

CEDAR CITY PLANNING COMMISSION
MINUTES

October 17th, 2023

The Cedar City Planning Commission held a meeting on Tuesday, October 17th, 2023, at 5:15 p.m., in the City Council Chambers, 10 North Main, Cedar City Utah.

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

Staff in attendance: Jonathan Stathis-City Engineer, Don Boudreau–City Planner, Randall McUne-City Attorney

Others in attendance:

L. Henderson, Daryl Brown, Kelly Karoly, Christina Asay, Dave & Patti Belski, Pat Lund, Michael Platt, Brett Taylor, Marion Whitney, Jordan Pay, Burnell & Debbie Waite, Ann Clark, Braxton Higgins, Taylor Higgins, Suzi Lieber, Kathy Koontz, Diane North, Lola Atwood, Chanel Atwood, Kristine Cowan- Hanks, Terry A. Hanks.

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| <u>ITEM/REQUESTED MOTION</u> | <u>LOCATION/PROJECT</u> | <u>APPLICANT/PRESENTER</u> |
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Pledge of Allegiance- Lead by John Webster

I. REGULAR ITEMS

1. Approval of Minutes (October 3rd, 2023)
(Approval)

Jennifer Davis motions to APPROVE the minutes from the October 3rd meeting; Carter Wilkey seconds; all in favor for unanimous vote.

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| 2. Vacate Easement (Recommendation) | Lot 7 Hidden Hills Estates Subd. | Dompier/ Watson Eng |
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Daryl Brown: This is for vacation of public utility easement at the back of Lot 7. Project is coming through City Council tomorrow night for final approval of amended plat. We've already visited utility companies and they're good with us vacating this.

Jonathan: We have received notification that all utilities have given their permission.

Craig Isom moved to positive recommendation Jennifer Davis Seconded all unanimously approved.

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| 3. Engineering Standards Revision (Recommendation) | Detail R 4 A | Meisner/ GO Civil |
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Speaker: We are looking at revising the standard detail with the city to go from 2 feet per second to 5 feet per second.

Jonathan: We have talked to Jeff Hunter as well. The original was a typo it is referenced more to velocity than flow. When it is 5 feet per second that is when you need riprap to stabilize the channel. The channel is easier to clean without the riprap, because you just send the scraper in to clean it. We feel this is a good compromise. This comes into play when there are sections with no curb and gutter.

Ray Gardner moved for a positive recommendation; Jennifer Davis seconded this motion, all unanimously approved.

4. Subdivision- Minor Lot 675 N 5400 W Gubler/ Platt & Platt
(Approval)

Mike Platt – This is a minor lot subdivision in Port 15 and the owners want an access easement right down the center.

Jonathan - No concerns from engineering.

Craig Isom moved to approve the minor lot subdivision, Carter Wilkey seconded this motion and all unanimously approved.

5. Road Dedication 400 E 900 N Wharton/Wieber/
(Recommendation) Thunderbird Garden Estates PUD Platt & Platt

Mike Platt: There is development going on in this area. And so, we're looking to create that road for the public.

Adam: So, where's the road currently going to? Is it where that temporary roundabout is at? Or is it further back? I know we have talked about this road in the past and the problem was the length of it correct.

Jonathan – Yeah, this road doesn't have an outlet and that is the problem. It does go back and access several city facilities. There's access for maintenance at the golf course. And then also the city has a large detention basin. And then of course, the public has access back into Thunderbird Gardens. So that access needs to stay open for public use. But I think the issue is the city standard for a permanent cul-de-sac is 500 feet. And obviously, we would be exceeding that. The Fire Department is okay with it having the turnaround point where it is. But at this point, what they're recommending is to do the temporary cul-de-sacs. They're not proposing a permanent cul-de-sac at this point. If there was a permanent cul-de-sac going in, then there would need to be a variance at that point. But at this point, they're only recommending a temporary cul-de-sac. At some point the road could be extended. This is not just for fire, but for snowplows and other vehicles just to turn around and get back out.

Carter: So, is this actually two different parcels that we're looking at here?

Mike: We have two separate developments that we are working on. Otherwise, it would have created a mess on both final plats. It was easier just to get a road dedication then they can both build.

Tom Jett: So, are they asking for us to approve something with a temporary cul-de-sac?

Mike: Yes

Carter: If the person further east wanted to develop first, would they be allowed to pave theirs without paving? Like, could it go from asphalt to dirt back to asphalt?

Jonathan: No, they'd have to do at least a 26-foot paved section.

Carter – Is it standard that the city has to give up the land for the temporary cul-de-sac? I see that both the temporary cul-de-sacs are going on Cedar City's pieces. Is that just how it's always done or in this case?

Jonathan –No, that's what they're proposing. Normally the temporary cul-de-sac would be centered on the

roadway. This is their proposal.

Tom Jett – I recommend we decline this as it is a indefinite temporary situation

Jennifer – Well all subdivisions in this phase would be in the same indefinite situation.

Mike – we are dedicating the road we build to the city.

Carter: Both temporary cul-de-sacs are going to be on our property.

Adam – I understand your concern, but from being on the commission for many years, this is just the general practice.

Don: In some ways it makes sense. In this case, you are going to end up with a permanent cul-de-sac.

Tom Jett – is it a finished temporary cul-de-sac?

Don – It's just gravel.

Tom Jett: Then everybody would just build those, and say hey, I'm going to do my temporary. I might do something that goes different in the future and save them \$50,000 in developing that.

Adam – any time there are new subdivisions placed there are temporary cul-de-sac's, possibly for years and it is very common. I don't want to block their development because we don't want a temporary cul-de-sac.

Tom Jett – I withdraw my motion.

Carter – When you do a temporary cul-de-sac do we put this on their own property or their neighbor's property.

Dave Clark: So, the vicinity plan for both Sean Wharton's and the Weber property has already been at city council. The concept's already been approved. Temporary cul-de-sac's already been approved. I don't know if Mike said the reason, we're doing this is because we have four different owners and the city's one of the owners. And we just thought it would be cleaner if we just did this as a road dedication. Just ahead of the final plats coming through.

Tom: About three years ago, this came up, I stood where you are and I spoke against this same concept at the same location.

Carter Wilkey – I'm honestly surprised we are requiring the West one when the road continues through.

Carter Wilkey motioned to make a positive recommendation, Jennifer Davis seconded this motion. Tom Jett did not approve, all others present approved this motion.

6. PUBLIC HEARING

Vicinity Plan -PUD
(Recommendation)

2110 N Northfield Rd
The Lofts at Northfield PUD

Mackert/ Platt & Platt

Mike Platt – We went through and did the zone change. Got that cleaned up so we could do this development. We want to encourage people to park in their garages, so the developer is offering a storage unit for the owners to use to leave their garage open.

Don – There are a few comments in the que that aren't addressed, but the open space is sufficient.

Carter – Is that a hammerhead road or parking?

Mike – There is enough radii to turn around for the fire trucks.

Don – The biggest concern is the setbacks on the storage units. The PUD ordinance was built to be pretty flexible and since then it has been tightened up, where the city council can vary the standards, then the language gets into the specifics, and it says certain things can't be varied. One of those is setbacks. So, Mike had come through probably a few weeks back, a month ago, to remove some of the public utility easements that were in the PUD ordinance. For example, the PUD ordinance says it is 7.5-foot PUE around the perimeter of the PUD. It says he needs a 10-foot PUE on each side of that main private road. The ordinance has now been updated to if the public utility companies are OK with it, that those can be removed. As long as they've got enough wiggle room to get their utilities in there because those PUEs were bumping into these proposed storage units as well. So that's been approved by the city council. That's on the books now. So, the only issue or the conflict would be that the PED ordinance requires a 10 foot setback all the way around the perimeter. So that's the issue with the storage units.

