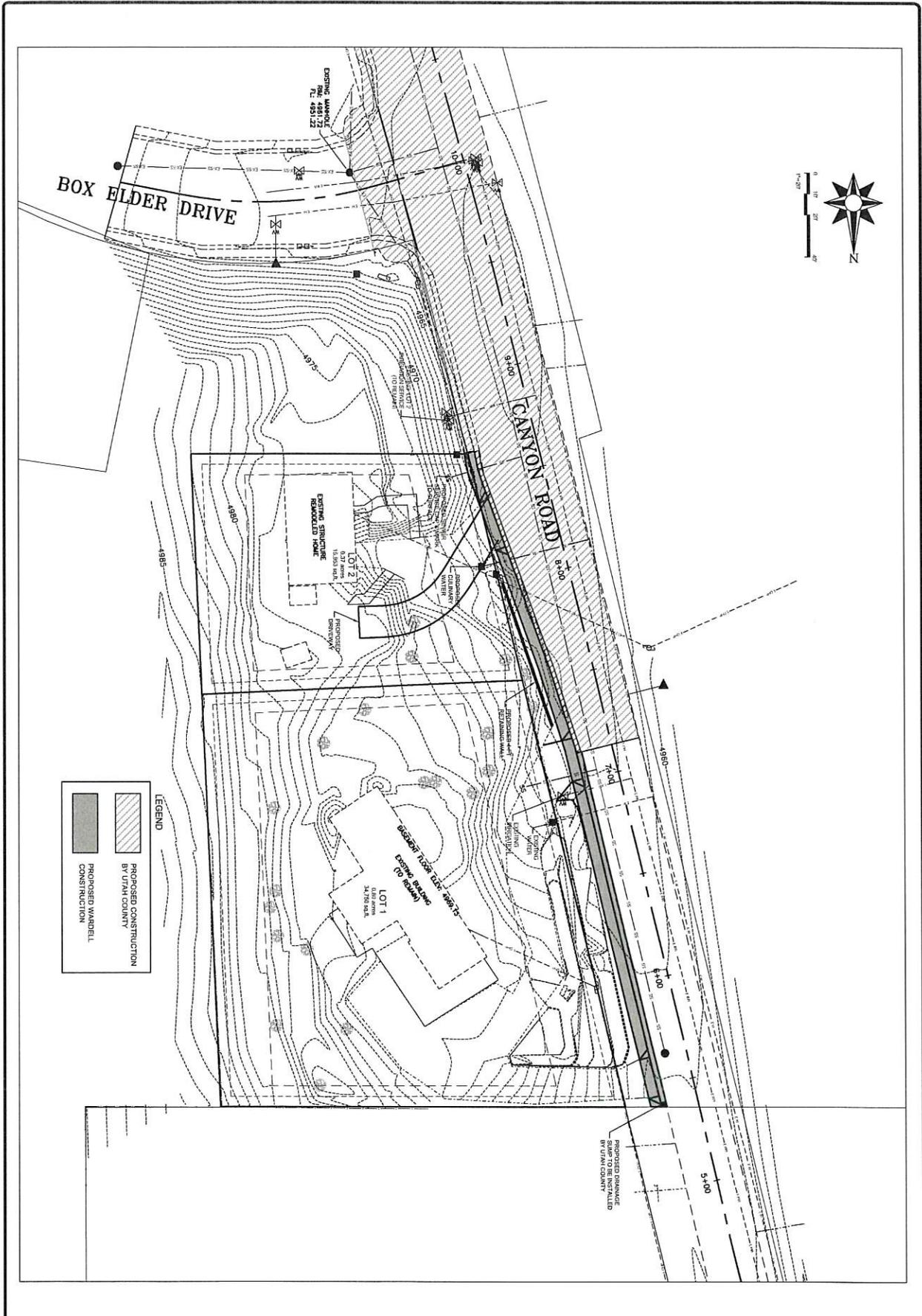
TITLE  
CONCEPT  
SITE PLAN

PROJECT NO. 17-0000000  
 DESIGNER: [Name]  
 ENGINEER: [Name]  
 CHECKED: [Name]

PROJECT NAME  
**WARDELL SUBDIVISION**  
 9730 N. CANYON RD.  
 CEDAR HILLS, UTAH

**ARISE** Engineering & Surveying, LLC  
 42 W 200 E, Suite 100, Amalton Park, Cedar Hills, UT 84003  
 Tel: 801-216-4613 www.arise-eng.com

| NO. | DATE | DESCRIPTION |
|-----|------|-------------|
|     |      |             |
|     |      |             |
|     |      |             |



SHEET  
04

TITLE  
CONCEPT  
GRADING  
PLAN

PROJECT NO.: WARDSELL  
DATE: 11/11/13  
ENGINEER: AS  
DRAWN BY: TR  
CHECKED BY: RS

PROJECT NAME:  
**WARDSELL SUBDIVISION**  
9730 N. CANYON RD.  
CEDAR HILLS, UTAH

ARISE Engineering & Surveying, LLC  
42 N 250 E, Suite 1, Ammon Fork, Utah 84003  
tel: 801-216-4613 www.arise-eng.com

| NO. | DATE | DESCRIPTION |
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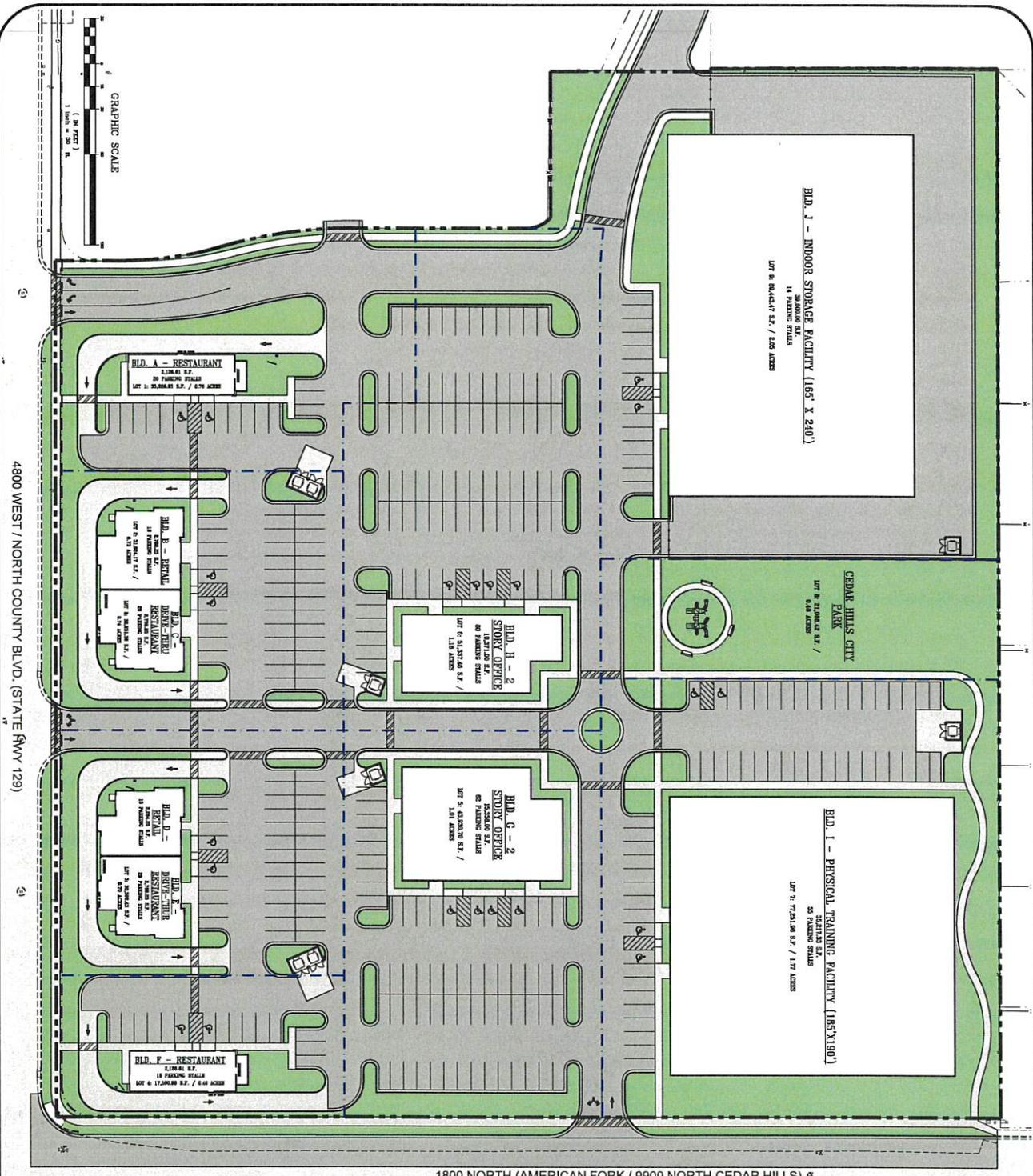


