

CEDAR CITY PLANNING COMMISSION
MINUTES - SEPTEMBER 19th, 2023

The Cedar City Planning Commission held a meeting on Tuesday, September 19th, 2023, at 5:15 p.m., in the City Council Chambers, 10 North Main, Cedar City Utah.

Members in attendance: Councilmember Craig Isom, Adam Hahn, Tom Jett, Ray Gardner, Adam Hahn, Carter Wilkey, John Webster

Members absent: Jennifer Davis

Staff in attendance: Jonathan Stathis-City Engineer, Randall McUne-City Attorney, Donald Boudreau-City Planner, Amber Ray-Executive Secretary

Others in attendance: Ann Clark, Christina Asay, Kade Asay, Michael Platt, Taylor Higgins, Braxton Higgins, Lola Atwood, Marion Whitney, Dave Clarke

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| <u>ITEM/REQUESTED MOTION</u> | <u>LOCATION/PROJECT</u> | <u>APPLICANT/PRESENTER</u> |
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- Pledge of Allegiance- led by Tom Jett

I. REGULAR ITEMS

1. Approval of Minutes (August 29th, 2023)
(Approval)

Councilmember Isom motions to approve the minutes from the August 29th meeting; Webster seconds; all in favor for unanimous vote.

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| 2. PUBLIC HEARING | | |
| PUD- Vicinity Plan | 53 N. Aime Avenue | Faucett/ Platt & Platt |
| (Recommendation) | Aime Avenue PUD | |

Adam: My Company has been awarded the job, recuses himself. Turned over to Carter.

Mike Platt: Asked to table vote after public hearing, until October 17, 2023. By Aug 2022 developer didn't get final plat recorded. Has thought about what he wants to do, came up with a floor plan. This shows he is keeping the same number of bedrooms, but separate studio apartments, so separate units. This is under max allowed in R3, this will be 16 units per acre. Parking requirements don't change. We ran into this this afternoon; each unit has to have its own driveway. Developer doesn't want to keep as previously approved. This will give us time to get our ducks in a row.

Carter: That is why we received the email today with additional 8 units?

Mike: Number of bedrooms doesn't change, parking. He knows from the building side there are some codes he has to adhere to. There will be a back unit and units above.

Don: Mike is correct, issue with driveway access and the number of units. That comes into the fencing component of the PUD ordinance, and fencing. Will also need one additional guest parking space.

Public Hearing Opened

Ann Clark: Cramming more people in the same amount of space?

Mike: No, buildings are divided differently.

Ann: When we rush and change things, it makes other dominoes fall.

Carter: When this comes back, will the public be sent notices?

Randall: Not mailed notices, this is their notice.

Carter: Statics show in most price points, a shortage in housing.

Lola Atwood shared, did not want to come to podium.

Ann: We are just cramming people in. Why are we building the PUD with narrow streets? I can't even turn around. We really need to look at it then we would have so many problems.

Mike: This is a public road that these units will be fronting. The developer can fit 24 units on that acre. I think 8 units on a public ROW is sufficient. This topography is steep, it will be looking down, not looking into anyone's property.

Marcus Russel: We will get another chance to speak in a month?

Carter: Yes, but you will not receive a mailed notice.

Marcus: The sematic I received was blurry.

Carter: The footprint is the same.

Public Hearing Closed

Carter: What size is the existing road?

Jonathan: About 50-foot road. ROW width includes sidewalk.

Councilmember Isom motions to table Vicinity Plan at 53 N Aime Ave for Oct 17th; Ray seconds; all in favor for unanimous vote.

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| 3. Subdivision- Vicinity Plan (Recommendation) | 1900 S Ken Middleton Parkway The Ridge at Cedar Trails | Royal Oaks on the Green/ Platt & Platt |
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Dave Clark: 18 lot subdivision, bluff south of Holiday Inn Express. It is in conformance with Cedar Trails RDO, zoning is R1, ½ acre plus lots. Could be ¼ acre lots.