Dave Clark: In the PUD ordinance before this section, it says that on the vicinity plan, you can designate certain variances from the underlying zone. Setbacks and locations are included in that. So, there's two different things here that say we can vary these setbacks and locations. My argument also, because the ordinance says that the city council can't change setbacks, well, they already have. They said 10-foot perimeter, where an R-3 single family requires a 20-foot backyard. PUD ordinance varied that by saying you can go 10 feet.

Don: It does not. 20-foot minimum

Dave: 10-foot perimeter is what it says. We have done 12 feet behind units in dozens of PUDs. That's always been allowed. The PUD ordinance says 22-foot driveways. That's a variation from the 25-foot front setback in the underlying zone. The underlying zone says auxiliary buildings can be within a foot of the property line. If there are six feet behind the building, well, the ordinance says that we can vary the location. So, we want to put it over here across the street. I mean, the bottom line is we feel like there's wording in the ordinance that allows it. Yes, there's some contradictory wording in the ordinance. But there's the wording in the ordinance that does allow it. This guy wants to build something nice. He wants to encourage people to park in the garage. And I told Randall he could slap a shipping container over there on that 10 foot of open space. Or he could put a tough shed over there. He wants to build something nice that matches the units that he's building. He doesn't want to just put a surface shed over there.

Randall – Here is the initial one they are talking about. Initially that gives the council the power to kind of vary everything. This about covers everything, but I guess engineering standards are entirely mentioned in there. So that's the first step, a very broad grant. The next part we go into here is the part that says, but there are some limits. So, we get into here with regards to yes, you can still allow those that are here, but then it says shall not include what we have below. So, these are the things that are included: not subject to variation permitted by the city council. So, we get into structure setbacks. Now, if we stop there, I think Mr. Clark's argument to be perfect. One place that says you can do setbacks, one place that says you can't. That's not really what that says. If you go into here with regards to building setbacks. So, if we have an underlying zone of say, R-3, R-3 has its own required rear side front setbacks that are all across the board. This doesn't say you can't bury those at all. It just says you can't go beyond those 10 feet. You can bury, but you can't bury the final 10. 32-8c(2) 32-8-3c So when you guys are building where yours are at, where are they at to the property boundary?

Dave: They're auxiliary buildings. They're not residential buildings. They're the auxiliary buildings that are allowed in the underlying zone to be one foot from the property line.

Adam: So your argument, Dave, is that this says, building setbacks of a residential PUD. But does that mean residential buildings? Does that mean anything built in a residential PUD?

Randall: This is the complication here. This is where I think they get a little bit closer, right? So if you look at just any normal home, my home is a block away from where this is at. I am not allowed to build my house within that rear setback. But if I have an accessory building shed and it's at least six feet behind my house, then it can be within one foot of the property boundary. In this case, what they're building is not behind the residential structure. It's actually a PUD.

Carter: What's the reason for the six feet?

Don: It's more what you could consider it aesthetics. Number one, do you want sheds in the front? If you do an accessory structure within your permitted building envelope, I don't see an issue with it. But if you want to get into the required setbacks, then that product has to be six feet behind minimum. And it also has distances. I think it's either 12 or 16, depending on the zone, that that structure has to be away from a house. So, you can also look at it as impacts. If it's just a shed holding lawnmowers, there's nobody living in there. There's less impacts when those structures move into the rear of the lots farther away from your neighbor's homes. That would be the intent in my mind. There could be some fire code implications. I'm just not aware of it.

Council Member: It seems like, though, that this might be a good idea because it's, you could argue that those accessory buildings are better located across the street instead of in back of each unit.

Adam – I agree with you that this would look nice. But I don't think that is the way the ordinance is written. The ordinance strictly prohibits it.

Randall – The way staff and I are interpreting it, is that it is not allowed. The setbacks can be changed and varied for PUDs except for that 10 foot one. That is in there by itself. If we ignore that one, that 10 feet has no purpose in being there. It's been kind of nonsensical in a legal sense to say, you can vary all this stuff, but not these things. Well, except for ignore the 10 foot one. We didn't ever say ignore the 10 foot one. What would be the point of having that 10-foot rule there while we're talking about variations, if it isn't there to prevent a variation of that very concept. And one of the conversations we had with Platt and Platt before was that they're not changing the setback. They're changing the location of the building, which is a separate potential variation. The problem is that the whole discussion of that, now we have one foot instead of eight feet, kind of questions, is it's all under the setback? It's all under rear setback. So, what you're saying is you can vary the rear setback as long as you don't violate that 10-foot rule.

Tom: Randall, is this a matter of just semantics then? Is this something that should come back to the Planning Commission and City Council, the change to ordinance? Or is there a purpose to limit?

Randall: In this case, the initial grant by council was extremely broad. The council decided that was too broad and brought in intentional limitations. So yeah, if you want to change it, it goes back through the normal process of changing the ordinance.

Carter – So if these were in the back this would be approved, but because it's in the back it can't be approved?

Randall – correct.

Dave – Our intention is that it would look nice.

Adam: I just don't see how it is legal with the ordinance.

Dave: Our understanding is that we can request a variation and if we get a recommendation to move forward and then the council approves the variations.

Randall: This is one of those where you could consider making a recommendation without those. And then if the Council has the same opinion that we have as staff, that this can't be done on the ordinance. And you could start working the process through to give these as a possible variation or even just an allowed use. And then by the time they're building, they could add them in.

Adam opened to public hearing.

Ann Clark – Why can't they just move the whole thing up and put the things behind them. Couldn't they?

Mike Platt- No, this is the way we want it.

Carter: But then what you would do is you would just create 16 sheds in backyards instead of having a nice park storage unit that's all in a row.

Laura Henderson – so this has never been done before is this what I am understanding? We do want to encourage people to park in their garages. So, if we're punishing people for trying to come up with solutions, we're kind of being contrary.

Adam: I don't think we are trying to punish people. I like the idea, but making it work with ordinance.

Carter – going along with what you said, is it's hard to just grant variances all over the place and maybe we consider an ordinance change so we don't have to continue making variances.

Closed public hearing.

Carter Wilkey made a motion for a positive recommendation of approving the vicinity plan excluding the location of the storage units, Craig Isom seconded this motion. All unanimously approved.

7. PUBLIC HEARING
Vicinity Plan – PUD
(Recommendation)

53 N Aime Ave

Fausett/ Platt & Platt

Mike Platt – We had this about a month ago and decided to put this off. Kind of like what we talked about last time. But they're going to be accessory dwelling units to the overall unit, if that makes sense. And so with that being said, this person here will have a designated parking stall on the final plant, whether it's going to be in the garage or in the driveway to accommodate them. And that gets them to their unit.

Carter Wilkey – per our ordinance if there's two units per unit, how many parking spots do we need for a two bedroom?

Don: This is going to drive up their guest parking. The ADU is an issue and we talked about that with Randall. ADUs are for detached dwellings, not the attached town home products. That's in state law rentals, I recall. We define it right out of state statute.

Mike: Even with, I know, even with these calling the accessory dwelling units, we still have enough guest parking, an overall parking as shown in this table.

Randall: I want to make sure I clarify this. The accessory dwelling unit does not have to be detached from the primary unit. The question of detached relates to what a primary unit is. So, under the state code 109-A-53, it defines the number of terms. An accessory dwelling unit means an accessory dwelling unit created: one within a primary dwelling that has a few other things. Go down to the second definition. Primary dwelling means a single-family dwelling that is detached. And then it has some other terms. So that's the struggle is the primary dwelling unit that you're going to add this accessory dwelling unit to, has to be a detached single-family home. In our ordinance, would either be a standard single-family home or technically, we do define twin homes as single-family homes. So that arguably fits there too, but not for town homes. So that's our biggest struggle. It's not that we can't allow these other units, we can, the zone allows it. But unfortunately, it then has to meet all the other requirements.

Adam – What other requirements would they have to meet?

Randall – Parking and drive access to the fence are the two main concerns we have.