# CITY OF CEDAR HILLS

|              |                                |
|--------------|--------------------------------|
| <b>TO:</b>   | Planning Commission            |
| <b>FROM:</b> | Chandler Goodwin, City Manager |
| <b>DATE:</b> | 2/27/2018                      |

## Planning Commission Agenda Item

|   |  |
|---|--|
| <b>SUBJECT:</b>   | Review/Action on Approving a Concept Plan for the Cedar Hills Gateway Commercial Subdivision |
| <b>APPLICANT PRESENTATION:</b>  | Representative from Oppenshaw Properties   |
| <b>STAFF PRESENTATION:</b>  | Chandler Goodwin, City Manager   |
| <b>BACKGROUND AND FINDINGS:</b><br>The City of Cedar Hills is under contract with Oppenshaw Properties for the sale and development of the nine acre parcel that is zoned SC-1 Commercial. Oppenshaw has prepared a concept plan that consists of multiple buildings and various types of uses (see Document "1937-Cedar Hills Gateway Concept Plan"). The planning commission has the responsibility to review and approve concept plans, as always, approval of the concept plan is not to be interpreted as an approval of the subdivision, but an approval of the basic concept and layout being proposed. Once conceptual approval is given, the developer may proceed to developing a preliminary plan. |  |
| <b>PREVIOUS LEGISLATIVE ACTION:</b><br>N/A  |  |
| <b>FISCAL IMPACT:</b><br>N/A  |  |
| <b>SUPPORTING DOCUMENTS:</b><br>Cedar Hills Gateway Concept Plan, SC-1 9 Acres  |  |
| <b>RECOMMENDATION:</b><br>Review concept plan, provide necessary feedback   |  |
| <b>MOTION:</b><br>To approve/not approve the concept plan for the Cedar Hills Gateway concept plan  |  |



4800 WEST / NORTH COUNTY BLVD. (STATE HWY 129)

1800 NORTH (AMERICAN FORK / 9900 NORTH CEDAR HILLS)

**GRAPHIC SCALE**  
1" = 50' FT.

**LOT TABULATION:**  
Lot 1: 33,206 S.F. / 0.76 AC.  
Lot 2: 30,592 S.F. / 0.70 AC.  
Lot 3: 40,930 S.F. / 0.94 AC.  
Lot 4: 51,337 S.F. / 1.18 AC.  
Lot 5: 21,258 S.F. / 0.49 AC.  
Lot 6: 88,443 S.F. / 2.02 AC.  
TOTAL: 234,433 S.F. / 5.35 AC.

**ROW: 1800 NORTH (AMERICAN FORK / 9900 NORTH CEDAR HILLS)**  
Total Area: 399,089 S.F. (100%)  
ROW Deduction: 2,348 S.F. (0.6%)  
Building Footprint: 1,025,845 S.F. (257%)  
Impervious: 214,289 S.F. (53.5%)

**PAVING STATUS SHOWN - 319 STALLS**

**BUILDING USE TABULATION:**  
Building A (Restaurant): 2,128,813 S.F.  
Building B (Retail): 2,789,235 S.F.  
Building C (Retail): 2,789,235 S.F.  
Building D (Retail): 2,789,235 S.F.  
Building E (Retail): 2,789,235 S.F.  
Building F (Restaurant): 2,128,813 S.F.  
Building G (Office): 10,330,000 S.F.  
Building H (Office): 35,217,233 S.F.  
Building I (Storage): 39,800,000 S.F.

**EDGING INFORMATION:**  
Surveyor: A.L.M. & Associates, Inc.  
2230 North University Parkway, Suite 60  
Provo, UT 84604  
MO: 317.4454; FAX: 317.4454  
ALM@alm.com; almsurvey.com

**DEVELOPER:**  
Openshaw Properties  
2230 North University Parkway, Suite 60  
Provo, UT 84604  
801-371-0100  
almdevelopment@gmail.com

**SURVEYOR/ENGINEER/PLANNER:**  
A.L.M. & Associates, Inc.  
2230 North University Parkway, Suite 60  
Provo, UT 84604  
MO: 317.4454; FAX: 317.4454  
ALM@alm.com; almsurvey.com

**SITE INFORMATION:**  
Parcel Number: 14,003,0177  
Address: 2828 North 4800 West  
Cedar Hills, Utah

**OWNER:**  
City of Cedar Hills

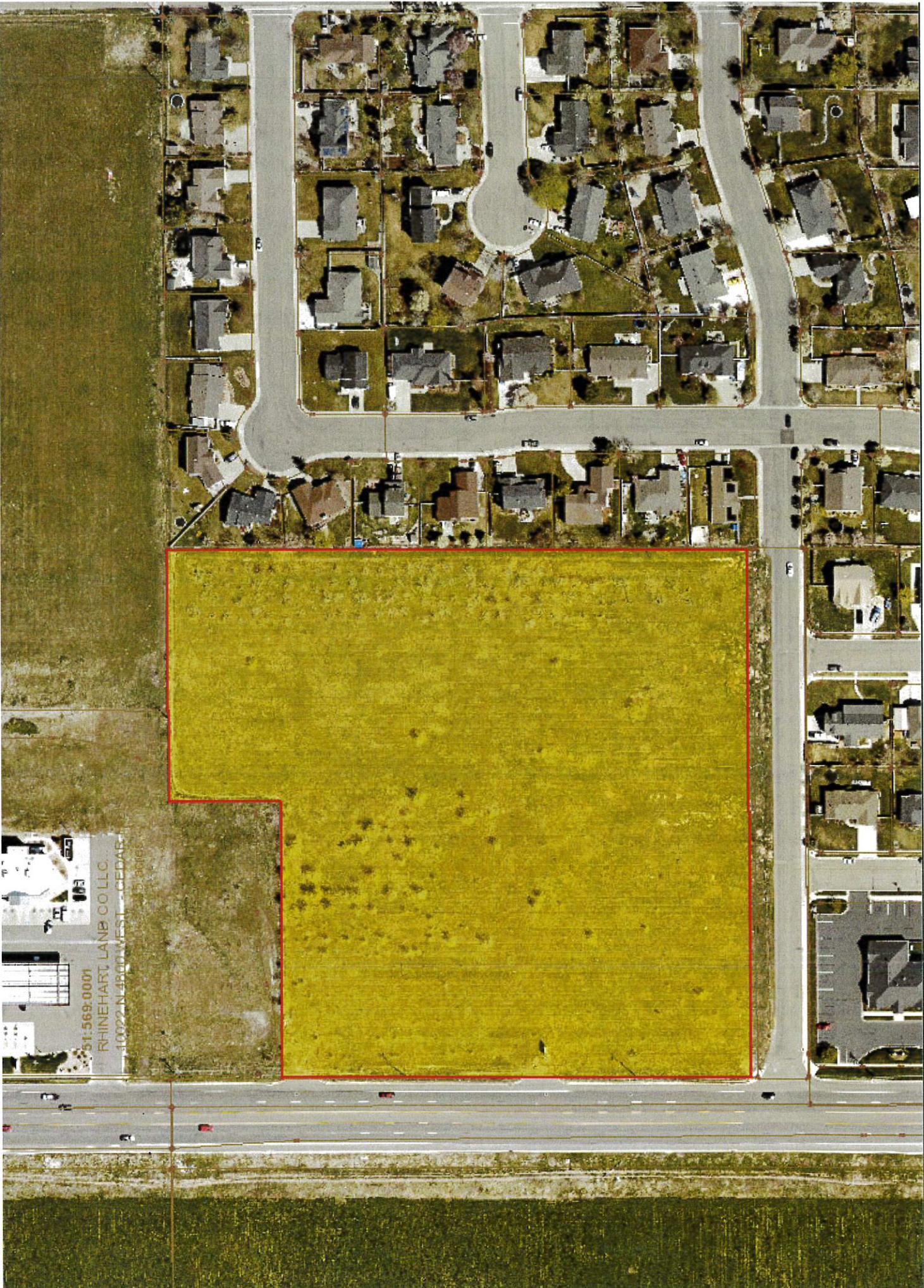


|      |           |      |
|------|-----------|------|
| C1.0 | Rev. 1    | DATE |
|      | 5/31/2017 |      |

