

CITY COUNCIL MEETING

Tuesday, July 17, 2018 7:00 p.m.
Community Recreation Center
10640 N Clubhouse Drive, Cedar Hills, Utah

Present: Mayor Jenney Rees, Presiding
Councilmembers: Denise Andersen, Ben Bailey, Ben Ellsworth, Mike Geddes,
Brian Miller
Chandler Goodwin, City Manager
Greg Gordon, Recreation Director
Charl Louw, Finance Director
Jeff Maag, Public Works Director
Joel Wright, City Attorney
Jenny Peay, Planning Associate
Colleen Mulvey, City Recorder
Others: Lt. Gregg Ludlow, Cory Shupe, Ryan Button, Mark Greenwood, Chris
Bramhall, LoriAnne Spear, David Driggs

1. Call to Order

This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order at 7:00 p.m. by Mayor Rees. The Pledge of Allegiance was led by Boy Scout Parker Boone, and the invocation was given by C. Geddes.

2. Approval of Meeting’s Agenda.

MOTION: C. Andersen—To approve the agenda. Seconded by C. Geddes.

Yes - C. Andersen
C. Bailey
C. Ellsworth
C. Geddes
C. Miller Motion passes.

3. Public Comment: Time has been set aside for the public to express their ideas, concerns and comments. Comments are limited to three minutes per person with a total of 30 minutes for this item.

Steve Weber said he had lived next to Timpanogos Cove Park for six years and reported that there was a lot of activity happening in the park at night. They had seen drug deals and vandalism in the park. He thanked the police for being very responsive when they were called. He asked the City to keep the gate closed at night.

Mayor Rees thanked Mr. Weber for sharing his concerns and said she would follow up with him on the issues he raised.

Crystal Smith stated she was there to discuss the same issues regarding the park. She explained that her car was stolen when she was building her home. She said she spoke with the City about the issue and thanked the police for their work.

Steve Spear stated he had lived in Cedar Hills for 20 years. He said he appreciated the public comment time but was frustrated that the Mayor and Council did not engage with the public during this time. He suggested they add a time to discuss the comments offered during this portion of the meeting. He asked the Council to discuss the open space in the Cedar Hills Gateway development.

Mayor Rees stated they would address the open space in the Cedar Hills Gateway development later in the meeting.

Teresa Fairbanks said she was there to comment on the Timpanogos Cove Park issue. She said they also had issues with noise from the park at night, including drag racing down Canyon Heights Drive. She asked the City to enforce the park's hours.

Pat Weber said she also wanted to discuss the issue with Timpanogos Cove Park. She said they had seen drug deals and inappropriate activities in the park. She said the park had a reputation and it needed to be closed at 10:00 PM.

PUBLIC HEARING

MOTION: C. Ellsworth—To switch the order of a presentation with a public hearing item.
Seconded by C. Miller.

Yes - C. Andersen
C. Bailey
C. Ellsworth
C. Geddes
C. Miller Motion passes.

CONSENT AGENDA

4. Minutes from the June 19, 2018, Work Session & City Council Meeting

MOTION: C. Geddes—To approve the consent agenda. Seconded by C. Ellsworth.

Yes - C. Andersen
C. Bailey
C. Ellsworth
C. Geddes
C. Miller Motion passes.

CITY REPORTS AND BUSINESS

5. City Manager

Mr. Goodwin reported on the following:

- Staff had been discussing the Timpanogos Cove Park problem. They wanted to create a solution that did not rely on the residents' participation. They were looking for a mechanism to have the gate automatically lock and unlock, which would keep cars out.
- There was a road construction project occurring in the Oak Road neighborhood. He suggested the adjacent neighbors turn off their water during the project.
- Mr. Goodwin asked the residents to be aware of the amount of water being used. He noted this year's water usage was high.
- Lastly, he commended the golf course and the finance department.