Don: You have section 32 as well. That ordinance was rewritten years ago to eliminate fencing in the front yard from when these PUDs face the street. But to eliminate that, there's some other caveats. It's been added on two or three times. It talks about the individual driveways need to serve the unit that it's intended to serve. The idea being that we're not serving three or four units with 18 foot of driveway or two in this case. But the ADU is an issue as well.

Carter: If they can call them ADUs legally, then the driveway thing's not an issue, correct?

Don: I think that could still be an issue in section 32.

Dave – what Randall read was that a twin home is considered a detached home. So, these are 8 twin homes.

Carter: Separate lots or one lot?

Dave: The one bedroom will not have its own tax id. Technically an ADU.

Randall: Let me just clarify, first of all, what the vital point is. I read the state statute that says it has to be a single-family home. Then you go to Cedar City Ordinance 26-1-4, definition of twin home. Go through lots of it. But it does say at the end of it, each side of the twin home shall be considered a single-family dwelling unit. However, one building permit and certificate of occupancy shall be issued for both. And there's another section as well in ours that tries to basically say twin homes are single family units. I think that's how we count our parking, too, is for twin homes. That is a vital issue. If these are twin homes, well, then ADUs would be allowed under state statute and city ordinance. If they are town homes, which is how my little brain was considering them, then no. I was just trying to see on the designs if they go through and explain how they're viewing it.

Adam: How does the code determine if it's a town home or a twin home? Isn't it by them being able to be sold individually with their land?

Don: Twin homes have their own lot sizes and lot widths

Randall: So if we look at a definition of twin home, two family dwelling units of separate ownership having a zero lot line. Well, that's the same up to that point of town homes. Each unit is structurally independent with separate utility connections and a maintenance break.

Dave: Each side has its own water meter and everything.

Carter: But if you were to look at our normal, where twin home normally is is R2-2. The lot size that would be required for a twin home under R2-2, these don't fit, I'm assuming. But I guess I don't know. Do you know how big each one of these?

Don: The R3 allows for twin homes.

Carter: Twin Homes in a PUD.

Randall: I assume these aren't offset by more than 6 feet. Just by the definition, the twin home will have zero setbacks on adjoining sides and maybe offset but not separated from each other up to a distance of 6 feet. I'm assuming when it says not to touch but offset, their meaning or front to back. We don't have the fronts and backs off by more than six.

Dave: But it also says in the ordinance that the purpose of PUDs is to cluster the units and leave for more open space or natural space, which we've done. So we've more than met the density requirement. Like we said before, we could put 24 units on here with the parking and everything else. I mean, obviously we'd have to have elevators for the cars, but we could do that. The intent here is affordable housing.

Adam: We are not saying no, we're just trying to make sure that we're falling within ordinance.

Randall: One of the reasons why, actually, they're trying to take away authority of Planning Commissions and Councils when it comes to subdivisions and the like, is there's a risk that public clamor, people who are upset. And oftentimes, reasonably so, we'll come in here and be very upset about what's coming in next to their homes. The state legislature, whether you think they're wise or not, has made it very, very clear that this is an administrative decision. Once the zone is in place, they are allowed to do anything our ordinance allows in that zone. So it is not a question of density at this point, because they are within their range of density for this zone. It is simply a question of literally checking the boxes. Have they checked every required box to have this come in? If the Planning Commission finds that they have, it is your legal obligation to give a positive recommendation. If you think they have not checked every box, it is your legal obligation to give a negative recommendation. It is not based, as we saw from the last one. We liked an idea, but the ordinance didn't allow it. And you followed exactly what you were required to do. So I ask you to do the same thing here. Now, that being said, the public is allowed to come forward. When they come up here, they should point out those things that the ordinance might say are wrong. You cannot do X. Well, great, comment on that X. If it is ordinance allows it, well, they can come and they can complain, but the Planning Commission can nod your head and say we feel your pain. If that's about all you can do. So that's the key. If they come up for public comments, they can say anything legal they want. But if they want the Planning Commission to potentially give a negative recommendation, you have to find something here that violates our ordinance. That's your key.

Council Member: On that context. Yes. Is there anything on this plan? That's for the highest behavior. That is contrary to our ordinance.

Don: I have not reviewed the plan if this is twin homes or not.

Carter: At this point, twin homes are allowed in our 3M. They are. Twin homes are allowed in a PUD. But our PUD ordinance, which allows for smaller lots, does not specifically say if lots on twin homes need to be a certain size. That's kind of what I'm talking about.

Don: PUD says lot size. It falls into the things that can not be varied portion. It does not say lot width.

Adam opened to public

Jonathan Pyne – I think all of us over here are just as sick as maybe Platt and Platt with having to come here and make these changes and discuss this. So obviously, there is a reason why that precursor was made, just for some clarification of the folks who may not know. The local community is a battling development itself since all the way from 2007. Every time things have wanted to change, there's been compromises all along the way. Even when it was going to R-3, the Planning Commission voted negative. It was approved in City Council based on a specific plan that was approved. So, while, yes, it was approved to be R-3, I think there also needs to be weight behind of why it was approved in the first place. The last battle we had was there were six units

initially proposed, presumably that's why it was approved as R-3. Then there was a long battle, making it eight units instead of six. And so the decision to make it eight units instead of six was based on a specific plan. And so now we're changing that plan. And I feel like that also should call into question the initial approval of the eight units. It was never approved to be an apartment complex. And I would question at what point does these townhomes, twin homes become an apartment complex with all these additional units inside? And that was never the spirit of what it was allowed to be in the first place. So I think I would request not only the council members, but also the Planning Commission to use whatever system that they're talking about because it's way out behind my comprehension instead of finding ways to be yes men, to find ways to be no men on this specifically. And I think if we don't have a stopping point, we're going to have a four-story aberration like we have just down the street if we don't draw the lines somewhere in the sand. That's up to you guys. I do think a couple of issues that I do have outside of that is there's supposed to be a streetlight here according to plans. I would argue that if we could take that streetlight out, that'd be great. This area is on a hill. And so that streetlight will then shine into people's backyards, et cetera. So I don't see the reason to have a street light. This whole area is a dirt road that's already closed. And my next point of 45 North is going to be here in a second. But a streetlight here on the corner is not doing anything for anybody. And it's only going to add flood light to these lower-level lots as well. So I think taking that out would also make it cheaper for them. I don't see the reason why it needs to be in there. The third point I want to make is 45 North. This is a dirt road. I've brought this up to City Council multiple times as we've discussed this lot. It is not wide enough for two cars to go down. And people here in the apartments walk their babies in their strollers on a daily basis down this road. So I think by creating however many units you guys decide is going to have an actual impact on 45 North to a point where it's going to create a safety hazard. So I know that this building unit has nothing to do, per se, with 45 North directly. It's not on it. But by approving and building, it's going to become a safety issue. Additionally, the council should really start looking at the flow on College Way, especially as these other apartments over here have started to double up rooms. People are parking on the roadway and driving down College Way. People are parking along the street here, creating blind corners. I almost got hit here on this intersection because people can't see. And then so then how do you start funneling? And maybe another stop to go here to slow people down. People are going to go over the speed limit. My point is, with this unit, 45 North is going to have to be addressed in the larger issue to becoming. How are you going to funnel traffic onto? Increasingly dangerous roadway. So to cap the three points, the streetlight, eventually deal with 45 North, and for once, let's draw the line in the sand of how many units we have. It's essentially becoming an apartment building, which was never agreed upon in the first place. When it was agreed upon, it was to be a 3M. It was based on a specific design. And even the last design, like I said, for the six- units was agreed upon by a specific design. That design is now changing. We don't draw a line in the sand.

Mike: The overall design has not changed. You still have the same number of bedrooms as you did before as with this plan, which would require the same amount of parking with that one as with this one. It's the only one.

