

**PLANNING COMMISSION MEETING**  
Tuesday, November 27, 2018      7:00 p.m.  
Community Recreation Center  
10640 N Clubhouse Drive, Cedar Hills, Utah

Present: David Driggs, Chair, Presiding  
Commissioners: Jared Anderson, Jeff Dodge, John Dredge, Marie Kraft, Eric Schloer  
Absent/Excused: Lori Anne Spear, Steve Thomas  
Chandler Goodwin, City Manager  
Jenny Peay, Planning Associate  
Colleen Mulvey, City Recorder  
Others: Jenney Rees

1. Call to Order

This meeting of the Planning Commission of the City of Cedar Hills, having been properly noticed, was called to order by Chairperson Driggs at 7:00 p.m. C. Anderson and C. Kraft were recognized as voting members.

2. Public Comment

There were no public comments.

**SCHEDULED ITEMS & PUBLIC HEARINGS**

3. Approval of Minutes from the October 23, 2018 Planning Commission Meeting

**MOTION: C. Dredge—To approve the minutes from the October 23, 2018, Planning Commission Meeting.** Seconded by C. Anderson.

Yes	-	C. Anderson	
		C. Dodge	
		C. Dredge	
		C. Driggs	
		C. Kraft	Motion passes.

4. Review/Recommendation and Public Hearing on Amendments to the City's General Plan related to Adopting a Moderate-Income Housing Element

Mr. Goodwin explained the Land Use Development Act maintained that the City needed to have a moderate-income housing plan. He noted this was a focal point in the last legislative session. He strongly suggested the Planning Commission pass something tonight. He explained they could revisit the plan in the future. He explained the State took 1% of sales tax from cities and redirected the funds to cities with homeless shelters. There would be increasing penalties for the cities that did not comply with the legislation.

The City had a unique challenge due to the limit of space available, and this would be noted in the City's General Plan.

C. Driggs asked where one could find the affordable housing plan information being reviewed tonight. Ms. Mulvey responded it was posted with the agenda packet on the City's website and the State Public Notice Website.

### PUBLIC HEARING

There were no public comments.

Mr. Goodwin said the City's goals were created based on the State's expectations. They allowed for accessory apartments and housing in commercial zones, as well as the development of moderate-income housing.

C. Anderson asked how many specific units this equated to in the City. Mr. Goodwin responded this was difficult to calculate. They had already allowed for accessory building units. Staff's best guess was 10% had an accessory building. He explained that the State was more concerned with what the City would do in the future.

C. Driggs asked about the timing of the housing plan. Mr. Goodwin responded the legislature would call out specific cities for not having a plan. He said he wanted to have something for the next legislative session which would take place January to March. He suggested they adopt something tonight. Jenney Rees explained the City had been required to create an affordable housing plan since 1996.

C. Driggs asked how the goal document correlated to the draft document. Mr. Goodwin responded they could take the sample page out of the goal document and include the draft. He emphasized the State was pushing affordable housing.

C. Schloer asked Mr. Goodwin to summarize one or two items in the document. Mr. Goodwin said the main document included the three-paragraph statement on Cedar Hills's background with affordable housing. They wanted to be clear about the challenges Cedar Hills was facing. C. Schloer clarified there were no changes just an addendum. Mr. Goodwin was then asked to read the addendum out loud.

C. Driggs asked if the State would compare the City's plan to the rest of the County. Mr. Goodwin answered in the affirmative.

C. Dredge asked if it would be advantageous for the City to show that it had a few recorded single room occupancies. Mr. Goodwin answered in the affirmative. However, it would be difficult to determine how many they had in the City. He noted if they modified the code to allow for group homes or group living arrangements, they would have a better understanding of the issue.

C. Dredge suggested using a land use attorney. Mr. Goodwin explained that State codes allowed for group living arrangements. C. Dodge asked if they were worried about a report. Mr. Goodwin answered in the negative, and explained this was promoting a form of moderate-income housing. He stated that if the average income was \$51,000 and 30% of that was used for housing, it would be considered affordable.