Cedar Hills Gateway  
Openshaw Properties  
Concept Plan

**A.L.M. & Associates, Inc.**  
Engineering · Surveying · Development · Planning  
2230 North University Parkway, Building 6D, Provo, Utah 84604 ph: (801) 374 - 6262

SEAL



51:569:0001  
RHINEHART LAMB CO LLC  
10022 N. 4500 WEST - CEDAR  
15 acres



Date: 2/14/2018

This cadastral map is generated from Utah County Recorder data. It is for reference only and no liability is assumed for any inaccuracies, incorrect data or variations with an actual survey

# Utah County Parcel Map



# CITY OF CEDAR HILLS

|              |                                |
|--------------|--------------------------------|
| <b>TO:</b>   | Planning Commission            |
| <b>FROM:</b> | Chandler Goodwin, City Manager |
| <b>DATE:</b> | 2/7/2018                       |

## Planning Commission Agenda Item

|   |  |
|---|--|
| <b>SUBJECT:</b>   | Review/Recommendation on Conditional Uses in the SC-1 Zone, and SC-1 Sub-district Layout |
| <b>APPLICANT PRESENTATION:</b>  | n/a  |
| <b>STAFF PRESENTATION:</b>  | Chandler Goodwin, City Manager   |
| <b>BACKGROUND AND FINDINGS:</b><br>The City of Cedar Hills is currently under contract with a developer for the sale of the City's 9 acre property along North County Blvd. The group is asking the City to consider two uses that are not currently allowed in the retail and mixed use sub-districts, an athletic training facility, and indoor, climate controlled storage units. The code (§10-6A-2 & 3) would have to be amended to potentially allow for this type of development. The developers will be in attendance to answer any questions and provide architectural examples. |  |
| <b>PREVIOUS LEGISLATIVE ACTION:</b><br>Section 10-6A was adopted on 5-3-2016  |  |
| <b>FISCAL IMPACT:</b><br>n/a  |  |
| <b>SUPPORTING DOCUMENTS:</b><br>Cedar Hills City Code §10-6A, SC-1 Subdistrict Map, SC-1 Proposed Overlay Map   |  |
| <b>RECOMMENDATION:</b><br>Make recommendations on how to direct staff to proceed with the proposal  |  |
| <b>MOTION:</b><br>To recommend/not recommend indoor, climate controlled storage and general office space as a conditional use in the Mixed Use district of the SC-1 zone<br><br>To recommend/not recommend a change in the boundaries of the Retail and Mixed Use districts, by allowing the Mixed Use district to overlay the Retail District within three hundred feet (300') of a Cedar Hills residential zone.  |  |



N 4800 W

McDonald's

Chase Bank

Subway

Walmart Supercenter

The Church of Jesus Christ

W Cedar Hills Dr

W Cedar Hills Dr

W Cedar Hills Dr

Lexington Heights Dental

Hart's Gas & Food

The Church at Cedar H

East Bench Dr

N County Blvd

N 4800 W

W 9980 N St

W 9980 N

W 9960 N

N 4560 W

N 4500 W

W 9900 N

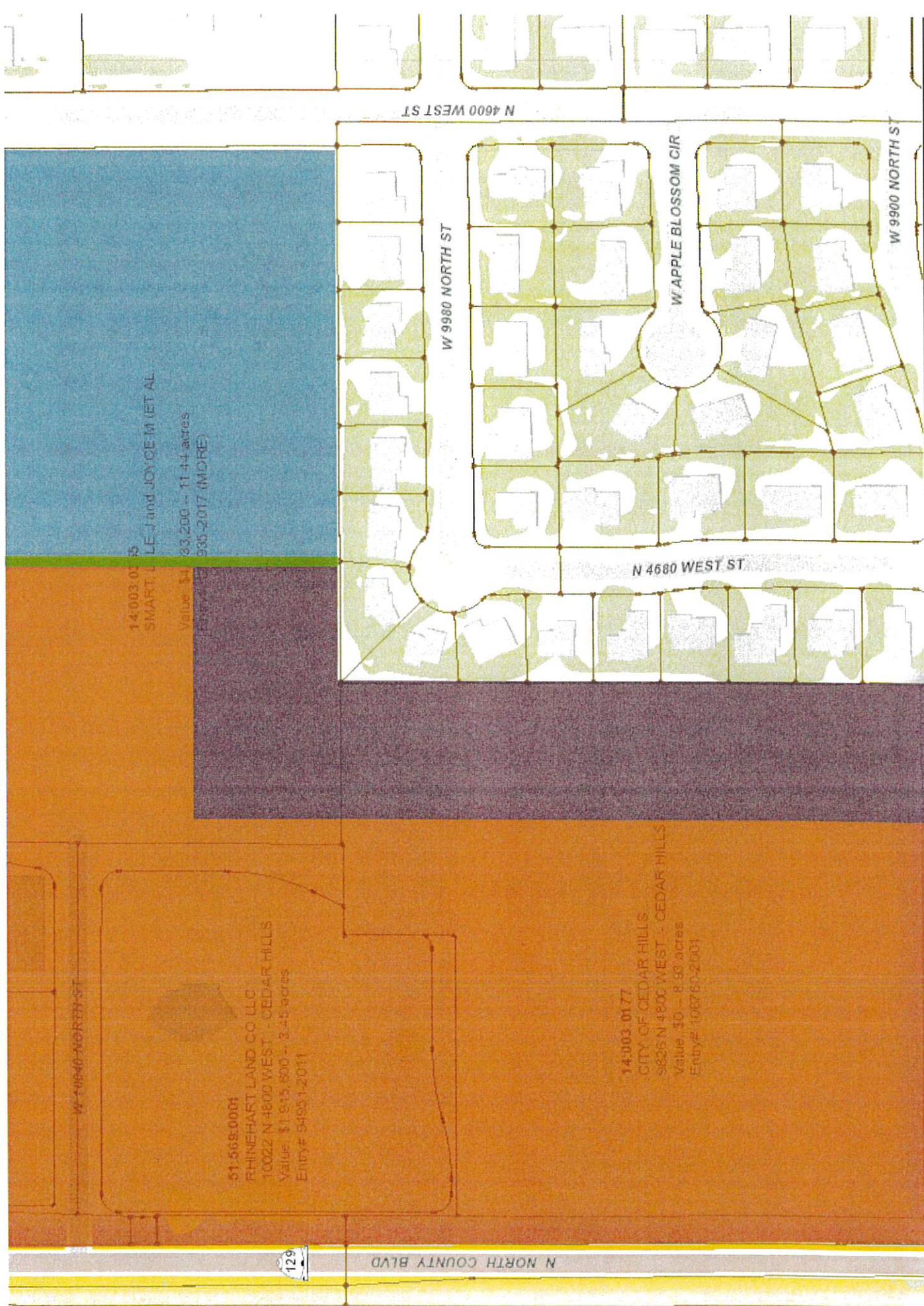
N 4840 W

N 4820 W

N 4800 W

W 9980 N

Google



This cadastral map is generated from Utah County Recorder data. It is for reference only and no liability is assumed for any inaccuracies, incorrect data or variations with an actual survey

Date: 1/23/2018

# Utah County Parcel Map



# CITY OF CEDAR HILLS

|              |                                |
|--------------|--------------------------------|
| <b>TO:</b>   | Planning Commission            |
| <b>FROM:</b> | Chandler Goodwin, City Manager |
| <b>DATE:</b> | 2/27/2018                      |

## Planning Commission Agenda Item

|                                |   |
|--------------------------------|---|
| <b>SUBJECT:</b>                | Review/Recommendation on Accessory Structures in the RR-1 20,000 and R-1 15,000 Zones |
| <b>APPLICANT PRESENTATION:</b> | n/a   |
| <b>STAFF PRESENTATION:</b>     | Chandler Goodwin, City Manager  |

**BACKGROUND AND FINDINGS:**

Based on resident input, it has been suggested to raise the allowable height for an accessory structure for lots that meet certain requirements. The proposal is for lots that exceed the minimum square footage requirement by a factor of two, would be able to install a taller accessory structure than is currently permitted. Current code only allows for accessory structures to be built 20' high. However, these lots that are able to be subdivided could end up going through the subdivision process and then having a home that is 35' high built on the property. After reviewing the proposal, a system could be devised that established a setback for taller accessory structures that would place them similarly to a structure used for a single family dwelling. These structures could be converted into single-family residences in the future should the property owner choose to subdivide, for this reason the accessory structures should be placed similarly to a residence.