Johnathan P: I would disagree. So I've seen people can buy these units. So right down here, so what they're saying is that they're decreasing one bedroom here by leaving it open, which makes an awkward room in and of itself, and putting that room in the basement. It's not hard for someone to come in, throw a wall on a door, and you have another bedroom. So yes, you are changing the design dramatically by adding a separate unit. Anyone can come in and make college housing. And in fact, that's what they're doing here. And it's not affordable housing. These aren't town homes like they were originally marketed as. This is now high-density housing.

You're throwing in an extra room,

Adam – as far as the streetlight ...

Jonathan: The city council would have to provide a variance for that.

Carter Wilkey – Is 45 N the road that the firetrucks and the snowplows would be using? Is there a temporary cul-de-sac being put in with this at the end of Aime Avenue?

Don: There is no cul-de-sac.

Carter: So I guess the plan is just the fire trucks in the snow plow would use 45 North?

Jonathan: It's not a paved access. Technically, there should be a temporary turnaround there at the end of. They are paving a portion of 45 North. They did receive a waiver to not continue 45 North up that hill. It gets quite steep. We'd have to go back and read the minutes. I don't believe the council was allowing a temporary cul-de-sac. We have to go check that. If that was varied by the city council, then they wouldn't need that. Using 45 North as a hammerhead.

Ann Clark – after going to city council for two years now, the whole problem is the city does not follow the general planning that they change zoning all the time. Then they variance this and variance that. The neighborhood gets destroyed. The people get upset when we don't follow.

Dave Clark –It's been R-3 for a long time and we have gone through several plans. One of them was an apartment building that went up and up that hill. Then the owner called and said that he didn't want to build that apartment and he wanted to just build these townhomes. We have been through city council with six units and eight units. The only reason we are back is because he let the approval of 8 units expired.

Kelly Carolee – I have to agree with what Mr. Pyne said. The town doesn't need more college housing. Speaking for myself it took me several years to purchase my home, and if they move forward with a three story building, they will be looking right into my back yard. Probably going to affect the utilities and the infrastructure at some point. The drainage, all of that. Thanks.

Marcus Russell – I also live on the hill and I 100% say that would be a violation of privacy. I have a three-story building. That building, like she said, is two stories. And it's well over our fence line. So I don't know if there's anything, any laws with that. But it's definitely violation of privacy. I know. And I'd probably speak for everyone else that bought up there that we didn't buy our houses to have people looking into our backyards and back windows whenever they please. And I'm pretty sure if I remember correctly, there's even supposed to be rooftop balconies, which just increases the problem further. Might as well just take our backyards because we're not going to want to be back there. And that's all I have to say. Thank you.

Laura Henderson – Does this project check all the boxes?

Adam – it looks like it does. Don will check on items to make sure it meets requirements for square footage.

Laura – I just know that this project on Aime Ave has been a problem from the get-go.

Jonathan Pyne: In talking with Scott Phillips at one point about this, whether or not it's meeting all the boxes or not, there still can be a choice that's made. And the city council, especially, who made the decision to approve these things based on certain specs, could stand behind that decision and still say no, even if it's a violation of law, then they can sue and go from there. But that's the prerogative then on them to have to do that. So I think that's just still a worthy cause to bring up. Yes, you may be bound by the law, but there's still lawsuits that could be had or whatever. So I would just say, I don't know, whatever, make your choice. But it would be nice for the council and the commission to stay behind what they've agreed to and allowed for it in making these changes from our R-2 to R-3.

Public Hearing Closed

Carter Wilkey – Does it check all the boxes?

Don – I don't know.

Jennifer Davis – I don't feel good moving the ball forward until we have the blessing of the city.

Motion: Jennifer Davis made a motion to table this until November 7th. Carter Wilkey seconded this motion. All unanimously approved.

Just so everyone in the room understands this will be readdressed on November 7th and will not be re-noticed.

8. PUBLIC HEARING
General Land Use Amendment 1182 N Hovi Hills Dr Ellis/ Adams
From Low Density Residential
to Medium Density Residential
(Recommendation)

PULLED- No Show

9. PUBLIC HEARING
Zone Change 1182 N Hovi Hills Dr Ellis/Adams
From RA to R-2-2
(Recommendation)

PULLED- No Show

10. PUBLIC HEARING
General Plan Amendment 3200 N Canyon Ranch Drive Esplin Land Holdings/
Low Density Residential Cedar Bluffs Subdivision Alliance Consulting Engineers
to Central Commercial
(Recommendation)

Adam - This is a public hearing for a lot of property on Canyon Ranch Drive.

Gary Wilkinson: If you look up into the right corner that brown portion is the commercial zoning that we want to do. Obviously right by I-15. And this is R-3, which is like the higher density that would be in this area. That's also split out into acreage right in here. And then the green would be a little bit of a little bit of a little more residential. The whole overall density it's about 255 acres. We left all these wide areas open space.

(currently AT, General Master is low density to a variation of commercial) This is the blue that would be R3 and then the green would be R2. Overall, it would be 10.85 units per acre. Medium density. Second access put through underneath the freeway.

Bryce- We are working with UDOT and Enoch to discuss the issue of moving this property back further. UDOT will move faster if this is approved because then they would see a need for it. And of course, and UDOT has already reached out to City of Enoch to discuss that issue.

Adam: So, the commercial property that you plan on creating, that is currently zoned low density? You want to change that to central commercial?

Carter: It is currently zoned AT

Adam: General Plan is Low Density, and we want to change that to commercial. Then you want to change the low density residential to high density. So is the entire master plan low density residential?

Don: Yes.

Adam: So we're going from low density, to variations of high and commercial.

Carter: The R and Z zone is only allowed in our high-density designation.

Don: If the general plan was medium density, you can still do an R and Z type product. But your lot size is forty-five hundred square feet. So it kind of takes you down to maybe a twin home lot, but it has to be single family. If you go high, then you can go down to thirty-five hundred.

Gary: We've worked with the city in terms of determining max density, what sewer, what traffic looks like. I think we have that all provided for your view.

Tom Jett – would you connect the road that runs across the east side of the freeway, this road you are proposing would tie into this road.

Gary: There's a culvert now. We could extend the culvert, widen it to make it an access to exit to Enoch. Enoch City actually wants this widened. They have been talking to UDOT. I think UDOT had already reached out to the city of Enoch, even prior to us proposing this and was in talks with Enoch to do that. Now this would just help push that issue forward for them.

Johnathan: I've had quite a few discussions and I appreciate Bryce and all the time their team has spent on this so far. This has been looked at a very high level. We initially received a layout that showed a certain number of units identified. My concern is that if the general plan is changed, even if the zoning has changed, if this property sells, whoever buys this property will be vested in that general plan designation. So there may be a number of units that they're discussing at this time, but if the property changes hands, then really they could come back in for a zone change, meet whatever density is allowed based on the zoning that's applied for at that time. The other issue that I kind of mentioned to Bryce about the idea of a development agreement, which we've done in the past to try to maybe limit the number of units to what the infrastructure can handle. The other issue is we did ask some discussions with Enoch City. This area, in terms of the sewer, we need to drain down through a sewer line that was put in when the Auto mall Drive project went in. It was probably about 20 years ago. The Auto mall Drive project came in and sewer line was run underneath I-15 and then it actually runs down through Enoch City before it gets to the treatment plan. There's only a limited amount of capacity in that line that Enoch City can handle. We did discuss maybe allowing, if Enoch City seemed amenable to allowing a certain number of phases, to be able to drain down through, but at some point there's going to be another sewer line running east to west. The other issues we would need to get our master plans updated to accommodate this type of development. Currently our master plans assume a low density in this area because that's what the general plan says. If we go to high density that changes things in terms of what our master plans can accommodate. We would need to look at that and get the master plans amended to be able to accommodate it. Now if we're going to limit it to a certain number of units then those master plans would need to accommodate that. If we just say, okay, it's a blanket, go to that general plan high density then we would need to look at the master plans in terms of accommodating the maximum density in that area. That's where we're at from an engineering standpoint. I really feel like we need to look at our master plans to be able to make sure that we can, I'm confident we can serve this area, but exactly what that means in terms of pipe sizes and locations. That's something that we need to be looked at. Typically, the city would pay for the upsizing of utilities.

