

CEDAR CITY PLANNING COMMISSION
MINUTES

April 5th, 2022

The Cedar City Planning Commission held a meeting on Tuesday, April 5th, 2022, at 5:15 p.m., in the City Council Chambers, 10 North Main, Cedar City Utah.

Members in attendance: Mary Pearson–Chair, Councilman Craig Isom, Jennie Hendricks, Jill Peterson, Adam Hahn

Members absent – Ray Gardner, John Webster

Staff in attendance: City Attorney-Tyler Romeril, City Planner-Donald Boudreau, City Engineer-Jonathan Stathis, City Engineer-Christian Bennett, and Executive Assistant, Onjulee Pittser

Others in attendance: Brad Bryson, Laura Henderson, Dave Clarke, Dallas Buckner, Joel Hansen, Shannon Poulsen, Teri Kenny

The meeting was called to order at 5:15 p.m.

ITEM/REQUESTED MOTION **LOCATION/PROJECT** **APPLICANT/PRESENTER**

I. Regular Items

1. Approval of Minutes (dated April 5th, 2022)
(Approval)

Adam motioned to approve the minutes from the March 15th meeting; Craig seconds; all in favor for unanimous decision.

2. PUBLIC HEARING

Proposed Water & Storm Drain Master Plan Updates (Recommendation)	in the vicinity of South Mountain Drive	GO Civil Engineering
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Dallas Buckner: This will affect the master plan going through The Valley subdivision. We're doing a water and storm drain. We took it through Sketch. There's an existing water tank located to the south. We're proposing that it be relocated, and either two tanks or one larger tank be installed up the hill. There's a transmission and distribution line that come off. So, we're proposing that those lines be realigned in the roadway to run to the tank in the future. **Mary:** I've lived in Cedar City a long time, and I don't think we've ever moved a water tank. **Don:** It's not existing. It is master planned. **Dallas:** Everything related to this item is not existing. By moving the tank, we'll move the lines to come from that tank and put them in under future roads. For this subdivision we had a layout for it, and if the water and storm drain are approved by City Council, we'll be providing a corridor in a future phase that would be a water, trail, storm drain easement to the SITLA property to the north. We'd include those transmission and distribution lines inside of that. We'd provide them with drainage easements to tie into our roads. There's no changes to the master planned trail. We have a trail corridor that's a 20' wide parcel we would wall off on either side. The City's current storm drain master plan calls for a 36" storm drain that comes through the parcel up the valley. Based on our drainage study for phase 1 of this

subdivision, we looked at off-site basins, and with the basin area, you can see our layout that is gray scaled on the map. The upstream basin that drains through the property is about 110 acres, and that's not a huge tributary area for storm drain. Based on my calculations, I don't think a 36" storm drain is warranted, and we'd like it removed from the master plan. That doesn't mean that we won't have a storm drain in the subdivision; it means we wouldn't be required to put in a 36". We'd pay up to a 24" cost, and the City pays the upsize. That benefits both the developer and the City. Jonathan and I have had discussions and he's reviewed the drainage study. **Mary:** I would like to know how the City feels on the storm drain and proposed water change in light of all the flooding. **Dallas:** Jonathan discussed the water with Ron Larsen in part of the sketch meeting. Ron had no objections for relocating the water tank. **Jennie:** And SITLA & Leavitt Land is ok with the waterline? **Dallas:** The discussions with Ron, and he's the engineer for that project. **Jonathan:** We've had conversations with Dallas, Joel and Rob Mitchell. From an engineering standpoint, we're comfortable with moving it to the north. It will require a pressure reducing valve at the lower elevations. The tank at the south end was meant to serve a lower area further west by 4B Ranch. Moving it higher we would have to reduce the pressure to feed those areas; otherwise, it will be too high. There are extra costs to run lines to the new location. **Mary:** Who pays that cost? **Jonathan:** Typically, it would be the City through impact fees. That would be eligible as being part of the master plan. **Dallas:** The developer would pay for a portion of their development and the City pays the upsize of that. **Jonathan:** If the developer pays for an 8" size, then the City pays the extra for the larger size with impact fees. **Mary:** Is there an estimate of the cost to the City? **Jonathan:** It's about 4,000', so you're looking at around \$800,000. **Joel Hansen:** We're talking about removing the whole water tank and upsizing an existing tank. Those aren't completely additional costs to move it. It will cost 10 times that much to put a tank on the ridge and have one on Leavitt land. It's not just extras on top of everything. It's a massive reduction in cost for upsizing on the existing tank on Leavitt land. **Jonathan:** That would be the extra cost for the pipeline. There's some savings by building a larger tank or putting those 2 tanks next to each other. **Mary:** I can imagine the City finding out that we passed something, and when the costs are 4 times what they are now and asking themselves what were they thinking if the cost is millions more. I know we don't have the exact numbers, but it's an important decision. **Joel:** If we put a water tank on the ridge, we don't know when we would put it in, if it's feasible to put it there, if the ridge is tall enough or what we need to do with it. While I'm developing that section, what do I do with it? What if the ridge goes away? It's a hard place to put tank when there's not a ridge to put it on. **Mary:** What are the City's rights in the master plan to put the water tank where they plan to put it? He's saying he can get rid of the ridge. **Tyler:** It would just get rid of the ridge, not rid of the master plan. If the City wants it there, that's where it's going to go. I don't know if it would be feasible once the ridge is gone. These master plans are passed by ordinance. They're binding on all developers and citizens that live in the city. **Mary:** We don't know when it will happen in the future. It seems like a major and costly change. **Jonathan:** One issue is if the master planned storm drain is removed, it will require that the upstream property would need to put in a detention pond to slow the flow into the area. I've discussed it with Ron Larsen, he's the engineer for the Iron Horse development. I don't have anything in writing, but through conversations, Ron didn't seem to have a problem with that. **Dallas:** Every subdivision is required to put detention on the plans when they develop. If they develop, they're required to. **Mary:** Regardless of the storm drain? **Dallas:** Yes. **Jonathan:** Not necessarily. If there's downstream capacity where the drainage could go. For example, if the master planned storm drain was there and they had a capacity to take the drainage, they wouldn't be required to put in a detention pond. The benefit to put the pond drainage in would be the impact fees are waived. Whether it will be required or not is a different question. There would need to be a corridor to bring drainage down through there. It's showing roads looping in there without a road into Iron Horse. Joel's committed to do that. **Joel:** We would park 2 lots with a block wall on each