6. Mayor and Council

C. Miller reported that the Beautification, Recreation, Parks and Trails Committee would meet this Thursday.

7. Review/Action on Approval of a Development Agreement between the City of Cedar Hills and Cedar Hills Farm Land, LLC for the Cedar Canyon Subdivision

Mr. Goodwin presented the staff report and explained that the developer approached the City several years ago with a proposal for a congregate care facility. The Planning Commission added conditions to the proposal and the developer disagreed with them. The developer then appealed to the State property ombudsman and they ruled in favor of the developer. He explained the developer returned with a new proposal for an 80-lot subdivision. The City subsequently entered into a settlement agreement for the new proposal, and the Planning Commission recently gave their final approval of said proposal. A deadline of July 31st was given as an incentive to the City and the developer agreed to extend 4700 West if the deadline was met. Mr. Goodwin then reviewed the Planning Commission's recommendations as follows:

- Lot 70 was set aside to allow public safety access
- Engineer the slopes towards homes to avoid flooding
- Each home owner responsible for planting one tree
- Changing Wildflower Lane to Lily Lane
- Label parks within the development as park space
- Requiring a design element above the fence line
- Requiring the fencing color to be harmonious with rest of the City
- Establish a fencing standard in the CC&Rs
- Constructing a concrete wall on the southern portion of development
- Including decorative pillars in the fencing
- Static five foot setback
- Call the streets public utility easement on the plat map to allow the City access to the development.

Mayor Rees asked how far apart the architectural pillars would be. Mr. Goodwin stated they would be approximately eight feet apart. Mayor Rees asked for any feedback from the Council.

PUBLIC HEARING

8. Final Plan Approval for the Cedar Canyon Subdivision located at approximately 4600 West and Cedar Hills Drive

No public comments were offered.

MOTION: C. Andersen—To approve a Development Agreement between the City of Cedar Hills and Cedar Hills Farm Land, LLC, for the Cedar Canyon Subdivision, subject to the changes discussed in the Work Session and City Council meeting. Seconded by C. Ellsworth.

Mayor Rees clarified that was the Council’s intention during the Work Session was to accept all of the Planning Commission’s recommendations except for the concrete fencing along the southern border of the property at 4700 West and 4600 West.

AMENDED MOTION: C. Andersen—To approve a Development Agreement between the City of Cedar Hills and Cedar Hills Farm Land, LLC for the Cedar Canyon Subdivision, subject to the change that we do not require the concrete wall along the southern border of the development. Seconded by C. Ellsworth.

Yes - C. Andersen
C. Bailey
C. Ellsworth
C. Geddes
C. Miller Motion passes.

9. Review/Action on Final Plan Approval for the Cedar Canyon Subdivision

Mr. Goodwin explained that the Planning Commission gave preliminary approval in May and the City Council in June. The Planning Commission gave final approval on July 10. He said the only recommendation was that the developer be subject to the final redlines.

MOTION: C. Ellsworth—To approve the final plans of the Cedar Canyon Subdivision, subject to the same changes discussed in the Work Session and City Council meeting, and subject to the final redlines from the Engineer and City Attorney. Seconded by C. Geddes.

Yes - C. Andersen
C. Bailey
C. Ellsworth
C. Geddes
C. Miller Motion passes.

10. Review/Action on Preliminary Plan Approval for the Cedar Hills Gateway Commercial Subdivision

Mr. Goodwin presented the staff report explained that the Cedar Hills Gateway was a commercial property. The retention basin for storm water was to the southwest, adjacent to the

development. The Planning Commission gave a number of recommendations which the developer already incorporated into the design. He noted they were not discussing the buildings in the development; those would be approved separately.

He explained that the developer planned on bringing 4700 West up to the property line with the utilities. The right-of-way was 66 feet wide and the development would create a bottleneck, so the goal was to throttle down the width to slow the traffic. The developer would also include speed tables to slow the traffic and encourage walkability. He noted this was on the border with American Fork and they were concerned about the traffic. They did not want this development to have access on 9900 West. Mr. Goodwin stated that in his opinion, the subdivision needed an access on the south end of the property. As a compromise, the developer proposed a partial access through 9900 West. This would only be a right-out access. Mr. Goodwin explained that storm water retention was planned to be kept underground, with the anticipation that 70% of the development would be hard surfaces.

