

PLANNING COMMISSION
Thursday, January 24, 2013 7:00 p.m.
City Office Building
10246 N Canyon Rd, Cedar Hills, Utah

Present: Glenn Dodge, Chair, Presiding
Commission: Donald Steele, David Driggs, Emily Cox, Mike Geddes, Bradley Weber
Absent Commission Members: Craig Clement, Tonya Edvalson
Chandler Goodwin, Assistant City Manager
Scott McMahan, Zoning Official
Courtney Hammond, Transcriptionist
Others: Daily Herald representative

1. This meeting of the Planning Commission of the City of Cedar Hills, having been properly noticed, was called to order 7:00 p.m. by C. Dodge.
2. Appointment of Chair and Vice Chair

Bradley Weber and Mike Geddes were recognized as voting members.

MOTION: C. Steele—To appoint Glenn Dodge as Chair. Seconded by C. Driggs.

Yes	-	C. Dodge	
		C. Driggs	
		C. Geddes	
		C. Steele	
		C. Weber	Motion passes.

MOTION: C. Dodge—To nominate Donald Steele as Vice Chair. Seconded by C. Weber.

Yes	-	C. Dodge	
		C. Driggs	
		C. Geddes	
		C. Steele	
		C. Weber	Motion passes.

3. Public Comment
No comments
4. Approval of Minutes from the November 14, 2012 Planning Commission Meeting

MOTION: C. Geddes—To approve the minutes. Seconded by C. Steele.

Yes - C. Dodge
C. Driggs
C. Geddes
C. Steele
C. Weber

Motion passes.

5. Discussion/Review on Amendments to Title 10, Regarding Assisted living Facilities

Staff Presentation:

Chandler Goodwin stated that the assisted living ordinance contains some restrictions that may be deemed illegal, specifically the clause that requires a minimum distance between two such facilities. Staff proposes that Section M in 10-5-34 be removed. While there is a rationale for limiting the numbers, it is not something that the city can legally limit.

Commission Discussion:

C. Steele stated that the rationale behind that clause is that no one residential area gets inundated with these types of facilities. One facility in a neighborhood is palatable, more may not be.

C. Driggs stated that the city is not talking about limiting the number of facilities in the city. He would like to know if there is a specific state law that this contradicts, or a further reasoning to remove that condition. He sees this as different as conditions that limit competition in a commercial zone, because competition is a given there, whereas it isn't in a residential zone. He would leave it as is unless state law prohibits it.

C. Dodge stated that he is inclined to leave it in, unless there is a compelling reason to remove it.

Chandler Goodwin will further look into the legality of the clause.

6. Discussion/Review on Amendment to Title 4, Chapter 2 Nuisances, Regarding Vegetation/Weeds

Staff Presentation:

Scott McMahon stated that he has identified some issue where there is conflict in the code, and other areas where the code is lacking. The nuisance section of the city code only addresses weeds that are noxious weed, present a fire hazard, obstruct travel or harbor pests. There is no code that addresses live weeds. There is a secondary code under zoning regarding landscaping that says residents can't have weeds in their front yard and requires maintenance of lawn at less than six inches. If the landscaping portion of the code is violated, the fee is a \$50 fee every month for the first 12 months, \$100/month thereafter. Fees for a violation of the nuisance ordinance are \$100/day for 7 days, \$200/day thereafter. He would like to iron out some of these inconsistencies. The landscaping code is typically used for new construction to allow them to get a yard in within the first year. There is no definition of "weed" on the books other than the state's definition of noxious weeds. He has included a copy of another city's code that is easy to enforce because of its specificity. The majority of people want to do something about the weed blight. His purpose is to go after those who don't care and aren't willing to do

anything. The city is getting more and more rental properties, some of which don't care about yard maintenance. There are also a lot of vacant properties that become overrun with weeds. He can and will take action on egregious properties, but is mainly following up on complaints.

Chandler Goodwin stated that in the past if a complaint was not addressed, the city sent in summer workers to mow the weeds, and then charged the property owners for the cost of employee time. Any type of program that the city runs to help those that are unable to maintain their yard cannot be part of an ordinance.

Commission Discussion:

C. Driggs stated that he fights weeds all summer long, and never wins. Under this ordinance even those putting forth their best effort are not in compliance. The trick is to build an ordinance that captures the problem, but doesn't put every home in non compliance, because everyone has weeds. He likes the premise of six inches in height; it seems reasonable and isn't subjective. Some people with weeds are unable to take care of the weeds because of various life situations. He recommended an appeal clause, and to add some language to give some leniency to those with disability placards.

C. Geddes stated that he has rental properties and vacant properties in other cities. The key is to make it reasonable and to make sure the notices make it to property owners rather than getting stuck with the renters.

C. Steele stated that the city is charged with protecting the health, welfare and safety of its resident. When weeds pose such a hazard, the city needs to do something. When weeds get tall, they are a problem because they affect sight lines. The toughest issues are those that lead to problems between neighbors.

C. Cox suggested that the Beautification Committee may be able to organize help for those that cannot maintain their yard.

C. Dodge proposed a clause that allows people to appeal if there is hardship.

C. Weber stated that he likes that the proposed code speaks to both the owner and occupant of the property.

7. Discussion on the Conditional Use Process

Staff Presentation:

Scott McMahon stated that several months ago the city brought a new code to the Planning Commission about catteries. In reviewing that ordinance, staff found that all home occupational businesses are conditional uses, which require review and recommendation from the Planning Commission. That Planning Commission review/recommendation has not been happening. Currently no one is reviewing any of these home occupation applications. Someone should be reviewing them, because there are businesses that can impact neighborhoods. There are two types of businesses. Premise businesses do not have customers coming to the home. There are no inspections required

for premise businesses. An inspection is required of those businesses that have customers coming. He suggested making some of the less obtrusive businesses—such as many of the premise occupations—permitted uses. Other businesses that require more review would be conditional and require the Planning Commission recommendation.

Chandler Goodwin stated that businesses that deal with children, elderly, animals, and firearms should go before Planning Commission. They are businesses that affect others, and require extra precaution. Other businesses that don't affect neighbors can have a different approval process that would not require appearing before the Planning Commission for approval.

Commission Discussion:

C. Geddes stated that there should be a stated standard of what types of businesses come before the Planning Commission.

C. Driggs stated that he would draw the line on whether the nature of the business is to draw people to the home.

C. Steele stated that there are businesses that may require extra precaution that do not draw people to their home, such as those that store chemicals. He would propose that each application be evaluated, with those that do not require a thorough review and approval process with the Planning Commission be approved on a consent agenda basis, while the others have a full review.

Staff will look into what other cities are doing and focus on issues of nuisance and safety.

8. Committee Assignments and Reports
None

ADJOURNMENT

9. This meeting was adjourned at 8:36 p.m. on a motion by C. Geddes, seconded by C. Weber and unanimously approved.

Approved by Commission:
February 28, 2013

/s/ Colleen A. Mulvey
Colleen A. Mulvey, CMC
City Recorder