

CEDAR CITY PLANNING COMMISSION
MINUTES

February 2, 2021

The Cedar City Planning Commission held a meeting on Tuesday, February 2, 2021 at 5:15 p.m., in the City Council Chambers, 10 North Main, Cedar City Utah.

Members in attendance: Mary Pearson–Chair, Craig Isom, Jennie Hendricks, Jill Peterson, Hunter Shaheen

Members absent – Ray Gardner-Excused, Adam Hahn-Excused

Staff in attendance: City Attorney-Tyler Romeril, City Planner-Donald Boudreau, City Engineer-Jonathan Stathis, and Michal Adams

Others in attendance: Ron Larsen, Laura Henderson, Dallas Buckner, Ron Shelley, Lisa Natwick, Teri Kenney

The meeting was called to order at 5:15 p.m.

ITEM/REQUESTED MOTION LOCATION/PROJECT APPLICANT/PRESENTER

I. Regular Items

1- Approval of Minutes (January 19, 2021)

(Approval)

Jill moved to approve the minutes of January 19, 2021; seconded by Craig and the vote was unanimous.

2- Subd.- Vicinity

(Recommendation)

Saddleback Ridge Phase 2-8

approx. 1800 S 2800 W SITLA

Leavitt Land/LLI Eng.

Ron Larsen presented and said that they have done Phase 1. He pointed out how these next phases will go up the road, then split into 2 roads for the rest of the area. they will all be the same R-1 sized lots, 45' roads, and he and Don have gone over this and addressed all the items. He pointed out the area of Eagle Ridge and how this all fits in. He pointed out the road, the area that is being built now. He pointed out the next phases and said they are trying to get out front of all this and have some phases in the works, so they don't have to come back so often. Ron then pointed out how this road will go up and over and hook to that new road (1600 S) that comes into the Providence Center. They have had meetings with SITLA and others talking about that road and they will build that road all the way up and out. It will be completely improved, and they have even talked about connecting the one over and down to Cross Hollows. That will open this whole area up. For sure they plan to put that road northward in this summer. They have all their construction trucks coming in that way. They are trying to use that as the entrance to this subdivision.

Mary said they have talked in the past of that road, and how they planned to only do chip seal for now.

Ron said yes, they were going to do that, but as long as they were spending any money on it, they determined just to do the fully developed road.

Hunter said so this is all in conformance with the RDO plan that was approved?

Don said the density is all okay, they have broken that all down on their sheet. They have what is allowed. Ron pointed out one topo line, they did the calculations of the boundary and the open space is already more than what is required for that POD.

Hunter just wanted to be sure this was all according to the original RDO. Yes.

Jonathan said once this hits 80 lots, it would require them to put in a second access anyway. Ron pointed out that will happen after phase 2 or 3. That is why they will just put that whole road in now.

Jonathan also stated as they go up that hill, they will have issues with the water pressure in those upper phases. They will need to work that all out as they climb up that hill.

Craig moved to send a positive recommendation to the City Council for these vicinity plans of phases 2-8, seconded by Jennie and the vote was unanimous.

**3- Letter to Deny Annexation
(Recommendation)**

Approx. 5000 W 300 S

Nelson/GO Civil

Dallas Buckner presented and said this is about 140 acres and is up against the City boundary then the Quichapa Channel runs along the north side, turns then goes south. The parcel was purchased by Preston Nelson from the Bauer's. He sent Don B. the Planner that acknowledgement in writing for them to pursue this item for the owner. They are just going through the process. What they want to do is a family subdivision with 5-acre minimum parcels. There is no sewer in the area. They use septic. There are challenges in getting the sewer to this site. The Water Conservancy District does have water in this area. He pointed that out and how close it was. That is about 1300 feet away. The nearest City line is up along U-56 which is $\frac{3}{4}$ or a mile away to the north. All the access would be through County subdivisions. He pointed out Thorley Ranch which is also 5-acre minimum lots. If they want to develop this land, they would either need to annex, or get this letter to deny annexation.

Jennie talked more about the water in this area; she thought that Thorley Ranch was on a community well. The District line was pointed out. No one could see any main lines running through this area. They could be private.

Dallas thought if it were in the City, they would want to use City utilities and they are further away from this site. In the future there will be the Burgess development of Iron West that will be to the north of this. Again, trying to go through or under that Quichapa Channel would be a challenge.

Craig said so the blue line is the current City boundary line, and this conforms with the General Plan.

Don B. stated this is well within the City annexation declaration boundary. The General Plan is for the area to be medium density residential.

Dallas said they would do a County subdivision, access that through other County subdivisions. Get away from the sewer requirement.

Jennie had the annexation boundary map brought up and pointed out this area. It would be a chunk out of the middle of that boundary.

Dallas said if this were only 1 parcel to the south, there would be no question. The General Plan shows where this is going to grow to. Dallas pointed out other County subdivisions and roads. The other parcel they discussed earlier; the utilities came from both directions. This one it makes more sense to stay in the County and have all the County services rather than take and running City water all the way through County subdivisions.

Jennie talked about how things worked for the Thorley Ranch as they were not able to develop because

of water. She was not sure how they worked that out. That was an issue for them out there. They would have to bring in their own water, make connections to private water systems out there or there may be the Water Conservancy District water in that area.

