



## **Memorandum**

**To: The Planning Commission**

**From: Niall Connolly**

**Date: Jan 30th, 2026**

**Re: Definition of “ Removal” and “ Ordinary Maintenance and Repair” Relative to Noncomplying Buildings**

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### **Introduction**

At a recent meeting, the Planning Commission considered a number of hypothetical scenarios relating to the “removal” or “ordinary maintenance and repair” of noncomplying buildings. The purpose of this exercise was to help the Commission to articulate their views on noncomplying buildings. This follows a series of meetings in which the Commission has been discussing noncomplying buildings - and in particular, what constitutes “removal” or “ordinary maintenance and repair” of such buildings.

At this meeting, it was determined that a preferable way forward could be to amend the minimum setbacks, neighborhood by neighborhood, to accommodate nonconformities which have existed for many years, but are not negatively impacting the character of the community. In doing this, it may be possible to avoid overly complicating the definitions of “removal” and “ordinary maintenance and repair”. Significantly, it would mean that property owners could rebuild within the same footprints of their existing homes.

It is primarily in the older, or pre 1992 subdivisions that these setback nonconformities exist. Staff has done an analysis of the following neighborhoods<sup>1</sup> to identify the nonconforming setbacks which exist:

- Canyon View Drive/ Watchman Drive
- Zion Shadows Circle
- Manzanita Drive
- Hummingbird Lane
- Foothill Lane
- Residentially zoned properties on Big Springs/ Sundance Lane/ Juniper Lane
- Quail Ridge Road
- Apple Lane
- Dixie Lane
- Valley View Drive
- Kinesava Drive

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<sup>1</sup> There are other neighborhoods where the prevailing development pattern does not comply with standards in the ordinance. However, in these other neighborhoods there has already been an adjustment to the standards such that the properties are not technically noncompliant. These include: Anasazi Plateau, Canyon Point, Claret Cup, Kinesava (subdivision), Canyon Springs.

Based on this information, the Planning Commission may wish to propose amendments to the minimum setbacks in individual neighborhoods, to reflect the reality of what is existing in those neighborhoods. The appendix to this report includes tables which provide the details of this analysis. However, it is summarized below. Note: this analysis was done using measurement tools on online mapping. These are not survey accurate measurements. The information below is presented in concept format. More detailed/ accurate analysis would be advisable before changing ordinances based on this information. Also, these setbacks were measured from the main residence on each property, and not accessory buildings/ detached garages etc.

### 1. Canyon View Drive/ Watchman Drive

The minimum setbacks here would change as follows:

	Front Setback		Side Setback		Side Setback (Corner Lot)		Rear Setback	
	Existing	Propose	Existing	Propose	Existing	Propose	Existing	Propose
VR-S Lots	30 ft/50 ft	No change	10 ft	5 ft	30 ft	10 ft	20 ft	15 ft
VR-A Lots	30 ft	15 ft	10 ft	5 ft	30 ft	5 ft	10 ft	No change
VR-B Lots	15 ft	No change	10 ft on one side, 5 ft on the other	No change	15 ft	10 ft	10 ft	No change

### 2. Zion Shadows Circle

The minimum setbacks here would change as follows:

	Front		Side		Side (Corner)		Rear	
	Existing	Propose	Existing	Propose	Existing	Propose	Existing	Propose
VR-B lots	15	9	10/5	4	15	No change	10	6
VR-S lot	30/50	27	10	No change	30	No change	20	No change

### 3. Manzanita Drive

The minimum setbacks here would change as follows:

	Front		Side		Side (Corner)		Rear	
	Existing	Propose	Existing	Propose	Existing	Propose	Existing	Propose
VR-B lots	15	10	10/5	0	15	N/A	10	4

### 4. Winderland Subdivision (Foothill Lane Neighborhood)

The minimum setbacks here would change as follows:

	Front		Side		Side (Corner)		Rear	
	Existing	Propose	Existing	Propose	Existing	Propose	Existing	Propose
VR-B lots	15	No change	10/5	No change	15	No change	10	No change
VR-A lots	30	15	10	2	30	No change	10	No change

### 5. Big Springs/ Sundance/ Juniper Lane residential properties

	Front		Side		Side (Corner)		Rear	
	Existing	Propose	Existing	Propose	Existing	Propose	Existing	Propose
VR-A lots	30	26	10	0	30	No change	10	No change

### 6. Quail Ridge Road

These properties are all in the Foothill Residential (FR) Zone. The setback requirement in the FR zone is that the average of all setbacks should be no less than 30 ft, and that no individual setback should be less than 20 ft. In all cases but one, the homes on Quail Ridge Road comply with the minimum setbacks. In the one noncomplying case, the house is about **14 ft** from the property line in one location.