Isom: All in conformity with RDO?

Dave: Yes, .8 per acre. Very low density. Lot 2

Jonathan: I have looked over this infrastructure in the area. Sewer will need to run along frontage road.

Master plan sewer line runs south, will be tied into the one that goes under I-15. That line will need to be put in place.

Adam: Will be city streets and city utilities.

Jonathan: Yes

Adam: Poor soil in the area, we know going into it.

Dave: Ken Middleton Parkway and 1900 South have been dedicated and will improve as we go.

Councilmember Isom motions for a positive recommendation for Vicinity Plan for The Ridge at Cedar Trails; Wilkey seconds; all in favor for unanimous vote.

II. CITY ITEMS

1. DISCUSSION

Expanding annexation policy
expansion area map

Donald Boudreau

Don: Recently the city received a proposal for an annexation at the south end of town. The recently adopted general plan has an annexation element in the general plan, that among many things has a declaration boundary expansion area. The slide shows use, and density, and where we plan to grow in the next 20 years. We will head West, North, and probably South. There are some county islands that we are aware of. The owners are entertaining to annex into the city. Our boundaries do split some of the properties. State law says we cannot take them in, they need to be in our expansion area. In 2022, the city looked at this section of the general plan. The declaration boundary has been in place since at least 2012. We decided not to move that boundary. The state law switched gears on us.

Does the planning commission think we should pursue it? It would be a city peninsula.

Bullet points of what we need to have in the plan:

-A map of the expansion area which may include territory located outside the county in which the municipality is located.
-A statement of the specific criteria that will guide the municipality's decision whether or not to grant future annexation petitions, addressing matters relevant to those criteria including:

- I. the character of the community.
- II. the need for municipal services in developed and undeveloped unincorporated areas.
- III. the municipality's plans for extension of municipal services.
- IV. how the services will be financed.
- V. an estimate of the tax consequences to residents both currently within the municipal boundaries and in the expansion area; and
- VI. the interests of all affected entities

-Justification for excluding from the expansion area any area containing urban development within 1/2 mile of the municipality's boundary; and

-A statement addressing any comments made by affected entities at or within 10 days after the public meeting under Subsection (2)(a)(ii).

-In developing, considering, and adopting an annexation policy plan, the planning commission and municipal legislative body shall:

- (a) attempt to avoid gaps between or overlaps with the expansion areas of other municipalities.
- (b) consider population growth projections for the municipality and adjoining areas for the next 20 years.
- (c) consider current and projected costs of infrastructure, urban services, and public facilities necessary:
 - (i) to facilitate full development of the area within the municipality; and
 - (ii) to expand the infrastructure, services, and facilities into the area being considered for inclusion in the expansion area.
- (d) consider, in conjunction with the municipality's general plan, the need over the next 20 years for additional land suitable for residential, commercial, and industrial development.
- (e) consider the reasons for including agricultural lands, forests, recreational areas, and wildlife management areas in the municipality; and
- (f) be guided by the principles set forth in Subsection 10-2-403(5).

(5) If practicable and feasible, the boundaries of an area proposed for annexation shall be drawn:

- (a) along the boundaries of existing special districts and special service districts for sewer, water, and other services, along the boundaries of school districts whose boundaries follow city boundaries or school districts adjacent to school districts whose boundaries follow city boundaries, and along the boundaries of other taxing entities.
- (b) to eliminate islands and peninsulas of territory that is not receiving municipal type services.
- (c) to facilitate the consolidation of overlapping functions of local government.
- (d) to promote the efficient delivery of services; and

(e) to encourage the equitable distribution of community resources and obligations

Is it appropriate to look at this area? The way I read state law is this is where it starts. The second part of the question, does the commission want to look at this area and see particular needs? Or an opportunity to look at a broader scope, north or west, that they may want to look at.

Jonathan: The property owners approached the city. We met with Reid Erickson. In order to annex, we have to modify the annexation boundary policy. The three options we have are: Do we look just at those properties, do we also look at other properties, or not look at any.