C. Dredge questioned if a couple moved into the basement of a homeowner, and they were not family, would this arrangement be considered an accessory apartment. Mr. Goodwin said this would be a group living arrangement; the homeowners could also register their property as an accessory apartment.

C. Dredge asked if they could make any assumptions about mass transit in the next 30 years. Ms. Rees said she served on the MAG board and their plans lasted until 2040. They currently had not planned for improvements in Cedar Hills. Mr. Goodwin explained the MAG projections for SR92 and Canyon Road had not changed a lot.

C. Kraft asked if there were any programs they could use. Mr. Goodwin said programs existed but did not necessarily fit into the community. C. Kraft asked if they could promote places to live so they could qualify for these programs. Mr. Goodwin answered this was something they could implement. He noted the plans were still preliminary. C. Kraft commented many people were raised here wanted to stay in Cedar Hills.

C. Anderson asked if the moderate-income housing plan would become part of the general plan. Mr. Goodwin responded in the affirmative. C. Anderson asked who would examine the plan after it was completed. Mr. Goodwin said that staff and City officials should use the plan as a guide for making land use decisions.

C. Driggs said there was a committee in the past that updated the general plan. He noted this committee was dissolved. Mr. Goodwin said the purpose of that committee was to determine public opinions. The results from the committee's studies were still relevant to the housing plan.

C. Driggs commented the general plan was something the Planning Commission could update. Mr. Goodwin responded there were three required elements to consider with the housing plan.

C. Anderson asked if they had an idea how neighboring cities were handling its plan. Mr. Goodwin said they were handling their plans similarly while trying to preserve their community.

C. Anderson asked if staff had received complaints about accessory apartments. Mr. Goodwin said yes, but it was nothing significant. He noted parking was the biggest issue with accessory apartments. Noise had not been an issue.

Mr. Goodwin explained the code they had passed successfully addressed potential issues with accessory apartments. He said they would watch for ways they could improve the code in the future.

C. Driggs suggested striking a sentence regarding the settlement agreement in the goal document. He explained there was a better way of wording this information. Mr. Goodwin responded they could reword the document. He said their biggest development would be 80 units according to this document. C. Driggs suggested they strike references to the settlement.

C. Driggs commented they had already used a portion of their commercial zones for residential use. He said he was opposed to allowing more residential in commercial zones. C. Dredge commented the current zoning allowed for residential in commercial zones. Mr. Goodwin explained that he did not think this would happen. He said the State just wanted to see what they were willing to do to create affordable housing.

C. Driggs suggested changing the wording on Goal #4. He was opposed to turning homes into hotels. Mr. Goodwin responded they could not address a single room occupancy in a home. He said they already allowed for group living arrangements. He recommended they consider single occupancy after drafting the code.

C. Dodge asked if they were concerned with a developer taking advantage of single room occupancy. Mr. Goodwin responded that a developer could not create 'mini' hotels. They were trying to demonstrate to the State what they were willing to do for affordable housing. C. Dodge asked if they needed to add wording to clarify the City's objectives. Mr. Goodwin suggested alternative wording to the goals. C. Driggs said he was more comfortable with this language. The document would explain how they would promote these options if they were necessary. C. Driggs suggested they change the objective of Goal #4 to include promoting group living arrangements.

C. Driggs asked about the single room occupancies in the policy section. Mr. Goodwin responded this was in future tense and it would be in discussion with the Council. C. Driggs asked about the future in mass transit in Cedar Hills in the next 30 years. Mr. Goodwin responded there were no plans for mass transit in Cedar Hills because there was no demand.

Ms. Rees said she spoke with UTA and they were focusing on building corridors where there was growth. They would also be willing to build up transit in areas where there was no mass transit. She suggested leaving in the section about the settlement. She said there was a mentality in the legislature for every City to do their fair share. The settlement showed they were trying to do their part while there were unique challenges. She noted the State could not treat all the cities the same. She added they wanted to prevent the State from penalizing Cedar Hills for market forces outside of their control.