Gary: I think as far as the development agreement is concerned, we understand you want to be able to have control over how these, how this is planned out. My question with respect to that is, how does that cut in the event that the city says we want more density than the development agreement actually contemplates. So if we enter into a development agreement is there going to be a carve out that says if the city wants more density, they can nullify what's been agreed to and then create more density. Or, does any potential downstream purchaser going to be able to, or city and that purchaser going to have to stick to what the development agreement says? Because I could contemplate with jail coming in the inland port, all of these other things happening, the affordability of housing in Utah. High density isn't, I understand it has a taboo to it, but to the extent you may want that later, is that going to hamstring you?

Jonathan: Those agreements can always be amended.

Adam: But they have to be amended with the agreement of both parties, right?

Jonathan: Yes

Randall: The thing that brought about the development agreements in our community is a project that came through as luxury town homes and R-3 and it got rezoned and recession happened and now it's low income housing at the golf course. It was a thorn in the side to the community and the neighborhood up there. To kind of combat that, these development agreements have been a good tool that we've been able to utilize to kind of vest the city and the developers so that we can ensure that the property doesn't just change hands with the new zoning and, and it goes into whatever they want. If that's something that you'd be open to. Jonathan brings up some very valid concerns that are hard for any of us here to combat because he's the engineer. If he tells us that the sewer system is going to be overtaxed, if we just rezoned this to R-3 and then somebody comes in and

builds it to max density. Then it's going to cost the city millions of dollars to redo sewer lines. That's going to make the commission say no.

Gary: As far as what we're asking for is to subdivide or to approve a plat, could the city not require the developer to contribute to the payment of the sewer?

Jonathan: Absolutely

Bryce: For the upsize too, the Developer is going to put in a certain size sewer anyways to accommodate what he's putting in. The city can come and say, well, you're putting in an 18-inch line, we want a 24, but we'll pay the upsize for a 24. It doesn't become millions of dollars to the city, it becomes more to the developers.

Gary: That's something beyond the scope of what we're discussing here. That's up to you what you want to do, what you want to require of the developer. What we're just asking for is- can we do this? And if you say yes, then you require whatever to whoever wants to develop it. This is a family friend. We're helping them. And one of the one of the things I was going to say is the reason why we're trying to help keep that density low is all this wide open space. If you approve it like that, now we put in all this extra open space that developer, whoever buys it cannot come in and change that because that's all considered open space. Now we're only at under 11 units per acre that to give max density instead of like, I think we put that in. It was like 16 or 17.

We're not saying, hey, we want 30. We want this. We're just trying to get the zoning to meet affordable housing for like people who work at the jail. I think your median house price here is what? Five hundred five fifty in the city. But if someone's making 60, 70,000 year, that's not affordable. Right?

Adam – Your point is as well received the issue with your point, though, is that this, the city cannot hold a future to this plan, right? This open space and everything else that you that you propose here. There's nothing that holds you or any future purchaser of that project to that to that design.

Carter: This isn't a vicinity plan either. This is so we're rezoning the whole parcel. Well, that's the other thing is now we're split zoning a parcel.

Don: There are two sides to this, right? They make some good points about the need for higher density. We've told the state in our housing plan, these are things that are one of our goals that we will meet every year. And if we don't, there's consequences to that. It'll probably get worse next year. But the flip side of that is doesn't make sense where you're putting it. Right. I think we've already committed to trying to find higher density areas. But Jonathan's point, the infrastructure, to me, traffic, circulation, all those things need to be considered. You know, your central commercial zone, I don't think they have any units proposed, but you've got to keep in mind that allows lots of residential units as well, depending on the configuration of what a future developer may want to do. So, short of a development agreement, I think it's the only tool that we've got. RDO probably wouldn't get them to where they want to be here. It might, I don't know. But even with an RDO, if you remember the last RDO, we had to go through and demand the master plans to make these things work. So those are the considerations.

Craig Isom – Randall what is preferable, a development agreement or an RDO?

Randall – It depends on what you're wanting. If you're just aiming for the question of number of units, both of them can serve that same purpose.

Isom: But designating open space and everything else. That just seems to me to speak to me as an RDO.

Randall: We can do it under both, but RDO is how we've usually done these larger projects. Just because we know as they, if this got through as it is, it's not like they're going to go do this in one weekend. A lot of times when you're looking at your RDO as you're expecting those various pods. And then they'll come through at different times with different types of densities, different types of uses. You've seen this before. It looks more like an RDO plan than anything else. Give it to an attorney, we can drive something long and complicate it about it. But usually, you see these as RDO's.

Carter: Even as it sits since this master plan, I mean, these zone changes that they're asking for don't even follow parcel lines. So can we approve a zone change based off of the drawing that we have in front of us?

Don: We do have legals.

Carter: Do you have legals for all these lines that are on this?

Don: We do have legal descriptions. They're still in a review, but whether there's an error or two to fix.

Carter: I was the only planning commission member that sits here that served on the committee that redid our master plan. Tom was also involved. And one of the members of the audience was also involved in that committee. I just I can't ignore our master plan to the point where I say let's go from an area that's entirely low density to designating the whole thing high density and some commercial. Now, don't get me wrong. I appreciate the commercial and I can appreciate feathering. I can appreciate mixing it. There was an RDO that came in through a couple of years ago. I can't remember off of Lund Highway. There was a big RDO and they had to come back to the planning commission twice because their first rendition didn't have enough low density and all they did was take a little bit of their high and make it a little bit more low and it was able to go through.

Don: That was a development agreement.

Carter: I'm all about mixed zones and feathering and having all of it. But the fact that none of this has low density for me when that's what our master plan is. It's just ignoring the master plan. The one I was talking about, it is single family homes, but you can only do the R&Z in our medium density and our high-density designations. So none of these fall under the low density designation. They're designated on the master plan.

Gary: When was the master plan done last?

Carter: It was adopted in 2022.

Bryce: So it was done understanding imports coming in and gels being done. All of these things, because I guess what I'm saying is that it contemplates what's about to happen to Cedar City and what's actually happening throughout Utah right now because I understand that you want low density and I get it. I understand to create some overlays in there that contemplate that. But, the city's growing and it's going to continue to grow and we're trying to say, yes, everyone wants that everyone, every homeowner wants space.

Carter: Well, not every homeowner.

Bryce: But space costs money. So when we do this, we're saying, the goal here is to create affordable housing for people and for people, that means probably a little bit less space. And we can maybe create an overlay that carved some of that out. We're not opposed to that.

Gary: It's also to minimize as much water usage as possible as well. So that's one thing we're going after, which I know is we've talked to Jonathan. That's a huge thing down here is the water usage to get rid of big yards, all this stuff, which that's what has to happen. So, you still get similar sized homes, but smaller yards, smaller, less, less water on all that stuff. And that's what this is trying to accommodate all those factors that come into it. So that's kind of where we saw and we've been dealing with these guys for how long, almost a year now. So, it's been a while. So, it's like we've really tried to do our research with it, work with the staff and everything to make sure, hey, this is, we want to make sure it works with you guys as well as what we're trying to accommodate.

Bryce: And something that will happen in the future as the city continues to grow. I look at Southern Utah, less water, and a little bit more density. And I think this area is well situated for this type of development. It's somewhat removed. There's easy access to the freeway so people can get into the city rather quickly. And to Don's point about infrastructure, we've gone back and forth on bottlenecks and where traffic's going to go and the impact that that's going to have. And that's why we reached out to Enoch and tried to think of other ways for traffic to get out of there. So it doesn't have such a strain on Cedar City's infrastructure.

