

PLANNING COMMISSION MEETING

Tuesday, October 23, 2018 7:00 p.m.
Community Recreation Center
10640 N Clubhouse Drive, Cedar Hills, Utah

Present: John Dredge, Vice Chair, Presiding
Commissioners: Jared Anderson, Marie Kraft, Eric Schloer, Steve Thomas (7:10 p.m.)
Absent/Excused: David Driggs, Jeff Dodge, Lori Anne Spear
Chandler Goodwin, City Manager
Jenny Peay, Planning Associate
Colleen Mulvey, City Recorder
Joel Wright, City Attorney (7:13 p.m.)
Others: Mike Geddes, Dan Wilson

1. Call to Order

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

2. Public Comment

There were no public comments.

SCHEDULED ITEMS

3. Approval of Minutes from the September 25, 2018, Planning Commission Meeting

C. Anderson asked that a statement in the minutes concerning the conditional use permitting process be clarified. It pertained to the Planning Commission’s authority for issuing conditional use permits. Mr. Goodwin explained that there was a section of the code that designated which body had the authority to issue permits.

MOTION: C. Anderson—To approve the minutes from the September 25, 2018, Planning Commission Meeting. Seconded by C. Schloer.

Yes - C. Anderson
C. Dredge
C. Kraft
C. Schloer Motion passes

4. Review/Recommendation on Amendments to Lakeshore Trails Subdivision

Chandler Goodwin explained that the Lakeshore Trails Subdivision plat amendment was not changing density. Rather, they were incorporating land into the subdivision. He said there would not be a public hearing for this item tonight. He explained the subdivision process would be possible for certain lots in the future. C. Dredge asked if Lot 21 would be able to subdivide, to which Mr. Goodwin answered in the negative. He said it would be difficult to subdivide this area due to access. The only way to access the lots was through Morgan Boulevard.

The purpose of the review was to amend a portion of the plat to incorporate it into the subdivision. Mike Geddes explained that the proposed amendment would make the proposal cleaner. Dan Wilson added that the code allowed for a fence or a barn on Lot 21, which would interfere with the entire subdivision.

C. Dredge asked if Lot 21 had any frontage, and he was informed that it had limited frontage. Mr. Goodwin also noted that it shared a driveway with Lot 22. It was a difficult lot to sell with the limited access.

C. Thomas asked if there were any reasons why they should not approve the request. Mr. Goodwin responded that he could not think of any reasons. Mr. Wilson explained that if a horse arena or barn was built on Lot 21 it could create a fire risk. C. Thomas commented that the entire side of the valley was a fire hazard.

Mr. Goodwin stated that he did not have any concerns.

C. Dredge asked if they should merge Parcel C and Lot 22 together. Mr. Wilson stated that the two areas were owned and sold together.

MOTION: C. Thomas—To recommend the proposed amended Lakeshore Trails Subdivision Plat to the City Council for approval. Seconded by C. Anderson.

Yes - C. Anderson
C. Kraft
C. Schloer
C. Thomas Motion passes

5. Discussion on Carports and Land/Sea Cargo Containers as Accessory Structures

Jenny Peay explained that the City had an existing carport ordinance, but property owners were erecting them without permits. She said they recently received requests for prefabricated carport structures and the City code did not address these types of carports. Zoning currently was not permitting these types of carports. She said these prefabricated carports were built without meeting building code requirements. She suggested adopting language from other cities' codes on carports to provide regulation. She noted residents were building these carports without any City guidance and regard for the code.

Joel Wright commented there was an abundance of shipping containers that were inexpensive. Ms. Peay concurred, adding that people had even built apartments out of these containers.

C. Thomas asked if it would be permissible for a resident to add these containers to their property if they were not visible. Ms. Peay responded that the City's Building Official would have to determine if the structure met the code requirements. C. Thomas said per City code, containers were not permitted on the property for more than a specified amount of time. Ms. Peay stated that for this reason, the Commission was discussing this item.

C. Thomas asked if it would be a violation if a resident kept a container on their farm. Ms. Peay responded this was something the Commission could determine, and suggested they discuss what worked best for the City. C. Thomas asked if it was currently a violation of code to have a container on a property even if it was not seen, and the answer was yes. Ms. Peay explained that staff did not want residents to use shipping containers as accessory structures. Mr. Goodwin suggested adding language stating these containers could be housed within a greater structure.

Mr. Goodwin stated that the Planning Commission and the City Council were responsible for determining how the City looked. If the City did not want to see shipping containers as accessory structures, they should determine what requirements were reasonable.

C. Thomas stated that they also needed to address the large equestrian lots in the City. Mr. Goodwin said there were less than a half dozen of these lots, and he suggested that alternative solutions be sought out on the matter.