side, and there won't be easement across someone's lot; it would be dedicated Cedar property for storm drain, water lines and trail. We spoke with Robbie about that, so we won't have to fight people putting shrubbery over the top of it. We've had discussions of upsizing the existing water tank vs. building 2 of them in 2 different locations. He was ok with having to upsize 1 rather than have 2. **Dallas:** The current ordinance says you need to convey the 100-year storm in the roadway. We have good capacity in the roadways, but we can show a big capacity in the roadways without having a storm drain. If we need one, we can put what a storm drain can't carry in the road. If we have good capacity, we can get away with a smaller storm drain. **Mary:** You're saying this is not needed even though the master plan is calling for it. But based on your study, there have been changes in the standard from when the master plan was there. I would like the City to weigh in. I have to rely on the experts here; if it's something that has been decided and not needed, or an error on the general plan and this is sufficient with grade and roads. It means lots of cash and that in our economy doesn't settle well. The cost can eventually go to the taxpayer. **Jonathan:** There's no extra cost for the storm drain, but it could decrease of cost to the City if we don't have to pay for the upsizing. We can eliminate the master plan storm drain requirement if a detention pond goes in on the adjacent property. **Mary:** So, the storm drain would be decreased, but it would depend on the developer to put in the detention pond? **Jonathan:** Yes. **Jennie:** On the north property where the detention pond would have to go, has that been platted and approved? What stage are they at? **Jonathan:** It's just raw land. **Dallas:** It's part of their RDO. **Jennie:** Would they have to come in for a change in their plan to make this work? **Jonathan:** To the RDO? No. **Adam:** This change would affect their property. Have they spoken to that? **Jonathan:** I spoke to Ron Larsen. He's the engineer. **Adam:** And he's ok with doing the detention on their land? **Jonathan:** Yes. **Mary:** We'd have to have something for them to adhere to that. Maybe something in writing to make sure that will happen. **Jonathan:** I don't have anything like that currently. **Dallas:** If we had our own storm drain in the road and not the 36", it could work to make existing flows come off there. From a straight cross section standpoint, it's not adequate. **Jonathan:** Right. There would have to be some, but I don't know what size. **Jennie:** We're being asked to weigh in to reduce size of storm drain or remove it, and you're putting in something that's smaller. But I thought I heard Jonathan say that he doesn't know what the correct size would be, correct? **Jonathan:** I don't know. **Dallas:** Based on the drainage study, we don't need the capacity for a 36". As we move forward, working on construction drawings impact the road and infrastructure upstream. Based on my drainage study, there's not a need for a 36" storm drain to convey the water to Shurtz Creek. Joel pays for a 24", then the City pays the difference for the upsize of a 36", but I don't think a 36" is required. We'll put in our own storm drain and have to pay for a 24" no matter what it shows. It will save the City and the developer money. **Jennie:** And all that is based on the detention pond on the other property. **Dallas:** The road alone can't handle the runoff from there and our subdivision. The road cross section and storm drain below grade run off the water and a detention basin will reduce it. If they put it in at the same time as our subdivision, we may not need as much. By eliminating the 36" we can put in what is adequate and required. **Jennie:** Are we being asked to remove the 36" storm drain and all the other stuff to figure out and get agreements in place? **Jonathan:** It will still have to meet ordinance regardless to the design. **Tyler:** It will be reviewed with the construction drawings. You don't have to worry about what the size will be. You're not a deciding body. You're just voting for a recommendation to remove the 36" storm drain requirement. **Craig:** Have you seen Dallas' drainage study? **Jonathan:** Yes. I've read through the study and there's still a few unknowns. Whether the detention pond goes in it will change the size; if it doesn't it may need to be bigger. I don't know the size for sure. **Mary:** It sounds a bit premature without having the detention pond in place. We're putting the cart before the horse. **Jennie:** It sounds to me that is going to happen. **Mary:** If you have to go up without the detention pond, then you may have to upsize it. **Jennie:** They would have to put in