Jonathan: Their commercial extends out into the low density a little bit.

Adam opened the public hearing.

Laura Henderson – I appreciate the reference to the general plan. And I really appreciate the fact that we need to look at some of the master plans, not only transportation, but especially infrastructure because as it's been mentioned here were, you know, it seems like it could be a good blend. The commercial seems feasible. I just think that when we are talking about water usage and this was originally zoned for low density, we need to be mindful of that and get some more details from the engineering department, you know, to make sure this is

going to all work out the way. He's gentlemen are thinking about I did notice that there was an RN is that the residential neighborhood aspect. I noticed that was in there as well, which is is a good thing because we haven't seen a lot of those yet. So that's kind of a good thing. But I'm hoping we get a little more guidance from the city on some of our master plans.

Carter: So Laura, just going on that on that aspect. So if we master plan all this high density in the RN zone, you're allowed to go a 3500 square foot lot. If it was master planned medium density, you can still do the RN zone, but you can have to have a 4500 square foot.

Ann Clark – I just wanted to stand and say thank you again for keeping and trying to really look at our general plan and holding with the general plan. See, we hear all the same buzzwords, you know, a water that's going to get you think, Oh, yeah, we got to save water. Oh, we got to have high density. It's going to be more affordable. And what I want to say, if you really look around at what these places cost your affordable housing in an affordable. And that's what I think we need to really look at what we're doing because it really isn't as affordable as we think when they're \$300,000 and \$400,000 for a town home. So anyway, I just want to really encourage everybody to really think about sticking to the general plan and not being sucked in because of what I wanted to ask and maybe you know this. When a developer comes and they have to bring water or money, right, they can bring money or water. Does that, is that enough money to buy the water needed for this development? Or is it enough water for the development? Because we get all this water and we say, Oh, the developer's going to bring water. He's going to bring money, but it's never enough. And then all of the other people pay until we really get a solution. I know the mayor has been working on it. The city council has been working on a solution about the water. But so we easily dismiss it by saying, Oh, well, they're going to get bring water rights or they're going to pay money. But it's never enough. And then the rest of the community suffers. And I personally think we have enough high-density housing and a little bit of green space isn't going to keep us from just turning into just, you know, living on top of each other. I swear it's going to be like North Korea or Russia or something.

Terry Hanks: We live 1.7 miles up from the South tunnel. They're redoing the whole frontage road right now. I'd like to know where the traffic's are going to come from off of old 91? Are they going to all come from Cedar? Are they going to come down old 91? Because the tunnel, even as a one lane is a traffic hazard, because nobody in Enoch knows how to slow down to a turn signal and pumping of breaks. We had a friend that lived in subdivision that got smacked because somebody doing 60 didn't pay any attention and flipped him in a 360 and almost turned him over. Not the first accident we've had there. I know this is county right there at the turn. But with all the extra traffic, where's it coming from? Is it coming from what was going to be the car mall? Is it coming down the frontage or the old 91? Are people using old 91 as an exit after you improve it? Who's going to improve it? Because that's county. That's not city. Has anybody talked to the county about that? About improving old 91? About widening the tunnel because it is four feet wider than a car. They're going to pay for it?

Adam: UDOT is talking about widening. It is their tunnel.

Terry: We're just concerned because the traffic, they are not widening the summit frontage road. They are repairing it.

Christine Hanks – I have a question. We're all talking about maybe UDOT will widen the tunnel. There's going to be another exit into the summit frontage road?

No

Christine: How are these people going to exit with one? If you build all that up, doesn't there need to be more than one exit except that road that connects with Loves?

Don – after they have created 80 lots they would need at least two exits out of that subdivision.

Jonathan – The tunnel isn't wide enough to be considered as one of their accesses. They would have to get a road at least out to Wedgewood Ln and then improve Wedgewood Lane going south.

Diane North – So, I'm glad that you're talking with Enoch because I would really hate for more flooding to happen in Enoch with that, you know, that really gross stuff that happened a couple years ago. And I just... Thank you. I guess that's all I have to say.

Ann Clark – I think the general plan was put into place to create balance for the housing that we create. The further north you go the higher density the housing is. I ask myself why wouldn't they want single family housing? And a developer would of course stand up and say that they are saving water and whatever, but we know it's because they can make more money on more housing being sold. I mean, it's more affordable than a million-dollar house. Yeah, or it's more affordable than a \$600,000 house. But is it really affordable? And are we keeping a balance for all of the people that live north?

Carter – All of that yellow is single family houses. RNZ is single family homes, smaller lots. If you go to the subdivision, it's not perfect exactly the same. But if you go, there's a subdivision in Parowan. So you get off at the exit in Parowan, and right there at the KB, you make that right hand turn and it cuts back. There's a subdivision. They're about 3,500 to 4,000 square foot lots. But they're all in Parowan right off the freeway. You cut back. Yeah, I know what you're talking about. That's a subdivision. I invite you to go drive out. That's essentially what the RNZ would look like.

Gary: To be perfectly candid, we build more homes because you make more money. That is true. But I would say that's why I brought Bryce. But I would say that a balance can be struck between what the developer wants and what the community wants as well. And I think the RNZ zone does kind of try to strike that balance between, because when we say high density, immediately, I'm a homeowner. I have a development going on behind my house that I didn't want. I get where you're coming from and I get where the city's coming from because I looked at the infrastructure and I say, it doesn't support this. It doesn't work. We ended up winning that battle. And so I get from a homeowner standpoint, okay, what do we want here from the community standpoint? What do we want here? And we really are trying to strike that balance to say, this is what makes sense for us as developers, but also what does the community need and what is it going to need moving forward? I would say that this RNZ zone, if you look at it, you say high density, but it's not high density in the sense that we're building town homes and apartment complexes and condominiums. We're doing high-density, single-family homes. So it's not the same as we usually conceptualize high density. It's a little bit different. Yeah, and that's what I was trying to do. Yeah, so when we get when we get riled up, we're like, oh, they're just, they just want to pack people in here. High density, small roads can't fit in anywhere. It's not really what we're trying to do here. It's not really what we're trying to fit kind of what Cedar City is right now. And maybe, I think this could work throughout Utah. I haven't seen it anywhere else. That's really what we're trying to do. The higher density sits near the commercial, right? But there's a ton of single-family homes, more single-family homes than there is that usual high density.

Don: They can do up to story home. There's some setback fluctuations, which is kind of on in that zone. But they can certainly do up to two.

Gary: If we get this zoned with the RNZ, if we sell this, a developer can come in and get that RNZ rezoned.

Don: So if you go to high density on that, on the general plan, without a separate tool, like the RDO or development agreement.

Gary: And we have no problem with that.

Don: They could propose R3M. That could be townhomes.

Gary: I don't think we have an issue. In doing an RDO or anything related to what we have here. If it's within.

Don: And I had a question for you. Maybe I posed this previously in that yellow area, some of those lots look really small. Maybe it's just the scale. You can't do a PUD in that RNZ.

Carter: Well, 3500 square foot is not very big.

Gary: If you're talking about medium density in a 4500 square foot lot, we can talk about that as well. We're just trying to get to a point where everyone's on the same page with what this looks like.

Bryce: We're amenable to any recommendations.

Carter: How big, do you have any idea how big the proposed lots are up in that upper square, that upper rectangle? Because those look like some bigger lots. Do you have any idea?

Gary: They could be quarter acre to half acre lots is what we're looking at for that area.

Bryce: That makes sense for the plan. So if we want to carve that out, I don't see that as an issue. And that's why I don't know if that's possible or not

Jennifer Davis – I would want a Development agreement in place just so we don't have another section 8 housing on our golf course situation. So you can have good intentions until, until it gets sold. And so if we propose to, you know, improve or increase the zoning, you know, the density, then anything can happen. And so we open ourselves up. Also, I wanted to ask, do you have water, you know, adequate water for.