Dallas pointed out the Conservancy District well area. they are 1000 feet away where the City line is 3940 feet away. If they are required to do a City subdivision, they will be accessing through County roads. He knows this is not an extension of Thorley Ranch, but it would be very similar to it.

Hunter asked what would happen if once this is all developed then the property owners come back and want to annex.

Tyler R. said that does happen, they then have to bring all things up to City standards by installing the curb, gutter, and sidewalk. They have had some want to do that, but when they see the price tag to do all the upgrades, they back out.

Hunter said he would never see the subdivision south of all this ever coming into the City limits. Most all other subdivisions out there are already County and he does not see them coming in.

The area around this piece was further discussed, what was already developed, what was left vacant at this time, and where all County subdivisions were. Dallas also pointed out that the cost to develop in the City is much more than developing in the County.

Craig said the difficulty here is the timing. He would like to see how the General Plan all gets into place before items like this are brought up. He is just not sure how this and other outlying areas will be.

Hunter stated again how he just does not see any of those county subdivisions out in this area coming into the City limits ever.

Hunter made a motion recommending to the City Council that they grant a letter to deny annexation. Seconded by Jill and the vote was 2 ayes, and 2 nays. Mary broke the tie by voting against the letter. They want to see how the new General Plan Update turns out.

They would like Dallas to bring this back once the General Plan update is complete.

Staff Items

1- PUBLIC HEARING

Ordinance Revision regarding street lights in Subdivisions/PUD Staff (Recommendation)

Tyler R. presented and said this is in Chapter 32, Section 9 where it outlines a subdivision. It says they need to have street lights according to the City standards. Then unless it is prohibited by any CC&R's they do not need to install street lights. They had a final plat come thru recently that did not plan to have street lights. Old Sorrel is near the SUU observatory. They were asked not to have street lights, and they were just trying to be good neighbors. The City Council had concerns over this with regard to public safety. The Council wanted them to strike this sentence out of this ordinance.

Mary opened the public hearing.

Brent Drew said they have 2 PUD's; they have gone ahead and recorded the CC&R's, and they require all houses to have a port light that comes on when it is dark. They actually give more light than a street

light would. They like this as a PUD is small, and they have always done them this way. So, another subdivision is causing trouble and they will change the ordinance on an item that is working now. They have all these lights come on when it is dark, and there are no safety issues.

Jonathan asked if this would apply to PUD's or just to regular subdivision. Tyler said the ordinance was for both.

Lisa Natwick said she lives in Eagle Ridge. They have no street lights, they love it, and wondered if this would require them to now put some in. Tyler said this would only concern any subdivision that comes through for approval from the point of changing the ordinance. It is just from now on.

Mary closed the public hearing.

Jennie said that Brent makes a good point. The intent is to have lights in all subdivisions. Requiring street lights when you have a solution – is that illegal? Is there something they can do like by going to Board of Adjustments if they want? Craig said some have provided an alternative. That would all be according to some CC&R's.

Tyler said the way this is proposed, if it were to have a PUD come through, even if they had house lights on, they would still need to have street lights.

Hunter said he can see this in all regular subdivisions, as the City has liability if someone trips on a sidewalk and gets hurt. Maybe it needs to be different for a PUD. Brent stated that in PUD's all the streets and things are private. There is always that liability on a City street or sidewalk. Tyler said they even sue the City when they are in a PUD- they say it is the City's fault as they were allowed to build it. Hunter also wanted to be mindful of the increased costs to developers. Haven't they had some homeowners say that they have no street lights and want them? Yes. He would rather see street lights than just porch lights on. There is the public safety issues. Also, emergency vehicles have to be able to find you.

Jennie said she was okay to approve this language now, as it seems an immediate problem, but would it also be okay to have some alternative language worked up to address other concerns? Tyler said it could be a simple fix; have this for regular subdivisions and make some certain exceptions for PUD's only.

Jill wondered if this were to pass, then if someone were out by the observatory, could they go to the Board of Adjustments to not have to put lights in. Tyler said they would then need to come back through for an ordinance change. You don't go to the Board of Adjustments to get around the Engineering Standards.

Craig moved to send a positive recommendation to City Council with the provision that they look closer at these exceptions. And see what they want to do to possibly change the language, so it applies to subdivisions but is open to PUD's not needing them per their recorded CC&R's.

Jennie wondered if they make that motion with Tyler's modifications will they have a provision to require sufficient lighting in all PUD's or just no lighting. For safety, they have to have some type of lighting.

Ron L. said they could put in a required minimum – then Jennie wondered if that would be measured by so much illumination or something. It was brought up that to this point, the City has not regulated PUD lighting as it is all private. Hunter brought up there are some subdivisions like Eagle Ridge that have no lights at all.

Jennie seconded Craig's motion with Tyler's adjustments. The vote was unanimous.

2- General Plan Review Update

Staff

Don B. said the survey is still out there; it can be accessed many different ways. They will be working on getting people to the site. They have done lots of public outreach; if they can get people to the site, they can complete all surveys in 1 visit. They will get the water bill folks, have put ads in the paper, they are trying to get to most of the traffic around town. They can't keep it out there for a really long time, they just want to give people a chance to give their input.

Hunter said he has had people approach him, they have taken the survey, it said they were #149 to take the survey. They go in, take it again, and it says they are #149 who have taken the survey. The site is not populating the number of surveys being done correctly. Don will look into that.

The meeting adjourned at 5:50 p.m.

Michal Adams, Executive Assistant