more capacity for their drainage. **Dallas:** We have an approved vicinity plan for this phase, and we're into the construction drawing process. **Mary:** I'm just making sure we have an informed recommendation. **Dallas:** If it's 36" or not, Joel would still be required to put that in. There's no benefit to Joel, and it saves the City money by putting in a 24". **Jennie:** Are you confident it will carry the drainage? **Dallas:** Yes. *(Mary had to leave the meeting early; Craig motions to have Adam serve as Chair Pro Tem; Jennie seconds; all in favor.)*

Adam opened the public hearing.

Joel: The comment I want to make is the discussion about the storm drain will benefit the people to the north of me. It has nothing to do with my subdivision. **Adam:** It does if water comes through and floods the subdivision. **Joel:** That's what the detention basin's for. It's a lot of cost for me when I don't need it for my subdivision. It's a master planned storm drain. If and when this gets developed it would be very beneficial for them to contain and maintain their own water with a detention basin so there are no flooding issues. **Jennie:** So, you're saying that's there's no benefit for putting in a storm drain, except it's master planned. **Laura Henderson:** The question we need to ask is why was it master planned for a 36"? Wouldn't this be one project that a development agreement would be good before we get the ball rolling? It would mitigate liability, damage, lawsuits.

There were no other public comments. The public hearing was closed.

Craig: We have 2 issues: water and storm drain. Water we got covered and sounds like Robbie is agreeable to one bigger tank vs. the 2. **Jonathan:** Yes, he is. **Adam:** Is the City ok with the cost of running the transmission lines up the hill? **Tyler:** That's not our call; that's City Council's call. We provide them the information. **Craig:** The water issue is taken care of, and it sounds like the drainage issue is embedded in the process of creating plats and the finishing process. **Adam:** I agree. Whether a 36" is required, it's still an important plan so you don't flood your neighbors downhill. This is at the bottom of the hill, and the top would have to put in a storm drain if it's needed. As long as some system is put in to prevent flooding, I'd be comfortable by removing this, and as long as the City's comfortable that houses won't get flooded. **Jonathan:** The question is whether the detention pond goes in upstream. If it does, then the pipe size can be reduced or eliminated. If it doesn't, we'll need the larger storm drain size. Whatever is decided determines whether the pond goes in. **Jennie:** We're not voting on the size; we're just voting to keep it or remove it. What is the process? If we say to remove 36" what's next in the process to mitigate the runoff? **Jonathan:** It will come down to the detention that's required on the upstream property and if a 36" storm drain is removed. That's what it's saying. There will need to be. **Jennie:** Has the plat already been approved, and will we have to come back and rework something that's passed? **Craig:** There's an RDO in place. **Adam:** This hasn't been approved either? **Dallas:** Correct. **Adam:** Will they have to show some mitigation of storm water from the upward property before the plat is approved? **Jonathan:** That comes when they develop their property. **Adam:** The storm water will be coming across the property. **Jonathan:** That's been incorporated in the drainage study. **Craig:** Do you think 24" is adequate? **Dallas:** It's a good size storm drain and there are good slopes on the road. We're confident of putting that storm drain system in there. That will provide a drainage easement to the SITLA parcel. We'll tie into the curb or have to put a storm drain through the project. Starting at the downhill side we'll need to know what size we need. **Adam:** And for future flooding issues would only come when the uphill section is developed and it's up to the developer to mitigate the drainage from their development into yours. **Craig:** That's normal.