Bryce: No, so we've talked that through with the city and we would be most likely with a developer, whether that's us or someone else, they would just purchase the water as needed. From the city and we've done the math on that.

Adam closed the public hearing

Ray Gardner – I still don't like changing the general plan.

Carter- I don't have a problem with the commercial pieces.

Jennifer: It can be changed.

Don: It can, but there's two caveats that one, they could do high density above a commercial development. So that could be one floor of retail and three floors of apartments or condos or whatever they may be. That is a product that the zoning ordinance pushes you more for residential in the commercial zone. It also allows you to do 50% of the land mass as residential at an R3M standard. There has to be in conjunction with a commercial product. And that's similar to what they're proposing on the south end of town. Was it just north of the Shell station?

Isom – For this big of a piece of property, I don't like to piece meal. I would really prefer to see the overall plan personally.

Adam – I'm not opposed to high-density, honestly. I'm not opposed to changing the general plan for this. And I'll tell you why. It's because there's no vested neighbors. We're not changing a piece of property adjacent to an existing neighborhood. This is all open vacant land that the general plan board or commission committee. Just took a broad brush and just said low density all the way up through that section. It doesn't mean they were right. It doesn't mean they were wrong. It just means that that's what they did. So because there's no vested neighbors in that that's what the general plan says, I have very little heartburn with the change to it. Now, if they're vested neighbors, I would feel a lot differently. I don't think that I could approve this one bit without seeing a development agreement or an RDO. I think we have to have that in place for a property.

Randall: I can't say across the board, of course, don't ever amend the general plan. The council's given authority for reason to do that. I think Jonathan hit your biggest pictures at the beginning now, which is we design a general plan essentially based on a couple of, well, a handful of different things. Number one is infrastructure. I don't know if we have all the answers other than we could as long as we upsize everywhere where it's needed. I don't know if we necessarily know all those upsizing's yet. But that's at least a possibility. So that's number one is making sure we have something set up to say, yeah, we can actually pull this off. Because when we amend the general plan, we're kind of giving people the idea that the city can handle it with some upgrades. The next thing, of course, is not just the infrastructure, that, of course, is sewer, water, roads, all that kind of stuff. The next thing is what you want your city to look like. General plans zone changes are it's a legislative authority. So when we said before, don't ever do public clamor, throw that out. Because for a legislative decision, general plan and zone changing, yeah, you can absolutely listen to public clamor now. You can listen to what you think the city should look like, not based on anything other than we think the city should be built in this way. We want commercial here, we want residential here. That's legislative. That's no longer has the same boundaries, if you would, when you're deciding to do that. That's the danger of not holding to your general plan is because any whim, any developer come in with a great plan and you're like, oh, I love this. But if you're not thinking big picture, it can potentially create problems. But going with regards to what Adam was saying earlier, sometimes it's worth addressing it if you can remember the big picture the whole time. That's the big thing is don't forget

it's a big plan. And how does it interact with everything that's around it? Some of that goes back to the infrastructure, but what do you want up in that area? A perfect example is the jail. When the county tried to bring the jail in, yeah, the city could have granted a conditional use permit. This commission very quickly, I don't know about very quickly, eventually gave a thumbs down and never went to council. Why? For these questions. Maybe the conditional use permit shouldn't go quite that far on the public clamor. But nonetheless, it's one of those things that you should be considering right now. Is this something you want on the north side of town? If it is, well, let's start working our way through the correct process, the RDO development agreement, the like to make it happen. If you just simply cannot see this, no matter how much we get the infrastructure in place, then yeah, don't make a recommendation to amend the general plan. The last thing you want is our developers and city staff spending hours upon hours upon hours if you just can't see it, ever, even if we had the infrastructure. So that's the main thing I ask you to consider infrastructure first, but second, can you see it? Do you want it there? I wish I could give you a better answer.

Craig: Are you guys okay with taking this back and creating a development agreement or an RDO?

Gary: Can we approve it and this can be based upon that?

Carter: We could give a recommendation. The council is the ones that will ultimately approve it, right? We could make our recommendations. And then you can work on that before you take it to council, I guess. Right?

Don: Both the agreement and the RDO would have to come back through this body. I think it's, hey, come back with an RDO or development agreement recommendation. They have every right to move forward to city council and ask for this approval. No matter what your recommendation is.

Ray: I'd sure like to see that because if we had either the RDO or the development agreement, they would have to provide more detail here. And that would answer some of these questions.

Don: Some of your RDO's you've seen don't even have this level of detail. We work on the master plans. We work on the infrastructure. There's a maximum number of units dictated by ordinance. In this case, it would be, I think, at six units per acre and a low density. Then they can take that bucket of units, so to speak, and spread them out into some higher densities. So to me, it's almost like a mini general plan based on a maximum cap. So we don't, you know, a development agreement could be certainly more detail. I think Randall made some really good points. You know, sometimes it's not always the high density. I think sometimes people are afraid of that, not because we don't like people that need apartments or need to live in townhomes, because of some of the impacts and why those impacts are traffic for the parking. We hear that all the time. Right? Or maybe that end product is not what we want. Maybe we want more open space in that end product. So kids can chuck a football even in their high density development. So, you know, it's really up to you guys where you want to go.

Craig: I don't want these guys to get the wrong impression because I, for one, am all in on RNZ. I mean, I helped create that ordinance and believe that that is a very good thing for us to be doing. So I'm not against where we're headed. I'm just afraid that, well, this is me. This is my opinion. I don't think I could vote up or down on three different zones until I see the total perspective personally.

Bryce: Meaning what?

Craig: Development Agreement or RDO.

Carter: Based off of what you have here, we can't hold you to the densities that you've said. But an RDO or development agreement will hold you to those density agreements.

Adam: So without those, I think the commission, well, I'll go ahead and just make a motion to try to move this along. I'm going to make a motion for a negative recommendation for items 10 through 14 that urges you to come bring these items back with the development agreement.

Randall: Generally, it's drafted by me. It's just a question of what conditions do you want in this development agreement? Do you want it just simply based on these numbers? Because staff obviously, I think at this point would still like some additional answers on the infrastructure concept.

Craig: Yeah, I think we want densities defined. But I think we also want capacities defined in the infrastructure.

Randall: Because at this point you have numbers up here, but we don't know if we can serve at those numbers yet.

Jennifer: Exactly. So, we would want the engineers to weigh in.

Adam: So I guess the development agreement needs to show the viability of the development with the infrastructure that we have available. Right. So I mean, you don't want we don't want them. We don't want to say, you can build all of this stuff, but we don't have the infrastructure for you.

Randall: There may be some things that we would, you know, obviously go through on there and detailing out what expenses we intend them to cover versus us. Because most developers when they come through, they're just, of course, just doing their little portion. They're doing 40 lots and they put in the pipes just for their 40 lots. This one is one of those that there's going to be some upsizing outside of their area. That, yeah, that might end up having to be inside the development agreement to say the city isn't going to approve this without some massive changes and we don't have a million bucks to change that. So those are all possibilities, but I won't know that because I'm a nerd, but not the right kind of nerd. That's engineering. They would have to try and give us an idea of exactly what needs to be upsized to make that happen. I'm assuming that's a conversation they can be had with engineering, Public works to make sure we are on board for that. Because yeah, I can include all that in the development agreement. That's easy enough. But I just don't have enough information to know what that would be yet.

Adam: You'll get in touch with Randall and you guys can hash that out to figure out the development agreement.

Gary: If we try to put so much detail into this and try to contemplate what may be happening with the future, with the purchaser, that hamstrings us a bit. I mean, I think we're... density, fine. But like you're going to say, you're going to pay \$3 million to put the sewer in. It's like, well, that if we want to market this, how do we do that?