The proposed code allows for an accessory structure to be built up to a maximum of 25' should the proposed building comply with the same setback requirements of the underlying zone.

**PREVIOUS LEGISLATIVE ACTION:**

N/A

**FISCAL IMPACT:**

N/A

**SUPPORTING DOCUMENTS:**

Proposed amended Cedar Hills City Code §10-4B

**RECOMMENDATION:**

Review proposed code, make necessary modifications for recommendations to the City Council

**MOTION:**

To recommend/not recommend the proposed amendments to Cedar Hills Municipal Code §10-4B, relating to Accessory Buildings, subject to the following modifications {LIST ANY APPLICABLE CHANGES}.

## **10-4B-6: LOCATION REQUIREMENTS:**

A. Main Buildings: All dwellings and other main buildings and structures shall be set back in accordance with the following:

1. Front Setback: All dwellings and other main buildings shall be set back not less than thirty feet (30') from the front lot line that abuts on any existing or proposed public street.
2. Side Setback:
  - a. Interior Lots: All dwellings and other main buildings, including any attached garage or similar structure, shall be set back not less than ten feet (10') from any side lot line and the combined total setback distance of the opposite side setbacks shall be not less than twenty four feet (24'). (Ord. 2-17-98A, 2-17-1998)
  - b. Corner Lots; Side Abutting A Street: All dwellings and other main dwellings shall be set back not less than thirty feet (30') from the side lot line that abuts on an existing or proposed street, except that in the instance of corner lots in subdivisions approved prior to June 1, 1998, and having a lot width of ninety five feet (95') or less, the side setback requirement adjacent to a street shall be reduced to twenty five feet (25'). (Ord. 7-7-98A, 7-7-1998)
3. Rear Setback:
  - a. Interior Lots: All dwellings or other main buildings shall be set back not less than twenty five feet (25') from the rear lot line.
  - b. Corner Lots: All dwellings and other main buildings shall be set back not less than twenty five feet (25') from the rear lot line, except that where a garage is attached to the rear of the dwelling, the required rear setback for said garage may be reduced to not less than twelve feet (12') as measured from the rear lot line to the closest part of the building. (Ord. 2-17-98A, 2-17-1998)
4. Measurement Of Setbacks: Compliance with minimum setback requirements shall be determined in accordance with the provisions of section 10-5-5 of this title. (Ord. 7-7-98A, 7-7-1998)

B. Accessory Buildings: All accessory buildings shall be located in accordance with the following:

1. Setback From Main Building; Front Setback: Accessory buildings shall be set back not less than twelve feet (12') to the rear of the closest rear wall of the main building, and not less than twelve feet (12') from the closest side wall of the main building. Accessory buildings that are located twelve feet (12') or closer to a main building shall be considered as part of the main building. Where no main building exists on a lot, a detached accessory building shall be set back not less than seventy five feet (75') from the front lot line.
2. Side Setback; Corner Lot, Side Abutting A Street: Accessory buildings shall be set back not less than thirty feet (30') from the side lot line that abuts on a street.
3. Side And Rear Setback; Interior Lot Line: Accessory buildings shall be set back not less than five feet (5') from any interior side or rear lot line. (Ord. 2-17-98A, 2-17-1998)

## **10-4B-8: DWELLING REQUIREMENTS:**

A. Area Of Dwellings: Each dwelling shall conform to one of the following:

1. The dwelling shall contain a main floor living area of not less than one thousand two hundred (1,200) square feet; or
2. The dwelling shall meet or exceed all of the following:
  - a. The dwelling shall have a total "building footprint area" of not less than one thousand four hundred (1,400) square feet as measured from the outside of the foundation wall;
  - b. Not less than one thousand (1,000) square feet of the "building footprint area" shall be devoted exclusively to living space (portions of the footprint area occupied by garages, porches, breezeways and similar areas shall be excluded); and
  - c. The dwelling shall contain a total living area of not less than one thousand eight hundred (1,800) square feet located on building floors or levels, located entirely above the finished grade of the ground surface adjacent to the foundation of the structure. (Ord. 2-17-98A, 2-17-1998)

B. Minimum Dimension: The minimum width or length dimension of any dwelling as measured from the outside wall shall be not less than twenty four feet (24'). Nonliving spaces such as garages, porches, breezeways and similar areas shall not be included in determining compliance with this requirement. (Ord. 2-17-98A, 2-17-1998; amd. 2004 Code)

C. Height Of Building:

1. The maximum height of any dwelling shall be thirty five feet (35') in height as measured to the ridgeline of the roof. The maximum height of any accessory building shall be twenty feet (20') to the ridgeline of the roof, an additional five feet in building height may be granted by the Zoning Administrator should the proposed accessory building comply with the building setback requirements of main dwellings in the underlying zone. No accessory structure shall exceed twenty five feet (25') in height. Both the dwelling and the accessory building height shall be measured from the highest finished grade of the ground surface adjacent to the foundation of the structure from the front elevation to the ridgeline. (Ord. 10-20-98A, 10-20-1998; amd. 2004 Code)
2. Chimneys, television antennas, and similar ancillary structures not used for human occupancy shall be excluded in determining height; provided, that no such ancillary structure shall extend to a height in excess of ten feet (10') above the building. (Ord. 3-20-2012B, 3-20-2012)
3. The minimum height of a building used as a dwelling shall be not less than eight feet (8'). (Ord. 2-17-98A, 2-17-1998)



# CITY OF CEDAR HILLS

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|--------------|--------------------------------|
| <b>TO:</b>   | Planning Commission            |
| <b>FROM:</b> | Chandler Goodwin, City Manager |
| <b>DATE:</b> | 2/27/2018                      |

## Planning Commission Agenda Item

|   |  |
|---|--|
| <b>SUBJECT:</b>   | Review/Recommendation on Amendments to Cedar Hill City Code 10-5-32, Related to Accessory Apartments |
| <b>APPLICANT PRESENTATION:</b>  | N/A  |
| <b>STAFF PRESENTATION:</b>  | Chandler Goodwin, City Manager; Jenny Peay, Planning Associate                                       |
| <b>BACKGROUND AND FINDINGS:</b><br>Cedar Hills staff has reviewed the current accessory apartment code, City Code §10-5-32, and is recommending a number of changes as it relates to occupancy, sale, permitting, parking for accessory apartments. Cedar Hills wishes to ease the process for residents who currently have and accessory apartment as well as those who wish to have them. Additionally, as the City seeks to develop a moderate income housing plan, accessory apartments will be key in determining the housing stock available to those whose adjusted gross income meets the requirements of needing moderate income housing. The proposed code is taken from a number of cities in the state that regulate the zoning requirements of an accessory apartment. |  |
| <b>PREVIOUS LEGISLATIVE ACTION:</b><br>N/A  |  |
| <b>FISCAL IMPACT:</b><br>N/A  |  |
| <b>SUPPORTING DOCUMENTS:</b><br>Proposed amendments to code 10-5-32   |  |
| <b>RECOMMENDATION:</b><br>Review proposed code, make necessary modifications for recommendations to the City Council  |  |
| <b>MOTION:</b><br>To recommend/not recommend the proposed amendments to Cedar Hills Municipal Code §10-5-32, relating to accessory apartments, subject to the following modifications {LIST ANY APPLICABLE CHANGES}.  |  |

## Accessory Dwelling Units Code Change Proposals

### Chapter 2 DEFINITIONS

#### 10-2-1: TERMS DEFINED:

#### 10-2-1: TERMS DEFINED:

For purpose of this title, certain words and phrases require specific definition of meaning. Words and phrases used in the present tense include the future, the singular word or number, includes the plural and the singular.