C. Dredge explained that if a resident created a shed that was not overly attractive, it would not be much different than a shipping container. Ms. Peay said the question they were addressing was how to regulate these structures. C. Anderson stated that accessory structures needed to have material like the primary structure.

C. Dredge was concerned with the language in the code concerning materials being harmonious with the City. Mr. Goodwin explained that the Commission needed to narrow down the requirements. Many neighborhoods in the City would not permit these containers due to HOA rules.

C. Schloer asked if the building inspector could give certain conditions for the approval of the structures. C. Dredge responded they were trying to avoid being arbitrary and capricious. C. Schloer asked if the code addressed the material and design requirements, to which C. Dredge responded in the affirmative. However, they wanted to avoid being overly strict.

Mr. Goodwin explained that if the Planning Commission wanted to allow these structures they needed to determine where they would be appropriate within the City. Furthermore, they needed to determine a set of regulations. He noted that most residents did not want them.

C. Anderson said he was concerned with language in the code only addressing carports as detached structures. Mr. Goodwin responded that attached structures would be referred to as

awnings. Ms. Peay explained that there were different building codes for attached structures and free-standing ones.

C. Thomas asked why metal was a prohibited material. Ms. Peay stated that this issue was up for discussion. C. Thomas stated that metal was the only material that could handle snow. There was subsequent discussion about the different types of metal that could be used.

C. Dredge asked why the permitted dimensions of awnings were so low. Ms. Peay said in speaking with the Public Works Director about the issue, the reason for this was to accommodate four-wheelers. When asked by C. Thomas if there were any visuals available to further explain this point, staff indicated they would create visuals for the item next time it was discussed. C. Dredge said there was some ambiguity that needed to be addressed.

C. Thomas asked if residents with a split driveway could add an awning and a garage. Mr. Goodwin responded that a resident could not include a structure in the front due to setbacks. Ms. Peay noted all awning and carports needed to have a City permit.

Mr. Goodwin explained it would not be strange for an awning to be included off a garage as a part of an RV pad. C. Dredge noted there would be setback issues. C. Thomas mentioned that a resident had requested a permit for this specific purpose. Mr. Goodwin stated this resident's carport was nowhere near the property line. The seven feet should only apply if they were a foot away from the property line. C. Dredge suggested that the Commission clean up the areas of code where distance from the setbacks was ambiguous.

Mr. Goodwin explained that 24 feet for a carport was more than reasonable to fit a large vehicle. C. Dredge asked if they were making accommodations for RVs. Mr. Goodwin answered that he thought this would accommodate the vehicles, but they should not spill into the front setback. Ms. Peay suggested they accommodate for the height. Mr. Goodwin said the carport should have the same rule as the awnings. Ms. Peay said they were treating the carports separately from the awnings.

C. Thomas stated pole barns, carports, and awnings were essentially the same thing. Ms. Peay said the sizes would be restricted depending on the zone. C. Thomas asked what the difference was between a hay barn and a carport; under the current code, he could build a barn and put several vehicles in the structure. Ms. Peay stated she determined what a resident was building when she received a permit. She explained it did not matter what the structure was used for as long as it met the City code.

C. Dredge said they should not care what the building was used for as long as it met the setbacks. C. Anderson said they should care because the carport was open; it made a difference if the neighbor stacked junk in the structure.

Mr. Goodwin suggested they require that the structure be closed after a certain length of time. There was subsequent discussion on the appropriate length to allow a structure to be open. Mr. Goodwin said a difference should be noted for agriculture and residential uses.

C. Thomas asked why they were calling the barn and carport different things when the only difference was scale. Mr. Goodwin suggested that accessory structures be considered open and closed. He said they could also make a square footage rule for the structures. C. Thomas said he was trying to consider the entire City when reviewing these regulations. The Commission could determine size based on percentage of the property; additionally, setback requirements had to be met. C. Anderson noted the size of the accessory structure was based on the lot size.

Mr. Goodwin expressed concerns with carports on the side adjacent to another property. He said they should limit carports to the side setbacks and pole barns to the rear setbacks. C. Anderson said pole barns were proportionate to the lot size.

Ms. Peay asked if they should strike the dimensions for the carports. Mr. Goodwin responded they could limit their size with square footage. They should be large enough to accommodate an RV and remain within the setbacks.

C. Anderson explained that there was a problem if the carports were taller than the primary structure. C. Dredge noted this would not be harmonious with the zone and would not be permitted. Ms. Peay said a carport did not have a specific distance from the home, but it could not be attached. Mr. Goodwin noted they could not be sloped to the home due to drainage.

6. Discussion on swimming pools and spas

C. Dredge asked about the provision for swimming pools and spas. Ms. Peay explained that the Commission needed to have fencing restrictions for homes with swimming pools. Hot tubs required locked covers or a fenced area. She noted the State code superseded the City code.