Mayor Rees asked about the difference between commercial and mixed-use open space. Mr. Goodwin explained there was not an open space requirement in the commercial area. The developer was required to have landscaping. As an example, he noted Walmart had a retention basin as a part of its landscaping. He explained the original concept plan contained a park but the City code did not require one. He said staff suggested the developer use the retention basin as their landscaping. This worked in the City's favor because the developer would beautify the retention basin. C. Ellsworth suggested a xeriscape in the retention basin.

Mayor Rees clarified that for commercial development, there were no open space or park requirements for the entire parcel. Mr. Goodwin stated the overlay zone showed what types of commercial properties were permitted.

PUBLIC HEARING

11. Preliminary Plan Approval for the Cedar Hills Gateway Commercial Subdivision located at approximately 9826 North 4800 West

Steve Spear thanked the Council for clarifying the question he had about mixed use. Mr. Spear asked about the sidewalks on the property. Mr. Goodwin explained that there was a sidewalk that wrapped around the property. Mr. Spear asked about the portion that bordered the residential section and asked if they planned on installing a cement wall along this section. Mr. Goodwin explained that as part of any development it was required there be a cement grade commercial wall where residential was adjacent to commercial. Mr. Spear asked about the setback from the homes, and he was informed by Mr. Goodwin that it was 35 feet.

Mayor Rees closed the public hearing.

C. Ellsworth said he was not in favor of the access on the south side on 9900 West. He said he did not see the point of this because it would still create issues. C. Bailey added that this would not improve traffic. Mr. Goodwin explained that there was an alternative route cars could use that would improve the traffic.

C. Bailey stated the right-only turn out of Walmart caused issues with snow removal. The access in the development was not large enough to improve the traffic issues. Mr. Goodwin noted the homes did not face onto the road and would not be impacted by cars turning onto their road. C. Bailey said he was not in favor of the right-out only access. C. Geddes suggested they mirror the access by Great Clips. C. Bailey stated this was not a through road. C. Ellsworth added that the majority of vehicles would come back out onto North County Boulevard which rendered the access on 9900 West pointless.

Mr. Goodwin clarified they did not want to have a right-out on 9900 West. He suggested as the lots developed they reevaluate their position and add another access. C. Miller agreed they needed to wait until this became an issue. Mr. Goodwin mentioned the need to sit down with the developer to decide where to push snow.

C. Miller said he was in favor of the retention basin being sodded or xeriscaped; he was not in favor of rock or mulch. C. Bailey clarified this was the Cedar Hills property and asked why the City donated the land. Mr. Goodwin explained this was a part of the settlement agreement with Cedar Canyon. Mayor Rees stated that the developer did not own the retention basin but the City was willing to count the basin as a part of the 30% landscaping if they agreed to beautify the basin.

MOTION: C. Andersen—To approve the preliminary plans of the Cedar Hills Gateway Subdivision, subject todiscussed in the Work Session and City Council meeting. Seconded by C. Bailey.

Yes - C. Andersen
C. Bailey
C. Ellsworth
C. Geddes
C. Miller Motion passes.

12. Review/Action on an Ordinance Amending Title 10, Chapter 5-32 related to Accessory Apartments

Jenny Peay, Planning Associate, explained that there were three major changes to the ordinance. First, they clarified language pertaining to homes being in trusts. They also made clarifications with regards to an owner being placed in a nursing home or an assisted living home. Lastly, they added language concerning parking issues.

C. Andersen asked if there would be a checklist required for someone that wanted to be an accessory apartment. Ms. Peay answered in the affirmative.