**ACCESSORY APARTMENT:** A subordinate dwelling within an owner occupied main building, which has its own eating, sleeping, and sanitation facilities, within a main residential building and having no separate address or utilities, and having a separate entrance.

**DWELLING, SINGLE-FAMILY:** A detached residence designed for or occupied by one family, but not including hotels, motels, or bed and breakfast facilities. Single-family dwellings may include accessory apartments.

**DWELLING, SINGLE-FAMILY:** A detached residence designed for or occupied by one family, but not including hotels, motels, or bed and breakfast facilities. Single-family dwellings may include accessory apartments, which may be approved as provided elsewhere in this Code.

#### ~~10-5-32: ACCESSORY APARTMENT:~~

~~Occupancy shall be limited to two (2) persons per bedroom with a maximum of four (4) people. The residence must provide off street parking for all occupants of the main building. (Ord. 11-9-2010B, 11-9-2010)~~

#### 10-5-32: ACCESSORY APARTMENT:

- A. Intent. The intent of this section is to recognize the residential character of Cedar Hills, while providing for supplementary living accommodations in the community. These provisions are intended to provide additional opportunities for affordable housing, with limitations, to minimize the impact on neighboring properties and neighborhoods.
- B. Accessory apartments are permitted within the city subject to compliance with the conditions and criteria hereinafter set forth.
  1. Conditions and criteria;
    - a. Conditional Use Permit. Accessory Apartments may be permitted as a conditional use, upon approval of the City Planner and Building Official. Conditional Use Permit are subject to fees paid.

- b. **Time Limit.** An accessory apartment CUP shall be valid for the year in which it is first issued. Thereafter, the CUP shall be automatically renewed for the next succeeding year upon receipt of: 1) annual registration fees; 2) evidence that the primary dwelling is occupied by the owner; and 3) a determination by the city that all conditions of approval remain in effect.
- c. **Building Permit.** A building permit shall be obtained by the homeowner from the city before the commencement of any new construction of an accessory apartment, and a certificate of occupancy shall be obtained prior to anyone occupying an accessory apartment dwelling unit. All construction and remodeling shall comply with building codes and ordinance requirements in effect at the time of construction or remodeling, in accordance with Utah State Code Section 10-9z-511.5, Changes to dwelling-Egress windows.
- d. **Appearance.** The outside appearance of a single family home with an accessory apartment shall not be changed from that of a single family home. A maximum of one (1) accessory apartment may be allowed in a single-family home within all single-family residential zones. Accessory apartments shall not be calculated as additional density. No accessory apartment may be allowed in any multi-family dwelling unit, or on any lot or parcel that cannot satisfy the parking requirements.
- e. **Entrances:** An accessory apartment may have a dedicated entrance located on any side or rear of the single family home or at the front of the home if it is below grade and maintains the characteristics of a single family home.
- f. **Address.** The principal dwelling unit and the accessory apartment shall have the same address number, but shall refer to the principal dwelling as unit "A" and the accessory apartment as unit "B". Address must be located in a visible location on the street frontage side of the home.
- g. **Interior access.** An interior access between the main living area and an accessory apartment must be maintained.
- h. **Size limitations** The accessory apartment shall contain no less than 300 square feet of living area and shall comply with all size and access specifications of the International Residential and Building Codes.
- i. **Owner Occupied.** No accessory apartment shall be created or occupied in a single-family home unless the owner of the property occupies the main dwelling. For the purpose of this section, the term "Owner Occupied" shall be defines as full time residency within the home by the bona fide property owner(s) as shown on the Utah County tax assessment rolls.
- j. **Occupancy.** Occupancy of the ADU (Accessory Dwelling Unit) shall be limited to two (2) persons per bedroom with a maximum of four (4) people.
- k. **No Separate Utilities.** A single family home with an accessory apartment shall have not more than one (1) meter for each water, gas and electric utility service, and the meter shall be in the name of the owner. The property owner shall be responsible for payment of all utilities.
- l. **Parking.** A minimum of two off-street parking spaces, in addition to those already required for a single-family home. Additional spaces shall be provided, as needed, to ensure that all additional occupant vehicles will be accommodated on-site. No parking spaces may be located within a front or side yard; except within an approved driveway. Tandem parking within a driveway is allowed to meet parking requirements.
- m. **Sale of Single-Family Dwelling.** Any conditional use permit granted for an accessory apartment rental, as herein provided, shall become null and void upon the sale of the single-family dwelling in which it is located, unless a new conditional use permit is applied for and obtained by the purchaser(s) of the single-family dwelling in which said accessory apartment rental is located.
- n. **Not intended for sale.** The accessory apartment shall not be intended for sale or detached by deed and shall only be rented.

- o. Exeptions: The provisions of subsections B1 c, e, l of this section so not apply to a single-family dwelling unit that existed prior to \_\_\_\_\_ date \_\_\_\_\_, and converts the basement into an owner occupied accessory apartment.

4-2-3: NUISANCE DEFINED AND ENUMERATED:

5. Specific Nuisances Enumerated: The examples enumerated below are not exhaustive. A situation, conduct or activity not listed below, but coming within one of the general definitions of nuisance listed above, shall also constitute a nuisance. The first six (6) listed nuisances are also listed as nuisances pursuant to Utah Code Annotated section 78B-6-1107:

dd. Illegal Accessory Apartments: Any violation of the city's zoning ordinance.



# CITY OF CEDAR HILLS

|              |                                |
|--------------|--------------------------------|
| <b>TO:</b>   | Planning Commission            |
| <b>FROM:</b> | Chandler Goodwin, City Manager |
| <b>DATE:</b> | 2/27/2018                      |

## Planning Commission Agenda Item

|   |  |
|---|--|
| <b>SUBJECT:</b>   | Discussion on Smoke Shops, Vape Shops, and Retail Tobacco Specialty Businesses in the SC-1 Commercial Zone |
| <b>APPLICANT PRESENTATION:</b>  | n/a  |
| <b>STAFF PRESENTATION:</b>  | Chandler Goodwin, City Manager   |
| <b>BACKGROUND AND FINDINGS:</b><br>State Code 10-8-41.6 states that "the regulation of a retail tobacco specialty business is an exercise of the police powers of the state and through delegation, to the other governmental entities." The State Code further states that, "nothing in this section requires a municipality to issue a business license to a retail tobacco specialty business, or prohibits a municipality from adopting more restrictive requirements on a tobacco specialty business than provided for in this section." |  |
| <b>PREVIOUS LEGISLATIVE ACTION:</b><br>N/A  |  |
| <b>FISCAL IMPACT:</b><br>N/A  |  |
| <b>SUPPORTING DOCUMENTS:</b><br>Washington City Code, KSL Article "Vaping in Utah"  |  |
| <b>RECOMMENDATION:</b><br>Review proposed code, make necessary modifications necessary for adoption   |  |
| <b>MOTION:</b><br>No motion necessary, discussion item only.  |  |

**10-8-41.6 Regulation of retail tobacco specialty business.**

(1) As used in this section:

(a) "Community location" means:

- (i) a public or private kindergarten, elementary, middle, junior high, or high school;
- (ii) a licensed child-care facility or preschool;
- (iii) a trade or technical school;
- (iv) a church;
- (v) a public library;
- (vi) a public playground;
- (vii) a public park;
- (viii) a youth center or other space used primarily for youth oriented activities;
- (ix) a public recreational facility; or
- (x) a public arcade.

(b) "Retail tobacco specialty business" means a commercial establishment in which:

- (i) the sale of tobacco products accounts for more than 35% of the total annual gross receipts for the establishment;
- (ii) food and beverage products, excluding gasoline sales, is less than 45% of the total annual gross receipts for the establishment; and
- (iii) the establishment is not licensed as a pharmacy under Title 58, Chapter 17b, Pharmacy Practice Act.

(c) "Tobacco product" means:

- (i) any cigar, cigarette, or electronic cigarette as defined in Section 76-10-101;
- (ii) a tobacco product as defined in Section 59-14-102, including:
  - (A) chewing tobacco; or
  - (B) any substitute for a tobacco product, including flavoring or additives to tobacco; and
- (iii) tobacco paraphernalia as defined in Section 76-10-104.1.

(2) The regulation of a retail tobacco specialty business is an exercise of the police powers of the state, and through delegation, to other governmental entities.