### 7. Valley View Drive

These properties are all in the Foothill Residential (FR) Zone. The setback requirement in the FR zone is that the average of all setbacks should be no less than 30 ft, and that no individual setback should be less than 20 ft. There is a house which is about **12 ft** from the property line.

## **8. Kinesava Drive**

All of the properties on Kinesava Drive comply with the minimum setbacks. No changes would be necessary.

## **9. Dixie Drive**

These properties are all in the Foothill Residential (FR) Zone. The setback requirement in the FR zone is that the average of all setbacks should be no less than 30 ft, and that no individual setback should be less than 20 ft. There are two houses which are about **5 ft** from the property line.

## **10. Apple Lane**

One of the Valley Residential A properties here has a front setback of **20 ft** (the minimum is 30 ft).

## **11. Hummingbird Lane (residential parcels)**

One of the Valley Residential A properties which faces onto SR-9 has a side setback of only a couple of feet (the minimum is 10 ft).

## **Recommendations**

The Planning Commission should review this information, and consider whether or not it could be beneficial to adjust the minimum setbacks, neighborhood by neighborhood, to reflect the reality of existing development. This would allow property owners to redevelop within their existing footprints. Some points for the Commission to consider include:

- Would adjusting the minimum setbacks have a positive, negative or neutral impact on the community character?
- Would adjusting the minimum setbacks have a positive, negative or neutral impact on residential amenity in these neighborhoods?
- Would such an approach be preferable to creating a more detailed definition of “removal” and “ordinance maintenance and repair” of a building. (Note, as per the Town Council direction, the Planning Commission will still need to define these terms, but such an approach may help simplify these definitions.

## Appendix: Details on Setbacks in Individual Properties

### Analysis of Individual Subdivisions

#### 1. Watchman Drive/ Canyon View Drive

Zone	Min. Front Setback	Min. Side Setback	Min. Side Setback on a Corner Lot	Min. Rear Setback	Existing Non-compliant Setbacks (note: these are based on measurements made using the Washington County online maps and are not survey accurate)
<b>Valley Residential - (Standard)</b>	30 ft (or 50 ft for larger parcels on SR-9 where the buildings are taller than 18ft)	10 ft	30 ft	20 ft	<p><b>Parcel S-119-A:</b> Corner setback should be 30 ft, but is 10ft. Side setback should be 10 ft. There appears to be a shed which is about 5 ft from the property line. Rear setback should be 20 ft, but is actually about 15 ft.</p> <p><b>Lots S-LAWS-1 and S-LAWS-3</b> are undeveloped.</p> <p><b>Lot S-LAWS-2</b> has been developed within the last few years, and is compliant with the minimum setbacks.</p>

<b>Valley Residential -A</b>	30 ft	10 ft	30 ft	10 ft	<p><b>Lot CSD-1:</b> does not comply with the side setback on one side (is built within a couple of feet of the property line.</p> <p><b>Lot CSD-2</b> is undeveloped.</p> <p><b>Lot CSD-3:</b> The front setback is noncompliant. Should be 30 ft, but is about 23 ft. The side corner setback is about 9 ft, but should be 30 ft.</p> <p><b>Lot CSD-4:</b> Front setback is about 25 ft, should be 30 ft.</p> <p><b>Lot CSD-5:</b> Side setback appears to be about 6 ft, but should be 10 ft.</p> <p><b>Lot CSD-6:</b> Front setback is about 26 ft, should be 30 ft.</p> <p><b>Lot CSD-7:</b> Front setback is about 23 ft, should be 30 ft.</p> <p><b>Lot CSD-8 and 9:</b> These two lots are developed as a single lot - with the house</p>
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					<p>straddling the property line. If considered as one single lot, the front setback is about 23 ft (should be 30 ft) and the side setback (shed) is about 7 ft (should be 10 ft).</p> <p><b>Parcel S-119-B:</b> The front setback is 17 ft (should be 30 ft). The side setback is about 6 ft (should be 10 ft).</p>
<b>Valley Residential -B</b>	15 ft	10 ft on one side, 5 ft on the other, except that no building can be closer than 10 ft to development on an adjacent parcel.	15 ft	10 ft	<b>Parcel S-120:</b> The side (corner) setback is 11 ft. Should be 15 ft.