C. Thomas asked if the code addressed below ground and above ground pools. Ms. Peay stated that she would double check and get back to the Commission on the matter. When asked if building permits were required to install a pool, Ms. Peay answered in the affirmative. She noted there were requirements for unsecure pools (above ground pools) to have fencing.

7. Discussion on Driveways

Ms. Peay explained that some driveways were restrictive, and a proposal was being drafted that would allow a second driveway access after a permitting process had taken place. C. Thomas asked if a driveway with three spaces across would qualify. Ms. Peay answered in the negative. She explained this would only be for residents with driveways that were two spaces wide.

C. Dredge clarified that they were discussing driveways and not parking areas. Ms. Peay confirmed that this was the case.

Mr. Goodwin stated that the two parking spots in a driveway should be counted toward an Accessory Dwelling Unit (ADU). A cement pad should not be acceptable, as it needed to lead to the street. Ms. Peay noted there were some secondary driveway accesses in the City. She then explained that staff was gathering information and suggestions for the Public Works Director. There was further deliberation on the matter.

C. Schloer said two of his neighbors had recently been approved to build secondary driveways. Mr. Goodwin noted that the City's design standards were available on its website. There were standards for curb cuts and the City did not want entire front yards to be cement.

8. Discussion on Moderate Income Housing Plan and Amending the General Plan

Mr. Goodwin explained the City's general plan had not been updated in a long time, and per State law the plan needed to address three elements: transportation, land use, and moderate-income housing plan. The City did not currently have a moderate-income housing plan. Staff planned on having a moderate-income housing plan ready to be approved by next month.

Mr. Goodwin noted Cedar Hills was constrained for supplying moderate-income housing, and the demographics of the area made it difficult to encourage moderate-income housing. When asked why the City should be concerned with this issue, Mr. Goodwin responded this had become a public safety issue for lower income areas and homeless shelters in other cities. He continued explaining that the State planned on stricter penalties for cities not doing their part to improve the housing situation. He suggested the Commission discuss this issue at least once a year.

C. Dredge asked what defined moderate- and low-income housing. Mr. Goodwin advised Commissioners to review a handout that he distributed which detailed this information. C. Dredge stated he did not think the numbers presented were correct. Mr. Goodwin explained that the numbers presented in the handout came from Mountainland Association of Governments (MAG). There was further deliberation on the matter.

Mr. Goodwin noted that moderate-income housing was not necessarily for low-income residents. He explained these types of dwellings were built around public transits. The City was using the ADU as a part of the moderate-income housing plan. The code needed to be modified so the residents would use this option. He asked what other options they could explore without changing the community.

C. Thomas asked what Highland and Alpine had done. Mr. Goodwin responded Alpine had similar problems with Cedar Hills. C. Thomas noted that the housing and income in the other two cities were higher than in Cedar Hills. Mr. Goodwin noted Alpine wanted larger lots. There would be pressure on the cities to change the zoning as the State's population grew. He explained that Alpine was using ADUs to address their moderate-income housing. C. Thomas stated that the market dictated the home types. Mr. Goodwin mentioned that there had been some interest in tiny homes. C. Dredge said Provo was allowing tiny homes near the train station. Mr. Goodwin stated that Cedar Hills did not have enough space to accommodate enough tiny homes.

Mr. Wright explained the State was imposing this tax to take money away from cities without moderate-income housing. Mr. Goodwin said Cedar Hills relied heavily on its sales tax and could not afford to allow the State to take these funds. This could also have an impact on how developers were treated, which could potentially result in developers complaining to the State.

C. Anderson asked Mr. Goodwin if he was talking about approving density. Mr. Goodwin answered in the affirmative, explaining that the State could determine the cities were acting irresponsibly and take away autonomy.

In response to a question from C. Dredge regarding the City's current moderate-income housing ratio, Mr. Goodwin said the current plan was to add 20 new dwellings by 2023. Cedar Hills needed to explain to the State that its growth was not linear.

C. Anderson asked if the new subdivision by Walmart would be moderate-income housing, and the answer given was no. Mr. Goodwin advised the Commission to think about housing and examine what other cities were doing to solve this issue. C. Anderson said they could encourage people to apply for ADUs; alternatively, the City could offer certain incentives. There was further deliberation on the matter.

Mr. Wright said the City was aging rapidly and many homes in the area had five and six bedrooms that could be rented. Mr. Goodwin noted many young adults were not looking for homes but apartments and this was a good solution. Staff and the Commissioners discussed what needed to happen between tonight's meeting and the next meeting with regards to this issue. C. Dredge mentioned that there were 10 to 15 cities unduly burdened with this problem. C. Thomas commented that Park City had done a lot of work on creating solutions.

ADJOURNMENT

This meeting was adjourned at 9:15 p.m. on a motion by C. Thomas, seconded by C. Anderson and unanimously approved.

Approved:
November 27, 2018

/s/ Colleen A. Mulvey, MMC
City Recorder