C. Bailey said he was concerned that people would be afraid to approach the City to have an accessory apartment. He suggested they make this convenient for residents so they felt comfortable approaching the City. They needed to educate the residents about accessory apartments.

Ms. Peay noted parking was one of the biggest issues. She also explained that if a title company asked if an accessory apartment was legal, she would say no unless the homeowner had applied with the City and been granted a permit. Lastly, she responded to C. Bailey's previous comments by stating that the City reduced the impact fees associated with accessory apartments.

C. Andersen said public safety was important and they needed to clarify the addresses to distinguish between main dwelling units and accessory apartments.

C. Miller stated that education was important so people would apply for accessory apartments. C. Bailey agreed. C. Miller said they should not be looking for reasons to scrutinize the residents. Rather, they needed to emphasize the safety aspect of the ordinance. For example, people did not know or care about the State-wide need for moderate income housing.

C. Miller asked why the addresses needed to be labeled A & B. Ms. Peay explained that this was necessary for emergency responders to determine the correct dwelling unit. C. Miller stated that if the dwellings were not marked correctly there could be default assumption by the emergency responders which may not be correct. Mayor Rees said responders needed to know which entrance to use in order to access an emergency situation.

Mayor Rees remarked on an issue on page 4, under Exceptions. She noted the City would give the homeowners time to comply with the ordinance. C. Ellsworth said there was a decent grace period before any action would be taken. Ms. Peay said under Section N, the City gave residents two years to come into compliance with the new ordinance.

C. Ellsworth said if a resident registered an accessory apartment and the City found issues, they should give the resident reasonable time to fix these issues. Mr. Goodwin stated the City always gave a generous time period for residents to comply with City ordinances. He said their goal with the ordinance was not to become proactive and hunt down accessory apartments; they would only take action if the apartments caused a nuisance.

C. Miller asked if the City would inspect each accessory apartment. Mr. Goodwin stated this would be reliant on self-reporting. He said they did not have the staff time to do this unless there was an issue.

Mayor Rees agreed they needed to create an education campaign. She noted the State was financially penalizing cities for not having moderate income housing. The only way they could avoid this was with accessory apartments. Mr. Goodwin commented they might not be able to avoid the penalty.

C. Miller asked if this would be a one-time registration fee. Ms. Peay answered in the affirmative. Mr. Goodwin explained they would implement a one-time fee only to be renewed if the home entered into new ownership. The cost of the fee was \$40.

Ms. Peay said they needed the applicant to submit a site plan. C. Andersen stated that this could easily be done. Ms. Peay explained that the plan needed to be well drawn out.

Jeff Maag commented that Page 4, Section N, indicated that failure to complete registration would result in penalties and fines, and would be enforced by the Building Official. He said this needed to be changed to state “Zoning Official” instead. The Mayor and Council concurred with this change.

C. Geddes said any new addition would not get grandfathered in. Mr. Goodwin said this was correct but noted that the changes would be minimal. C. Geddes explained the biggest expense to additions were entrances. Mr. Goodwin stated that entrances were not limited to exterior only. There was subsequent discussion regarding the language of the motion on this item. Mr. Goodwin mentioned several minor grammatical changes that were not of substance.

MOTION: C. Geddes–To approve Ordinance No. 07-17-2018A, an ordinance amending Title 10 Chapter 5 of the city code of the City of Cedar Hills, adding requirements relating to definitions, conditions, criteria and conditional uses related to Accessory Apartments, subject to the stated changes in B-1-b and B-1-n. Seconded by C. Ellsworth. Vote taken by roll call.

Yes	-	C. Andersen	
		C. Bailey	
		C. Ellsworth	
		C. Geddes	
		C. Miller	Motion passes.

ADJOURNMENT

This meeting was adjourned at 8:12 p.m. on a motion by C. Bailey, seconded by C. Andersen, and unanimously approved.

Approved by Council:
August 7, 2018

/s/ Colleen A. Mulvey, MMC
City Recorder