(3)

(a) Except as provided in Subsection (7), and beginning July 1, 2012, a municipality shall require an entity to be licensed as a retail tobacco specialty business to conduct business as a retail tobacco specialty business in a municipality.

(b) A municipality may issue a retail tobacco specialty business license to an entity if the entity complies with the provisions of Subsection (5).

(4) Except as provided in Subsection (7), and beginning July 1, 2012, a business entity that conducts a retail tobacco specialty business in a municipality shall be licensed by the municipality as a retail tobacco specialty business.

(5)

(a) A municipality may not issue a license to a retail tobacco specialty business if it is located within:

- (i) 1,000 feet of a community location;
- (ii) 600 feet of another retail tobacco specialty business; or
- (iii) 600 feet from property used or zoned for:
  - (A) agriculture use; or
  - (B) residential use.

(b) For purposes of Subsection (5)(a), the proximity requirements shall be measured in a straight line from the nearest entrance of the retail tobacco specialty business to the nearest property

boundary of the community location, or agricultural or residential use, without regard to intervening structures or zoning districts.

(6)

(a) Nothing in this section:

- (i) requires a municipality to issue a business license to a retail tobacco specialty business; or
- (ii) prohibits a municipality from adopting more restrictive requirements on a tobacco specialty business than provided for in this section.

(b) A municipality may revoke a business license issued under this section:

- (i) if a licensee engages in a pattern of unlawful activity under Title 76, Chapter 10, Part 16, Pattern of Unlawful Activity Act;
- (ii) if a licensee violates the regulations restricting the sale and distribution of cigarettes and smokeless tobacco to protect children and adolescents issued by the United States Food and Drug Administration, 21 C.F.R. Part 1140; or
- (iii) under other provisions of state law or local ordinance.

(7)

(a) In accordance with Subsection (7)(b), a retail tobacco specialty business that has a business license and is operating lawfully in a municipality on or before May 8, 2012, is exempt from Subsections (4) and (5).

(b) A retail tobacco specialty business may maintain an exemption under Subsection (7)(a) if:

- (i) the business license is renewed continuously without relapse or permanent revocation;
- (ii) the retail tobacco specialty business is not closed for business or otherwise suspends the sale of tobacco products for more than 60 consecutive days;
- (iii) the retail tobacco specialty business does not substantially change the business premises or its business operation; and
- (iv) the retail tobacco specialty business maintains the right to operate under the terms of other applicable laws, including zoning ordinances, building codes, and the business license issued prior to May 8, 2012.

Enacted by Chapter 154, 2012 General Session

**ORDINANCE NO. 2018-01**

**AN ORDINANCE OF WASHINGTON CITY ADOPTING CHAPTER 12 OF TITLE 3 OF THE CITY CODE REGULATING THE ESTABLISHMENT AND LICENSING OF "TOBACCO SALES AND RETAIL TOBACCO SPECIALTY BUSINESSES" IN WASHINGTON CITY**

WHEREAS, there have been developments in technology, manufacturing and delivery/ingestion methods and capabilities in the "e-cigarette," nicotine, tobacco and tobacco-related industry/industries (hereinafter referred to collectively as "developments"); and

WHEREAS, in light of these developments, in recent years the Utah Legislature has spent a significant amount of time discussing, debating, holding hearings (including listening to health care professionals and those involved in the industry), and drafting and enacting statutes to regulate the potential harmful health affects of the electronic cigarette "e-cigarette" product industry, including the designation and defining of "Retail Tobacco Specialty Businesses"; and

WHEREAS, because as defined by the Legislation, Retail Tobacco Specialty Businesses can derive such a large portion of total sales from e-cigarette products, the locating of such businesses have caused health (and other concerns) by local municipalities, local health officials and the Southwest Utah Public Health Department; and

WHEREAS, the establishment/locating of Retail Tobacco Specialty Businesses have been prohibited by Washington City's neighboring municipalities, including the City of St. George, Ivins City, Hurricane City and LaVerkin City; and

WHEREAS, Washington City approved a 2015 ordinance ("Temporary Ordinance") establishing temporary zoning regulations prohibiting acceptance, processing or approval of new or amended applications, approvals licenses or permits for Retail Tobacco Specialty Businesses within Washington City (pursuant to Utah Code §10-9a-504), in part because of the reported negative health (and safety and welfare) impacts on the community and in part because of the potential that State or Federal legislation was quickly forthcoming which might pre-empt or supersede local legislation; and

WHEREAS, since approval of the Temporary Ordinance local and state health officials (for example, the Southwest Utah Public Health Department, and debate at the 2016 and 2017 Sessions of the Utah State Legislature) have continued to express significant concerns about the harmful health effects of the use and misuse of the e-cigarette products of Retail Tobacco Specialty Businesses; and

WHEREAS, since the Temporary Ordinance, there have been no comprehensive State or Federal legislation pre-empting, superseding or significantly addressing the health and safety effects of the use and misuse of the e-cigarette products of Retail Tobacco Specialty Businesses, therefore the City Council remains very concerned about the public's health (safety and welfare) risks unless Retail Tobacco Specialty Businesses are prohibited; and

WHEREAS, in the exercise of its police powers delegated to it by the State of Utah to provide for the public's health, safety, welfare and morals, the Washington City Council desires to amend Title 3 of the Washington City Code to add a Chapter (Chapter 12) regulating "Retail Tobacco Specialty Businesses" (as defined by Utah Code); and

WHEREAS the Planning Commission, after a public notice as required by law, held a public hearing on, May 17, 2017, to consider the adoption of this Ordinance, a copy of which, had been made

available for public inspection at the Washington City Office Building for a period of 14 days prior to such public hearing; and

WHEREAS the City Council, after a public notice as required by law, held a public hearing on, June 28, 2017, to consider the adoption of this Ordinance, a copy of which, has been made available for public inspection at the Washington City Office Building for a period of 14 days prior to such public hearing.

THEREFORE, BE IT ORDAINED by the Washington City Council:

I. Title 3 of the Washington Code is hereby amended to add the following chapter thereof:

“CHAPTER 12: TOBACCO SALES AND RETAIL TOBACCO SPECIALTY BUSINESS LICENSES”, which shall read as follows:

**3.12.101: APPLICABILITY; SALE OF TOBACCO PRODUCTS AND TOBACCO PARAPHERNALIA RESTRICTED:**

No individual, entity or organization shall:

(1) Conduct or operate a retail tobacco specialty business; or

(2) Sell, furnish, or otherwise distribute a “tobacco product” as defined in this Chapter and Section 10-8-41.6 of the Utah Code, unless it satisfies the requirements set forth in this Chapter.

**3.12.102: DEFINITIONS:**

**RETAIL TOBACCO SPECIALTY BUSINESS:** As used herein, this term/phrase shall have the same definition as set forth in Section 10-8-41.6(1)(b) of the Utah Code.

**TOBACCO PARAPHERNALIA:** As used herein, this term/phrase shall have the same definition as set forth in Section 76-10-104.1(1)(b) of the Utah Code.

**TOBACCO PRODUCT:** As used herein, this term/phrase shall have the same definition as set forth in Section 10-8-41.6(1)(c) of the Utah Code.

**TOBACCO SALES BUSINESS LICENSE:** A business license issued by Washington City, which permits the licensee to sell tobacco products and tobacco paraphernalia from its validly licensed business.

**3.12.103: TOBACCO SALES BUSINESS LICENSE REQUIRED:**

(1) Tobacco Products and Tobacco Paraphernalia: No individual, entity, organization, or business shall sell tobacco products or tobacco paraphernalia unless it has obtained a tobacco sales business license. A tobacco sales business license shall only be issued as a secondary license to a business license for one of the following:

(a) A business that is primarily engaged in the sale of food and beverage products and is located in a building which is ten thousand (10,000) square feet or larger;

(b) A business that is primarily engaged in the sale of gasoline or diesel fuel and is located in a building which is two thousand (2,000) square feet or larger;

(c) An on-premises alcoholic beverage sales license;

(d) A business license for a pharmacy under Utah Code and is located in a building which

is ten thousand (10,000) square feet or larger; or

(e) A business license for any business that was lawfully selling tobacco products and tobacco paraphernalia under that license prior to May 8, 2012.

