

PLANNING COMMISSION MEETING
Thursday, February 28, 2013 7:00 p.m.
City Office Building
10246 N Canyon Road, Cedar Hills, Utah

Present: Donald Steele, Vice Chair, Presiding
Commission Members: David Driggs, Tonya Edvalson, Bradley Weber, Craig Clement (7:06 p.m.)
Absent/Excused Commission Members: Glenn Dodge, Emily Cox, Michael Geddes
Chandler Goodwin, Assistant City Manager
Scott McMahan, Zoning Official
Courtney Hammond, Transcriptionist
Trent Augustus, City Council Liaison

PLANNING COMMISSION MEETING

1. This meeting of the Planning Commission of the City of Cedar Hills, having been properly noticed, was called to order at 7:03.

Bradley Weber recognized as a voting member.

2. Public Comment
None.

SCHEDULED ITEMS

3. Approval of Minutes from the January 24, 2013 Planning Commission meeting

MOTION: C. Weber—To approve the minutes. Seconded by C. Driggs.

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|---------|---|-------------|
| Yes | - | C. Driggs |
| | | C. Steele |
| | | C. Weber |
| Abstain | - | C. Edvalson |

4. Discussion/Review on Amendments to the City Code, Title 10, Regarding Assisted Living Facilities

Staff Presentation:

Chandler Goodwin stated that, if challenged, the current code would likely not stand. Section 10-5-34M is the portion in question which stipulates that there cannot be more than one such facility within ½ mile radius. This bit may be in violation of the Fair Housing Act. Courts have generally struck down requirements for dispersal of group homes. One court case has upheld a city's decision to deny an assisted living facility based entirely on parking. In that particular case there were 21 group homes in 1½ mile radius. Current code allows for 4 unrelated people to live in a home as a family. The real problem is that the city is limiting housing options by limiting the number of facilities for elderly people. Many other cities have similar dispersal requirements. He proposes

removing section M from the code. Any similar facility would come before the Planning Commission for a conditional use permit. Bangerter v. Orem is one such case in Utah that dealt with discriminatory requirements for the elderly.

Scott McMahon stated that the biggest concern he is getting is parking. An accessory apartment requires adequate off street parking. When a home is turned into a rental for 4 unrelated people, no additional parking is required. He would like to look into this parking issue across the board from assisted living facilities, accessory apartments and rentals.

Commission Discussion:

C. Steele stated that when the Commission reviewed the Osmond facility, it determined that there was adequate parking for staff and visitors. For whatever reason, there is more street parking than what was envisioned.

MOTION: C. Driggs—To recommend striking 10-5-34M. Seconded by C. Clement.

Further Discussion:

C. Clement stated that there are some additional stipulations in the code that may need to be looked at, particularly anything that addresses rehab facilities and half way houses.

Trent Augustus requested that the Planning Commission look at rehab facilities as well as businesses that the city may want to limit or restrict.

C. Steele stated that if the Osmond business works well, there is adequate space on the opposite corner which is part of Pleasant Grove.

C. Driggs suggested that no parking signs be placed on the opposite side of the street from the Osmond facility. It is also a popular school pick up location.

Yes - C. Clement
C. Driggs
C. Edvalson
C. Steele
C. Weber Motion passes.

5. Review/Action on Amendments to Title 4, Chapter 2, Section 3, Nuisances, Regarding Weeds and Refuse; Landscaping Overhanging the Street

Staff Presentation:

Scott McMahon stated that he added a maximum weed height of 6 inches, definitions of weeds and County noxious weed and noxious weed, and a standard nuisance fine schedule for violations of the code. The city already has an appeals process for citations. He did not consider exemptions based on disabilities. It is difficult to make a law that exempts certain portions of the community. It also becomes an issue for neighbors of those who may be exempt. First notices are not citations, but courtesy notice giving 14

days to get into compliance. The first formal citation comes after 14 days. Currently there is no cap on fines.

Commission Discussion:

C. Driggs suggested including some measure of quantity. As written with any weed over 6 inches, everyone will be in violation. There should be some idea of what quantity of weeds puts someone into non compliance.

C. Weber stated that the scope of the document and the changes is good. He likes the idea of not having a cap on nuisance fees. There could be a scenario where the nuisance is bad enough that the fines make enforcement and abatement possible.

Trent Augustus stated that staff has some latitude to make determinations. Having some areas of vagueness in the code, such as quantity of weeds, may be a good thing.

C. Clement suggested having one definition for weed, which includes noxious weed and County noxious weed.

MOTION: C. Clement—To recommend the City Council approve the amendment to Nuisance Code 4-2-3 as presented by Scott McMahon with the provision that the proper formatting be applied to amendments and that the definition of weed include the definition given for weed, the County noxious weed definition and the noxious weed definition.

Seconded by C. Weber.

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|-----|---|--|----------------|
| Yes | - | C. Clement C. Edvalson C. Steele C. Weber | |
| No | - | C. Driggs | Motion passes. |

C. Driggs stated that he doesn't like putting something in the code that puts the entire city in non compliance. Nor does he like a code that relies on a reasonable employee to apply judgment.

Staff Presentation:

Scott McMahon stated that some of the older areas of the city are getting some mature trees with overhanging branches that can cause problems for buses, waste management, and other large vehicles. He recommended adding a portion to the landscaping ordinance to require that trees and landscaping which overhang the street pavement shall be trimmed to a minimum height of 13 ½ feet above the street pavement. That allows adequate space for Waste Management trucks and school buses. He currently uses section P, but feels that it is not specific enough. He would like a specific height.

Commission Discussion:

C. Clement suggested incorporating the height requirements to section P.

MOTION: C. Edvalson—To recommend approval of amendments to Nuisance 4-2-3: Landscaping overhanging the street with the adjustment that it fall under 4-2-3-C5 P.

Seconded by C. Clement.

Yes - C. Clement
C. Driggs
C. Edvalson
C. Steele
C. Weber Motion passes.

6. Discussion on Approval Process of Conditional Use Permits

Staff Presentation:

Chandler Goodwin stated that the city does not follow its conditional use permit as written. According to current code every home occupation business should come before the Planning Commission to get its conditional use permit. Cedar Hills has a lot of entrepreneurs and a lot of home occupation businesses. In practice the city does not have every home occupation business appear before Planning Commission. The city would like to craft a policy that it is willing to follow. Other cities break down their home occupation businesses into different classes; some require a more stringent approval process, and other less obtrusive businesses having a less strict approval process. He is most inclined to following the method used by the city of Taylorsville with classes of businesses.

Commission Discussion:

C. Clement stated that his primary concern is the impact to neighbors. He likes the model based on which home occupation businesses impact neighbors.

C. Steele suggested looking at cities that are similar in size and feel for comparison. He suggested the city of Ivins.

C. Weber stated that he would like to create a system that incentivizes people to get a business license. He would like to see as few classes as possible.

C. Driggs feels that the city should consider whether they want anyone to come before the Planning Commission at all.

7. Committee Assignments and Reports

C. Clement would like the Parks and Trails Master Plan and map tied into the existing trails in the forested land on the bench. He wants to ensure that as development occurs, access to those trails are preserved.

Trent Augustus is working on visions and goals for the city. He would like Planning Commission members to email him any feedback on their vision for commercial development, St. Andrews, etc.

ADJOURNMENT

8. This meeting was adjourned at 8:59 p.m. on a motion by C. Edvalson, seconded by C. clement and unanimously approved.

Approved by Commission:
March 28, 2013

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