Isom: I think we should look further ahead. I think we should look at it in a broader scope.

Ray Gardner: I think it is an opportunity to get our feet wet with a small area and see what the issues are.

Carter: On the west boundary you have the tribe, and BLM on other side. Once you pass these properties, you run into a swath. What about other properties that border entire property.

Isom: It doesn't change anything for them.

Carter: Can we go any further than that with utilities? Can you still get sewer drainage?

Don: Also vehicular access, how far until you get two ways out.

Adam: What is the negative for the city to annex?

Jonathan: Police, fire, extend services, water, sewer, and drainage becomes an issue.

Carter: If these properties were annexed, would it become a city road?

Jonathan: It is master planned to become a city road.

Carter: In far corner, the BLM has made a campground. How far do we get to an actual campground. Knowing there are properties to the south.

Isom: I like what Ray said, a way to get our feet wet. See what it does to us. If you have line after line of guidelines.

Don: Ultimately, it would be something the council uses when an annexation comes before you. Maybe use it later.

Carter: Thinking about fire. So many developments so far out, and now they are asking for fire to come to them. At what point do we say you can't build that far out because we can't protect you. If it was going to be annexed, what is the property adjacent? Low density.

Don: We would have to amend the general plan land use element if we were to go that route and make a determination of what the general plan should be there.

Dave Clark: If you look at the four properties, one of them is a 20-acre parcel, with 11 of those acres in the city. The county zoning is 8/20 so he can't divide it. He can't divide and annex. He only can put a single family home on it. He can't annex half, he can't annex all, he can't split. Three of the four properties are in the same situation.

Adam: What does the land owner want?

Dave: To be annexed

Ann: I'm worried that we out build our infrastructure. Also, I am worried about changing the General Plan. Are they going to come back in and want to change to High Density? We need to look at how it affects everyone, not just the developers. I say we stick to the general plan.

Don: We would give it a future designation. We would have to amend the land use element.

Ann: I think if it is low density, then they should hold to low density. Just watch, I bet he is going to want to come back and rezone it.

Randall: The difference, if they come into the plan or not, there is a slight delay. If these properties are in and they want to develop in the county, the county cannot approve until they go through our process because they are in our annexation boundary. It does delay it if they are trying to do anything that is urban development. Going with what Ann said, either way, this could be changed. But if it is in our boundaries, the city at least has a say. If they ever try to increase the density, being within our boundaries will slow them down a bit, unless they actually annex in. There are some impacts if they try

to subdivide further.

Carter: Do we have to get permission from the county?

Randall: We basically notify them. If we went beyond what we could handle in 20 years, they would be upset. Reid is in favor as long as we follow policies. There could be theoretical impacts if we went too far. I wanted to emphasize, by putting our boundaries, we have some what of an impact.

Adam: If we expand, property owners cannot annex unless they are touching city property. BLM on one side, Tribe on other, the whole valley considered a peninsula.

Randall: You are talking about land that is not part of the municipality. Not considered as part of the island. Only to the municipality.

Don: It creates a peninsula for the city.

Randall: We can't have a peninsula for the county. Not recommended to the city.

Carter: We have created the problem for the property owners. I am in favor of the three, not sure about the fourth property.

Adam: I would like to see the city take direction from the property owners, since we made the problem. If it is feasible. If we can't get water, sewer, causes fire department to spend a billion dollars, no. If no major hurtles, I'm in favor.

Don: So, we are looking at the three properties that are half in and out.

Adam: I think if we expand any line down, it needs to follow property line. We need to find a way to make the line follow property lines.

Don: It makes sense to me to follow property lines.

Ray: All property owners should have say.

Jonathan: I think one property owner owns both properties.

Don: I think the direction is that we just look at those pieces.

The meeting was adjourned at 6:15 p.m.

Amber Ray

Amber Ray, Executive Assistant