C. Driggs commented the Planning Commission only reviews and recommends. He suggested they note this was a 2018 settlement agreement. Mr. Goodwin added they rezoned the settlement agreement area for 80 units. He explained they could not dictate the market conditions. C. Driggs suggested expanding the language further.

Mr. Goodwin clarified the changes that were suggested for the goal document. He suggested leaving the State Code out of the document because it changed frequently. He said they would add language in the red section.

**MOTION: C. Dodge -To recommend the proposed Moderate Income Housing Element for adoption as part of the Cedar Hills General Plan, subject to the following changes: In the Housing Goals Background document, paragraph 1, change the wording “recent settlement” to “2018 settlement’; Goal 2, strike the wording “POLICIES: Staff will annually evaluate programs as they become available”; Goal 4, change the wording :single room occupancy” to “group living arrangement”; Goal 4 Objectives, change the wording “single room occupancy” to “group living arrangements.”** Seconded by C. Anderson.

Yes - C. Anderson  
C. Dodge  
C. Dredge  
C. Driggs  
C. Kraft            Motion passes

5. Review/Recommendation and Public Hearing on Amendments to City Code Title 10, Chapter 5-29 related to Carports, Land Sea Cargo Containers and Accessory Structures

#### PUBLIC HEARING

There were no comments.

Ms. Peay explained staff was asking the Planning Commission to review and recommend changes to the code. She said they had received requests for these types of structures. They needed to expand their code to include similar structures and allow various options. The new code would also address pre-fabricated car port structures. She reviewed the proposed code and read portions. She noted there were portions in which they were not completely satisfied. She asked for direction to improve the code.

C. Anderson stated that he liked the language which required design materials be in harmony with the main structure. Mr. Goodwin explained this was easy to determine if the structure was attached to the main structure.

C. Dodge explained the metal carports currently did not comply with the City code. The new code would allow these by not making these structures use materials that were in harmony with the main structure.

C. Anderson asked what was wrong with the current language for attached structures. Ms. Peay responded if they were not attached, they would have to use the materials that were harmonious with the main structure. Mr. Goodwin responded they had fixed this issue by adding the word attached to the only structures that were required to have this requirement.

Ms. Peay explained the carports would be completely different than the home in design. C. Dodge clarified they were not including the aesthetic requirements to the carports. Mr. Goodwin suggested striking out “accessory structure” in the code to clarify the code better.

C. Dredge asked how they would treat sheds in the new code. Mr. Goodwin responded they addressed sheds in a different section of the code. The sheds were not required to use stucco. He said it would be confusing by putting all these structures under the same code. He said this should be tabled tonight because there were still portions they needed to discuss.

C. Dredge said he was comfortable with the current wording regarding the attached structures.  
C. Driggs said he preferred they strike language concerning the surroundings.

C. Dredge asked to discuss Section 6. Ms. Peay said if they allowed these types of open structures, they would need to meet the same conditions in each zone. If the structures were closer than 12 feet to the main building, they would be considered a part of the building. She noted the setback requirements of the structures.

C. Driggs asked if anyone was opposed to using the accessory structure setback requirements for this code. There were a few commissioners that stated they might be opposed. Mr. Goodwin explained the 12-foot requirement was part of the fire code. Ms. Peay explained the closer the structures were to the main buildings the more requirements needed to be met.

C. Dredge asked Ms. Peay to discuss carport heights. Ms. Peay read the code's requirements. The maximum height of an accessory structure was 20 feet or 25 if they met certain setbacks. C. Driggs said the height restriction would eliminate the use of recreation vehicles which required higher ceilings.

C. Anderson said he did not know why they were limiting the structures to one story. Mr. Goodwin responded they could have a height requirement but leave out a pitch requirement. This would allow larger vehicles to be parked in the structure. C. Driggs said a structure that was higher than the primary structure would not be in harmony. Mr. Goodwin said the owner would have to build a garage if it looked out of character. There was subsequent discussion on the height requirements. Mr. Goodwin said 20 feet was very high and would be enough for most of the residents' needs.

Referencing information in Section 2, Ms. Peay asked if the total width was too expansive. C. Driggs asked if this applied to the setbacks. Mr. Goodwin responded the code required a certain percentage of the yard to be landscaped. He noted they did not limit the width of other accessory structures.