Jennie motions for a positive recommendation for the Water and Storm Drain Master plan updates; Craig seconds; all in favor for unanimous decision.

3. PUBLIC HEARING

Amended PUD Plat 1095 E. Matchstick Way Ovard & Lamb/Platt & Platt
Ashdown Forest PUD Phase 5 1088 E. Mill Hollow Way
Lots 14 & 19
(Recommendation)

Dave Clarke: This is just a lot line adjustment between two lots in Ashdown Forest. This will match the existing wall that goes through the lots. Both owners have agreed to it.

Adam opened the public hearing. There were not comments. The public hearing was closed.

Craig motions for a positive recommendation for the amended PUD plat for Ashdown Forest PUD Phase 5 Lots 14 & 19; Jennie seconds; all in favor for unanimous decision.

4. PUBLIC HEARING

PUD – Vicinity 900 N. & Hovi Hills Wharton/Platt & Platt
(Recommendation) Thunderbird Garden Estates

Dave: This piece is on 900 N. by the Libertad Apartments. It's a 3-acre parcel. It's planned for 33-unit townhomes. This is what the Jones' had intended for all the R-3 properties there. The trail between hole #10 and #11 is on the east. The top of the dirt trail where everyone turns around. It's pretty steep off the back side. The path from 10 comes through the gap and hooks around. **Don:** How long is the cul-de-sac? **Dave:** We had planned to do an assisted living piece up the road on the south. We came and talked about a variance to the cul-de-sac. Didn't that go to City Council? **Jonathan:** I don't think so. **Dave:** We did get a positive recommendation from PC. The road goes to Thunderbird Garden. There's no way that this road can realistically connect in anywhere without making a "U" and coming through the 2nd fairway. When we did that center, turnaround right there and put one down closer to hole 3 or toward the end of the property. **Tyler:** Should we bring that through with this vicinity to vote on? **Jonathan:** It would be a variance to the engineering standards. **Dave:** Can you approve that all the way through? We're doing a subdivision on the next lot that is in the works. **Tyler:** City Council can approve it. **Jonathan:** The fire department will need to be able to turn their vehicles around in there. **Dave:** We've run the software to make sure they can make the turns, and we've shown that to Mike (Shurtz). We meet that. There's about a 10' difference in grade where they wanted the road. **Jennie:** Is that ok for you? **Don:** I think we're ok. I just wanted to put up the variance on record. **Jonathan:** I realize on your site it does meet the turning radius but moving forward the fire department will need places to turn around. As development comes in, they'll have to meet the fire department requirements.

Adam opened the public hearing. No comments were made. The public hearing was closed.

Jennie motions for a positive recommendation for the PUD Vicinity for Thunderbird Garden Estates; Jill seconds; all in favor for unanimous decision.

5. Subd. – Vicinity
(Recommendation)
Phases 1-4

2901 S. Tipple Road
The Trails at Shurtz Canyon

Shurtz Canyon LLC/
Platt & Platt

Dave: This is the 89-acres that we rezoned to R-2-1. We came in and rezoned the top area from commercial to R-2-1. This is 246 lots ranging from 7700 sq. ft. to half an acre. Phase 4 is the Emerald Trails and those are bigger lots. We want to get the small ones built first. **Adam:** So, you'll do it in 4 phases? **Dave:** Yes. There are 89 in the first phase, 60 in the 2nd phase, 3rd phase has and phase 4 is. Those aren't the exact numbers, but the 89 for phase 1 is correct. **Adam:** What's the road they put in going to the Cedar City sign? **Dave:** They're clearing it for a development across the road. The contractor made an arrangement to fill in the wash. It has nothing to do with me or the other developer across the street. **Jonathan:** This development is under a development agreement, and the total number of lots is 269, but this proposal is 246 lots. It's under the allowable lots. There are some master planned roads and trails adjacent to this development. On this plan it looks good from that standpoint. **Adam:** What tank feeds this area? **Jonathan:** The south tank by Home Depot and they'll have to run a water and sewer line under I-15.

Craig motions for a positive recommendation for the vicinity map for The Trails at Shurtz Canyon Phases 1-4; seconds; all in favor for unanimous decision.

The meeting was adjourned at 6:03 p.m.


Onjulee Pittser, Executive Assistant