**Table 1.** Required Setbacks compared with actual setbacks on existing properties.

	Front Setback		Side Setback		Side Setback (Corner Lot)		Rear Setback	
	Existing	Propose	Existing	Propose	Existing	Propose	Existing	Propose
VR-S	30 ft (or 50 ft for larger parcels on SR-9 where the	No change	10 ft	5 ft	30 ft	10 ft	20 ft	15 ft

	buildings are taller than 18ft)							
VR-A	30 ft	15 ft	10 ft	0 ft-5 ft To bring all the properties into compliance, the setback would need to be close to 0 ft. However if it was at 5 ft, most properties would then comply.	30 ft	5 ft	10 ft	No change
VR-B	15 ft	No change	10 ft on one side, 5 ft on the other	No change	15 ft	10 ft	10 ft	No change

**Table 2.** Adjustments to the Code that would be necessary to bring these properties into compliance with minimum setbacks.

## 2. Zion Shadows Subdivision

Parcel Number	Front	Side	Rear	Notes
Valley Residential B Lots				
S-98-A	19	7	10	
S-ZSS-1	15	4	15	County Assessors online mapping



				maybe inaccurate
S-ZSS-2-A	14	4	10	
S-ZSS-3	27	7	9	
S-ZSS-4	13	7	7	
S-ZSS-5	15	6	6	
S-ZSS-6-A	15	4	11	
S-ZSS-7-A	N/A	N/A	N/A	Undeveloped
S-ZSS-8	14	4	7	
S-ZSS-9-A	15	5	2 (for accessory building) 28 for main house)	
S-ZSS-11	21	38	33	
S-ZSS-12	19	8	14	
S-ZSS-13	15	4	10	
S-ZSS-14	11	11	38	
S-ZSS-15	12	10	23	
S-ZSS-16-A	15	10	10	
S-98-C	8	10	8	
S-98-D	10	7	15	
S-98-F	17	9	10	
S-98-E	9	15	15	
Valley Residential (Standard) Parcels				
S-99-B-1	27	50 (for main house) 9 (from accessory building	112 (from main house) 30 (from accessory building)	

### 3. Manzanita Drive Neighborhood

Parcel Number	Front	Side	Rear	Notes
Valley Residential B Lots				
S-WS-1	68	3	4	This is a trailer home, and so if the lot was redeveloped, it wouldn't automatically make most sense to redevelop within the same footprint.
S-WS-2	N/A	N/A	N/A	Undeveloped
S-WS-3	26	0	63	
S-WS-4	10	0	12	
S-WS-5	31	15	26	
S-WS-6	N/A	N/A	N/A	Undeveloped
S-WS-7	25	11	48	

#### 4. Winderland Subdivision (Foothill Lane Neighborhood)

Parcel Number	Front	Side	Rear	Notes
Valley Residential B Lots				
SW-1-A-4-A	44	17	21	
S-W-1-A-5-A	15 (ADU) 47 (main house)	10	10	
Valley Residential A Lots				
S-W-1-A-1	30	20	21	
S-W-1-A-2	29	13	30	
S-W-1-A-3	50	5/10	20	

S-W-1-A-6-A	31	5/10	14	
S-W-1-A-7-A	15	5/25	17	
S-W-1-A-8-B	36	3/19	40	
S-W-1-A-9-A	N/A	N/A	N/A	Undeveloped
S-W-1-A-10-A	N/A	N/A	N/A	Undeveloped
S-W-1-A-12	36	25	60	
S-160-A	23	5/10	41	
S-53-A	30	2	55	

5. Big Springs Road/ Sundance Lane/ Juniper Lane Neighborhood

Parcel Number	Front	Side	Rear	Notes
Valley Residential A Lots				
S-30-B-1	33	17	20	
S-24-A	38	9/15	50	
S-24-D	116	16	17	
S-30-C-1	36	20	36	
S-88-B	27	14	45	
S-33-A	26	35	108	
S-34	45	10	19	
S-29-A	37	0	53	

6. Quail Ridge Road

Parcel Number	Least Setback	Notes
Foothill Residential Lots		
S-160-A-10-B	N/A	Undeveloped
S-161-A-10-C	40	
S-161-A-10-A	14	
S-161-A-2	20	
S-161-A-4	20	
S-CRD-2	20	
S-CRD-1-A	32	
S-161-A-5	N/A	Undeveloped
S-161-A-1-C	N/A	Undeveloped
S-161-A-13-A	45	

#### 7. Valley View Drive

S-135-B-NP: 14 ft

S-167-J: 12 ft

All others comply.

#### 8. Dixie Drive

S-161-A-1-B-1: 5 ft setback (should be 20 min)

S-161-A-11: 5 ft setback (should be 20 min)