(2) Application for License:

(a) An application for a license shall be made in writing on the form provided by the City's licensing officer. The form must be completed in its entirety. The application must be accompanied by:

(i) The business license required in this Chapter;

(ii) Documentation showing the square footage of the building;

(iii) Proof of the operation of a business specified in subsection (1)(a) or (1)(b) of this section, if the application is to qualify as such a business; and

(iv) If seeking to qualify under subsection (1)(e) of this section, proof of the lawful sales of tobacco products and tobacco paraphernalia prior to May 8, 2012, and the percentage of tobacco products and tobacco paraphernalia sold as compared to the total annual gross receipts for the business.

#### **3.12.104: RETAIL TOBACCO SPECIALTY BUSINESSES NOT PERMITTED:**

(1) The City shall not issue Tobacco Sales Business Licenses for the operation of Retail Tobacco Specialty Businesses, except as provided in the immediately following Subsection 104(2).

(2) The operation of a Retail Tobacco Specialty Business shall not be permitted, unless a business is seeking to qualify under Subsection 103(1)(e) of this Chapter 12, or as of May 17, 2017, had been issued and had continually maintained a Retail Tobacco Specialty Business license by the City<sup>1</sup>.

(3) Notwithstanding other provisions in this Chapter forbidding issuance by the City of additional Retail Tobacco Specialty Business Licenses—and recognizing that pursuant to City Code Subsection 3-1-10 no license issued by the City may be assigned, sold or transferred to another person—the City shall consider the issuance of a new (or “replacement”) Retail Tobacco Specialty Business License to the potential/prospective purchaser of an existing business operating under an existing Retail Tobacco Specialty Business License (“**Existing Retail Tobacco Specialty Business Licensee**”) upon a finding by the City of the following:

(a) The Existing Retail Tobacco Specialty Business Licensee is selling its business in the normal course of business and pursuant to standard business practices; and

(b) The existing retail tobacco specialty business sold would remain at the then-current physical location; and

(c) The potential purchaser of the existing retail tobacco specialty business has been—or will be as a condition of the sale of the business—approved by the applicable State and local bodies (which bodies have authority and jurisdiction for such approval at the time of the proposed sale).

#### **3.12.105: REVOCATION OF A TOBACCO SALES BUSINESS LICENSE:**

---

<sup>1</sup> Or such business had been issued a Tobacco Sales Business License by the City—although the existing business' application and information qualified as a Retail Tobacco Specialty Business.

Pursuant to and consistent with the City's business licensing process in Title 3 Section 1-13 of the City Code entitled "REVOCATION OR DENIAL OF LICENSE", the City may suspend, revoke, or terminate the business license of a business which is operating as a tobacco sales business (including those businesses operating under a Retail Tobacco Specialty Business License) if:

(1) The Tobacco Sales Business License is not renewed continuously without relapse or revocation;

(2) The Tobacco Sales Business is closed for business or otherwise suspends the sale of tobacco products or tobacco paraphernalia for more than sixty (60) consecutive days; or

(3) The Tobacco Sales Business substantially changes the business premises or its business operation without complying with and obtaining approval for/from applicable City zoning ordinances, building permit processes, conditional use permit processes (including the process for amendment of an existing conditional use permit), and business licensing processes (including the amendment of an existing business license).

**3.12.106: PENALTY:** Any violation of this Chapter is a class B misdemeanor and punishable by a fine of one thousand dollars (\$1,000.00), not including any mandatory fees and surcharges imposed by law or a court of competent jurisdiction.

**II.** If any provision or clause of this Ordinance or application thereof to any person or entity or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses or applications thereof which can be implemented without the invalid provision(s), clause(s) or application(s) hereof, and to this end the provisions and clauses of this Ordinance are declared to be severable.

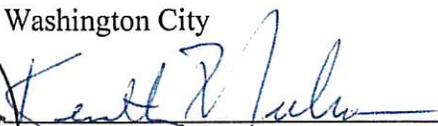
**III.** This Ordinance supersedes or repeals the provision(s) of any ordinance(s) or resolution(s) that is (are) inconsistent with the provisions of this Ordinance.

**IV.** This Ordinance shall take effect immediately upon publication or posting, as required by law.

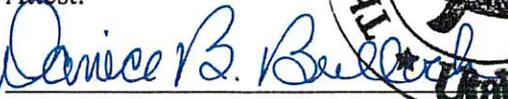
PASSED AND ORDERED POSTED on this 10<sup>th</sup> day of January, 2018.



Washington City

  
Kenneth F. Neilson, Mayor

Attest:

  
Danice B. Bulloch, MMC, City Recorder

[CLICK HERE to print this page](#)



### Vaping in Utah: Trendy, high-tech and unhealthy, but better than smoking?

February 14, 2018



SALT LAKE CITY — Via is 15. Her vaping flavors of choice: strawberry or mango.

“The flavor is good,” she said.

Kierra says she started using e-cigarettes at age 16.

“You can smoke them anywhere. It doesn’t smell. It’s vapor,” said Kierra, now 17.

E-cigarette use among Utah teens is growing, and the concern that using them will lead to more dangerous habits, such as smoking cigarettes, is increasing right along with it.

But officials in the vaping industry tout e-cigarettes as a way for adults to effectively quit smoking tobacco by offering what they say is a healthier alternative.

Some teens say they don’t believe vaping is as bad as lighting up and smoking traditional cigarettes, and they also say e-cigs look cool and taste good.



Utah's Morning News

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In 2015, use of e-cigarettes among Utah youths was 10.5 percent, according to state health officials. In 2017, that number climbed to 11.1 percent.

“Unfortunately, we are seeing some growth in that area,” said Brittany Karzen, who leads the anti-smoking and tobacco prevention program at the Utah Department of Health.

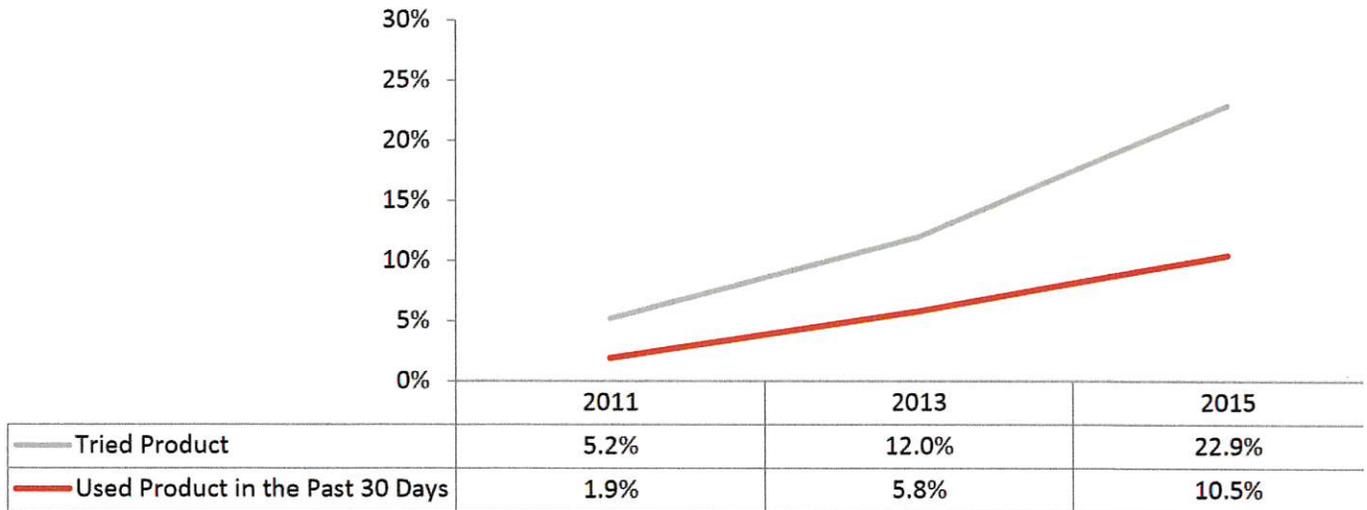
Since 2011, Utah youth use rates have tripled, despite the law prohibiting sales to minors, according to the health department.

State health officials also say teens are more likely to use e-cigarettes than any other tobacco product on the market.

“And that’s a concern, because they contain nicotine, and nicotine is bad for developing brain,” Karzen said. “We also know that teens who use e-cigs are more likely to try other risk behaviors.”