Adam: Right, and that's something that you and Randall can work out in the development agreement. I mean, because you'll have to agree to it before you bring it to us. So we're just going to encourage you to work through that process to come up with the development agreement that you can, that's amenable to both parties that you can bring back to us that we can then approve.

Randall: The problem is, is that right now, I can tell you the city infrastructure couldn't handle this. If you built this in a moment, your sewers would back up very quickly.

Gary: Our engineers have gone through this and looked at what needs to be done. And so we understand this isn't happening now. There needs to be some updates and upgrades. But that can be built into that.

Randall: And that's what we're meaning. We're not asking you to pay for anything that is not an increase caused by your development. Anything that can pass that we have to pay you. So what I'm meaning is, is for smaller developments, it's fairly simple. Or if it's an area where a general plan is already expecting to put it bluntly that much crap coming through its system, it's not a big deal. But in this case, we already know our system is not ready for it. So if we go through and we approve it now, we're kind of setting up everybody for a failure because it won't go through yet. We have to make sure we have everything ready, not just in the infrastructure inside your property. But if we don't have it on the city side, you've got choices between either the zone change doesn't happen, we just simply won't let you build until it's ready or you help us get it done. Those are the three questions that I don't have answers for yet because I'm not that smart. So I wouldn't even know what to include in the development agreement beyond the numbers because we don't know the rest of that. At least I don't, maybe engineering does at this point. Last time we talked about it, we didn't know those numbers yet.

Jonathan: There's going to need to be some additional modeling done to determine exactly. I mean, the engineers have given us some pipe sizes for the sewer. But again, part of that could go down through Enoch City system. Part of it is probably going to have to go to the West. So there's going to need to be some modeling done to determine those exact sizes.

Adam: So I guess you got kind of two things you can do here. You can pull the item and then bring it back to us or we can give you a recommendation, which is going to be a negative recommendation.

Gary: You're fine with the commercial component though? So you're going to give a positive recommendation on the commercial component?

Carter: No, we're going to give a negative recommendation on that because we want to look at it all as one. Yeah. I mean, I am fine with it, but one thing though, well, two things actually, sorry. The development agreement, I mean, we have to be very careful what we do here. If the development agreement does not say that the yellow has to stay RNZ, if we change the master plan and say that's RNZ, if we've changed the master plan, there's no way we can stop them from changing it from RNZ to R3M. They can come back and say, oh, you master plan changed it. We can't stop them at that point to changing it to any other zone that falls under high density. And then it never comes bac. So the development agreement also needs to say that it's high density RNZ, not just high density.

Randall: And let me ask you that obviously the ultimate decision would be the councils. The simplest ones, of course, we put them at a max density. A certain number of units. You're wanting more specific than that.

Carter: Well, we want to see RNZ. We want to see single family homes there. We don't want to see... I mean, that's what they've proposed. We have no problem with any of that. And to take it one step further... If you're going to be working on this anyways, if those lots are already quarter acre or close to quarter acre, even if it's just that piece, I know it doesn't seem like much, but if you could designate some of it low density, if they're single family quarter acre lots anyways, at least there we can say some part of this stuck to the master plan. I don't know. That's just me.

Randall: The difficulty on that is RNZ, if they change the low density going into it, there are lots from RNZ next to low density, have to be lower density. It's supposed to transition. So that's why you're actually seeing what they've done. They've done exactly what our RNZ requires, which is from the outside edge, it's lower to higher density as you go in. So if they designate something as specifically low density as in the way they've done this is exactly how the RNZ asked them to do it.

Adam: So would you like us to get a recommendation or would you like to pull your item?

Gary: Well, it doesn't matter. It doesn't matter. It's the same thing. You can give us a recommendation. We can go back to our group and say, they want this...

Jonathan: If you give a recommendation, we can go on to City Council.

Randall: The biggest thing that I'm wanting to know before I even start drafting is whether we can handle it. Yeah, I want to know if we can handle it. So that's what I need to know first, is what engineering-related stuff we need in.....for all of our basic infrastructure. If there's issues, we need to know we need to make sure it's included or discussed at least. After that, yeah, I mean, initial draft can come for me within a week after that. Once I get that information within a week, I can have an initial draft to you.

Randall: You're probably better off tabling it if we know we're going to come back with a development agreement...Here's the purpose of your public notice. When we give direct public notices to give people the opportunity to know exactly where they're supposed to be to address it. So even though we don't exactly have an audience here, we don't know how many people might be online wanting to potentially watch this or would want to come. So we can't give a date certain, They don't know when to come back.

Jonathan: Well, really what I'm going to say here is that it's really on you to provide those numbers to us. Our staff is not set up to provide that kind of information. For modeling. We could do it, but I cannot give you a timeframe on when we could have that. We're extremely busy. I would really like to come from your engineers.

Gary: Our engineers will tell you what the width of the road needs to be the water and the sewer, and you will evaluate?

Motion: Adam Hahn made a motion to table items 10-14 until November 7th. Craig Isom seconded this motion. All present unanimously approved.

11. PUBLIC HEARING

General Plan Amendment
Low Density Residential
to High Density Residential

3200 N Canyon Ranch Drive
Cedar Bluffs Subdivision

Esplin Land Holdings/
Alliance Consulting Engineers

(Recommendation)

12. PUBLIC HEARING
Zone Change
From AT to CC
(Recommendation)

3200 N Canyon Ranch Road
Cedar Bluffs Subdivision

Esplin Land Holdings/
Alliance Consulting Engineers

13. PUBLIC HEARING
Zone Change
From AT to R -3 – M
(Recommendation)

3200 N Canyon Ranch Road
Cedar Bluffs Subdivision

Esplin Land Holdings/
Alliance Consulting Engineers

14. PUBLIC HEARING
Zone Change
From AT to RN
(Recommendation)

3200 N Canyon Ranch Road
Cedar Bluffs Subdivision

Esplin Land Holdings/
Alliance Consulting Engineers

15. Presentation

Subdivision Ordinance
Chapter 32

City Engineer/City Attorney

Randall – this is not meant for public hearing at this point. Basic image for all this is because state statute requires it because we must remove you and the council from basic subdivision process. If it meets all the residential requirements, they will just be approved. Vicinity plans will no longer exist. They wanted to get council and commissions out of the decision of something that would generally be approved. Things you would still need to be available for is General Plan Amendments, Zone Changes, Engineering Standards variance (for now), Ordinance Changes, Etc. The legislature on this is a lot of developers and it's because it was taking a really long time. Removing Sketch Meeting – No longer needed for Subdivisions or PUD's. Still needed for General Plan amendments, Zone changes, Ordinance/Engineering Standards changes, we have 15 business days to review and comment. This is a struggle. There are some exceptions like public safety.

Jennifer – can you imagine if this had come into effect three years ago?

Randall – It is a good thing things have slowed down. But if they have come through on their fourth cycle they are kicked out and have to start over. We have to be very specific in our comments. If we miss something, we miss it. We have 60 business days, but they get longer. The biggest thing in here is it's all front loading now, our staff was nagging developers so that will change because they will have to provide all of this information at the start. If it is not there it will be rejected. There is an appeal process where we pick an engineer, they choose one and then they choose another, three total.

Public Improvement Avoidance – This is not required but we are using it. Essentially, we have had subdivisions that come in with Phase 23 against the most expensive right of way and they never do Phase 23. This will fix that. This is to avoid leaving public improvements undone by creative subdividing. This will require them to complete public improvements if building permit pulled for a lot within 150 feet (residential) or 250 feet (commercial/industrial). This goes into effect when they pull a building permit.

Here is where there is confusion, and a lot of clarification is needed. Randall mentions changing the verbiage.

We have had this happen in the past where a developer finished all of the project except a sliver of property so he wouldn't have to finish the master planned road.

Jonathan – We will come back on November 7th and that is when you will vote on this.

Meeting adjourned at:

Amber Ray

than the day before the meeting and we will try to provide whatever assistance may be required.