C. Dredge commented they just needed to meet the setbacks. C. Anderson stated there was a difference to how the structure looked on the sides compared to the back. There was subsequent discussion on the width requirements.

C. Dodge asked if the accessory structure was required to meet all other building code requirements. Mr. Goodwin responded in the affirmative. He said they would have to provide all engineering plans. This was true for any building over 200 square feet.

C. Driggs suggested they strike the word "automobiles" in the carport definition and replace it with "storage of vehicles or recreation vehicles." Additionally, in Section 6B, they should define

canopy buildings. Mr. Goodwin suggested they strike canopy and replace it with canvass covers. He explained the canopy could be used to cover vehicles in a driveway, but it would be regulated if it was used to roof a building.

Ms. Peay asked if the language in Section 6.3 was acceptable. The intent of this portion was to limit the length of the structure to the length of the home. Mr. Goodwin said this was more of an issue on the front of the home. C. Dodge said he wanted to restrict the length of the carports to the rear of the home.

C. Dredge asked if the third drawing in the document was close enough to meet the appearance requirements. Ms. Peay answered in the negative. She explained this was where the requirements conflicted with the code. C. Dredge said it made more sense to require these close structures change their requirements. C. Anderson said this would prohibit the prefabricated buildings. There was subsequent discussion on the structure's distance and appearance requirements. Ms. Peay stated the intent of the code was to prevent the structure from distracting from the main building.

Ms. Peay continued by reading the code concerning Temporary Storage Containers. C. Driggs said he did not want this to apply to sheds. C. Dredge commented that storage containers could not be used as sheds. Ms. Peay said most of the containers were used as storage. Mr. Goodwin suggested the code state they were prohibited as accessory structures or defined as a shed.

C. Dredge said the time limit for the storage containers was too short. He suggested they allow the containers to remain on the property for a week.

Ms. Peay explained the public right-of-way would be included in the document. C. Driggs asked what would be prohibited as accessory structures. Mr. Goodwin responded if there was already a building on the premise there was no argument the second structure was an accessory structure. He said there could be an argument if there was a vacant field.

C. Dredge questioned what would be appropriate if the structure had wheels. Mr. Goodwin responded it would be a temporary structure and would have seven days to be removed. He noted they could not have a code for every circumstance. C. Driggs asked if they should add prohibited as use as a residential structure.

Ms. Peay said there would be 180 days for construction of the structures. C. Anderson said this was a long time. Mr. Goodwin commented some projects could take a long time. It was suggested they shorten the time to 90 days.

Ms. Peay asked if structures should be prohibited in other places. C. Anderson said they should not allow them on a recorded easement. Mr. Goodwin said they should not allow them anywhere deemed as a safety hazard.

C. Driggs asked what was meant by required parking spaces. Mr. Goodwin said this was a requirement for commercial spaces in which temporary structures could be using parking spaces.

C. Driggs asked what constituted improved surface. Mr. Goodwin responded anything but grass such as gravel.

**MOTION: C. Dredge - To table the review/recommendation on the proposed amendments to Cedar Hills Municipal Code 10-5-29, relating to carports, sea land cargo containers, and accessory structures.** Seconded by C. Dodge.

Yes - C. Anderson  
C. Dodge  
C. Dredge  
C. Kraft  
No - C. Driggs Motion passes.

6. Review/Action on approving the 2019 Planning Commission Schedule

Mr. Goodwin said this was a typical schedule. All alternate terms were expired and if they wanted to reapply, they needed to send him an email.

**MOTION: C. Kraft – To approve the 2019 Planning Commission Schedule.** Seconded by C. Dredge.

Yes - C. Anderson  
C. Dodge  
C. Dredge  
C. Driggs  
C. Kraft Motion passes.

ADJOURNMENT

This meeting was adjourned at 9:05 p.m. on a motion by C. Dredge, seconded by C. Driggs and unanimously approved.

Approved:  
January 15, 2019

/s/ Colleen A. Mulvey, MMC  
City Recorder