Karzen says prevention efforts aimed at parents and schools from the state health department are coming this spring.

Figure 1: Percentage of Students (Grades 8, 10, 12) Who Tried Electronic Cigarettes or Used Electronic Cigarettes in the Past 30 Days by Year, Utah, 2011, 2013, and 2015.<sup>1</sup>



Source: Utah Department of Health

## New trends

As e-cigarettes or vaping grows in popularity and accessibility, the latest device some children are using to conceal underage smoking is called a JUUL, a vaporizer that looks like a flash drive.



Source: KSL NewsRadio

"The internal battery is more easily concealable from parents," said Linnea Fletcher, who tracks these trends at the Utah County Health Department.

"Most of it is sold online, and that's how most of these are getting it," she said.

According to the [Truth Initiative](#), a nonprofit public health organization "dedicated to making tobacco use a thing of the past," 25 percent of 15- to 24-year-old JUUL users do not identify their behavior as vaping and instead refer to it as "JUULing."

Schools in Utah are starting to see the devices, Fletcher said.

Health officials say many underage smokers believe they're vaping flavored liquids, and 37 percent of teen and young adult JUUL users are uncertain whether the product contains nicotine, according to the Truth Initiative.



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"But with the JUUL, it always contains nicotine," said Fletcher, and nicotine is what causes teen brains to become addicted.

## A gateway to smoking?

The e-cigarette industry insists its products are not a gateway to smoking traditional cigarettes, but scientists are finding otherwise.

"The jury is out about whether e-cigarettes directly cause cancer, but we do know that people who use them are three times more likely to transition to cancer-causing tobacco cigarettes than people who don't use e-cigarettes," said Dr. John Heymach with the American Society of Clinical Oncology.



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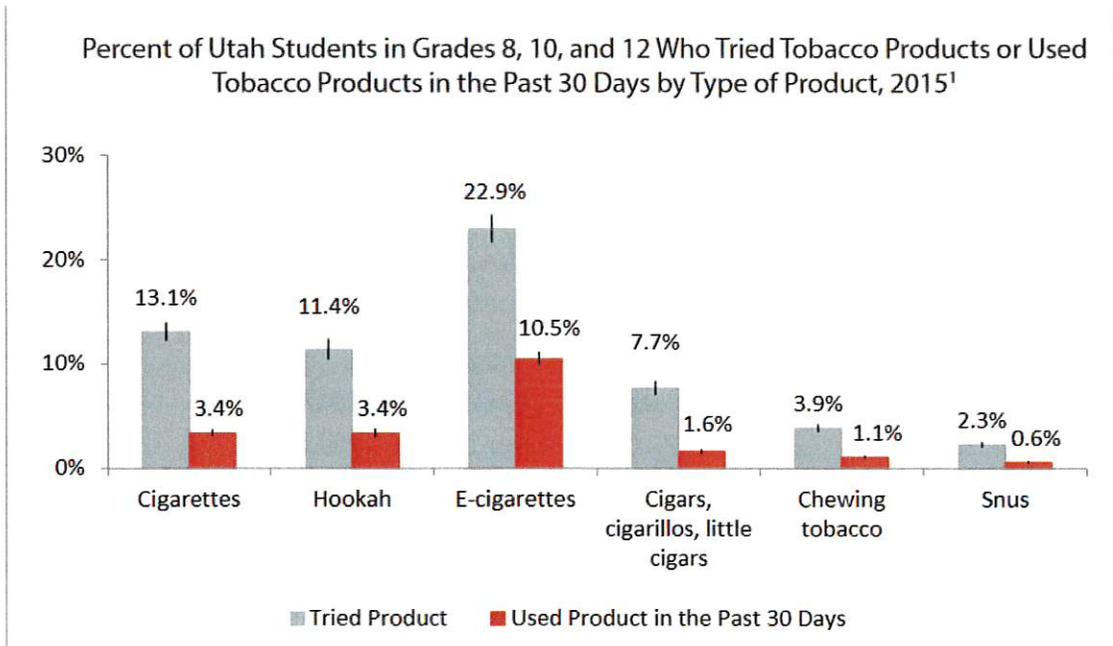
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The National Academy of Sciences [announced recently](#) that vaping can be addictive and may lure teenagers to smoking.

And the University of Michigan found teens were six to seven times more likely to pick up regular smoking after a year of vaping.

A main concern for Karzen is that nicotine changes the teen brain and makes it more prone to addiction — and other risky behaviors like drinking alcohol — in the future.

"If a youth is willing to try e-cigarettes, they may also be willing to drink or these other things we are concerned about youth engaging in," she said.



Source: Utah Department of Health

## A growing industry

Utah lawmakers are working to regulate e-cigarettes in Utah, but the industry is growing rapidly — and it's fighting back.

Various bills have been introduced, debated and passed to address e-cigarette labeling, regulation, ingredients and access to minors.

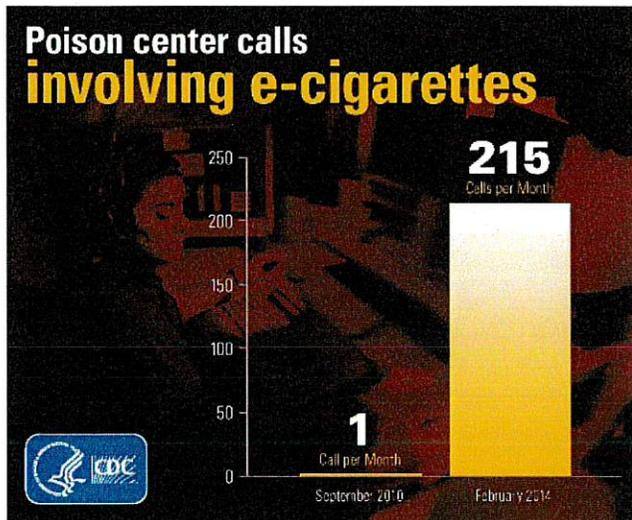


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"(There's) not a single state who has fought longer or harder or faced a bigger attack against the industry than here in Utah," [Aaron Frazier](#), with the Utah Smoke Free Association, said at the end of last year's legislative session.

But Utah Poison Control Executive Director Barbara Crouch said she worries about children's health.

"The problem is, for a small child, a mouthful or less is enough nicotine to cause serious problems," she said. "The other concern we have is what else may go into these products that may get sold."



Source: CDC

[A new study](#) from the National Academy of Sciences found that e-liquids and the aerosol in vaping both contain toxins and can be carcinogenic, although levels are lower than traditional cigarettes.

That same study also said e-cigarettes could lead adult smokers to quit smoking tobacco.

"For every brand of e-liquid that disappears from the shelves, there are hundreds of vapers who will likely return to smoking," Frazier said.

## Quitting

Kierra says she switched from smoking to vaping because she believes it's healthier.

"And instead of buying a pack of cigarettes every day for \$7 or \$8, I buy a 10 milliliter bottle of e-cig liquid every two weeks for \$8 dollars."

Adult use of cigarettes in Utah use rate is down from recent years, now sitting at 8.7 percent, according to the Utah Department of Health.

At the same time, e-cigarette products are exploding in growth. Six years ago, there was one vape shop in Utah. Now there are about 100.

Frazier says those small-business owners are helping smokers quit.

"The landscape of this industry has completely changed," he said.



aping starts for five" Quidag  
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But Utah Tobacco Prevention and Control Program officials say only some smokers are moving all the way to from tobacco cigarettes to nicotine e-cigs.

“We know 36.7 percent of those who vape in Utah also smoke. That’s dual use,” Karzen said, citing Centers for Disease Control and Prevention data.

“If you do chose to use an e-cig, science says quit cigarettes completely and move completely over to reap any benefit from the process,” she said.

Karzen recommends Food and Drug Administration-approved products and [ways to quit](#), such as patches, gum, lozenges, and calling a quit line or getting coaching. Those methods, she said, will make a person two to three times more likely to quit successfully.

“It’s a hard habit to kick. We need to be more supportive of those wanting to quit,” Karzen said.

Fletcher agrees.

“Electronic cigarettes are not approved FDA cessation devices to help adults stop smoking. We recommend they taper down, and are not just switching from one addiction to the next,” she said.

Adults can choose what they do, Fletcher said, but health officials want to protect kids and youths.

“They are our main concern,” she said.