

CEDAR CITY PLANNING COMMISSION

MINUTES

May 21, 2019

The Cedar City Planning Commission held a meeting on Tuesday May 21, 2019 at 5:15 p.m., in the Cedar City Council Chambers, 10 North Main, Cedar City, Utah.

Members in attendance: Mary Pearson-Chair, Craig Isom, Ray Gardner, Jill Peterson, Hunter Shaheen, Jennie Hendricks and Adam Hahn

Members absent – none

Staff in attendance: City Engineer Kit Wareham, City attorney-Tyler Romeril, City Planner-Donald Boudreau, City Manager-Paul Bittmenn and Michal Adams

Others in attendance: Brent Drew, Ron Larsen, Tina Dickinson, Vickie Graham, Teri Kenney, Laura McAneney, Lisa Natwick

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

<u>ITEM/ REQUESTED MOTION</u>	<u>LOCATION/PROJECT</u>	<u>APPLICANT/ PRESENTER</u>
--	--------------------------------	--

I. Regular Items

- 1- Approval of Minutes (May 7, 2019)
(Approval)**

Adam moved to approve the minutes of May 7, 2019, seconded by Jennie and the vote was unanimous.

- | | | |
|---|---|--------------------------------------|
| 2- Zone Change RA to MU
(Recommendation) | SITLA RDO Pod 1
by Cedar Middle School | Leavitt Land/3 Peaks
Eng. |
|---|---|--------------------------------------|

Ron Larsen presented and pointed out what is the first POD in the new SITLA RDO. The reason they will make this the Mixed Use zone (MU) is so they can put some townhomes along one area then the other R-1 Type lots next to that. There will be about 50 acres left that will be open space. Craig said so this is all consistent with the RDO that was approved. Yes.

Ron pointed out the note that says it is part of the POD 1 and it is limited in the number of units that can be there. He pointed out the Cedar Middle School and also Crescent Height PUD. The walking trail was asked about and he pointed out where a trail would be. Ron went on to talk about the density where they could have 200 units, the plan now is for 59 single-family lots of over 10,000 square feet then about 100 townhomes so only 160 units in this POD. They have the vicinity of both the townhomes and those R-1 lots which will be coming thru the process together.

There was a question as to why they wanted to do the MU zone. Ron said there was a time when they also discussed having a little commercial building near the other office complex in the area. That was left out, but in order to do the two uses of single-homes and twin homes, they needed the MU zone. There are limitation of what commercial could have been in the mix, that could be no more than 1.5 acres, and some other things.

Adam stated that doing mixed use does not mean each piece has to be its own zone. Ron L. said that

the RDO could have been separate PODs for each of those but using the MU zone would work for both. It was asked when the RDO final document would be available. Some have seen 2 different versions.

Ron stated that the actual mylar is all signed and done. It did not need to be recorded with the County but will just be kept on file at the City.

Ray asked how do they make sure all this area stays the mixed use as they are talking about. Kit said the vicinity of these developments is the next step and that will show exactly what they are doing in the POD. Those vicinity maps have to meet the requirements of that RDO. Each POD states the number of units it will have and they cannot go over that. All those things have to be met with each POD. The mixed use just allows them to do different things in the same area. There cannot be a large development in there. Those two plans have already been to Project Review and in a couple of weeks they should see them here. From here they will then go to City Council.

Craig moved to send a positive recommendation for this zone change in POD 1, seconded by Jill and the vote was unanimous.

3- PUBLIC HEARING

**New Ordinance regulating cargo containers in Residential Zones
(Recommendation)**

**Tina Dickinson/
Staff**

Up front Adam H. wanted to disclose that he has one of these containers in his driveway now for moving purposes.

Tyler talked about the language of the first proposal. There is a definition of what a cargo container is. They wrote that cargo containers would not be allowed in residential, only for building or moving purposes, that the ones already there should be painted or stucco'd to match the house, and that the City could still have them on their property.

Staff had some concerns with that version. They never like to have a City Ordinance where it gives the City an out. There are times when they are used for longer than 6 months. The City has always stayed away from aesthetics on private property. He went over what was recommended by staff.

They can have those containers as long as they meet the same setbacks as any accessory structure. So, they would be dealt with like a detached garage or shed. And also, being located at least 6' from the primary structure. That is the suggestion. He is not saying one or the other is right, and one or the other is wrong.

Jennie wondered about all those that have one currently. Tyler stated they would need to be removed if they did not meet this.

Jennie wondered just how many there were.

Tyler and others said since that has been brought to their attention, they have noticed quite a few. Mary stated so it would be just as if they were building a shed in their yard. There is nothing that says it would need to have stucco.

Some are not very good looking, and they could not be in the front or on driveways like they see now.

Jennie asked about those that would need to be moved to be in accordance with this ordinance, that could be a financial hardship and if they said they could not afford to move them, is there any consequence?

Tyler said per code enforcement, they would approach, seek out a plan and see what happens. Just like those that have a yard of weeds waist high, they seek out a plan. The ordinance calls for a plan and they try to work together. If push comes to shove, the City also has the funds to clean the property for them.

Mary opened the public hearing.

Tina Dickinson was there also with Vickie Graham. They do not feel the staff ordinance addresses aesthetics at all. And it does not talk about any safety issue like burying them. She feels it is time to go before the City Council with this.

Lisa Natwick wondered why it was not OK to put something in there that these should not be used for human habitation. They don't meet any sort of building code. She was not sure what was in place if you build a shed or use one of these.

Tyler stated they already have on the books that you can't sleep in a camp trailer or shed on your property. It would be fine with him if he put in a statement that they can't be used for human habitation. Mary said she has seen some out in the valley that are being lived in.

Adam has seen some homes built out of these. If they are engineered properly, they could be used for homes; if they state you can't do that, that would eliminate that. Hunter said they could say that unless it meets all the current building codes, you can leave that in.

This ordinance is for accessory buildings.

Tyler can put in there they cannot be lived in.

Tina said so you would need to get a building permit if you had one for more than the 90 days for moving.

Mary closed the public hearing.

Adam referenced an e-mail sent to them by Tyler as he talked with the department heads the overall feeling was that it just is not an issue in this City. Adam feels they should not pass any ordinance if there is not a problem. He feels they should not do that for a few and he worries about those that have to move them. He had triple A come to move his and there is money related to moving these. There would be a cost to relocate them on property. He really things this is a bad ordinance and should not be allowed to go forward.

Mary stated that sometimes you have to take preventative caution and help maintain the beauty of the City. This has become a problem. She has talked with folks in other cities and this has come up fast.

Jill felt that what Tyler has come up with is a really good compromise. It is someplace in the middle.

Craig moved to send a positive recommendation on this ordinance as drafted by Tyler with the addition of prohibiting them for human habitation. Jennie seconded the motion and the vote was 4 ayes, and 2 nays. The motion passed.

II. Staff Items

1- Member Ethics Training

Tyler R.

Tyler said that about once per year they need to review the open public meeting act. If anyone has questions, just jump in.

The Utah Public Meeting Act – the purpose is to promote confidence and make sure the public feels they have a part in any public meeting. They can voice their opinions and any decisions and debate on an item should all be done in front of them.

The meeting is in front of a body, they need a quorum of those members in order to conduct business, and the purpose would be to discuss something the public has jurisdiction over. If you are talking about zoning, master plans, lot lines, things like what you deal with, that would need to be done in a public meeting. There are times when 4 or more of you are at a social event and that is fine. Any chance meeting you are allowed to be at and to be there together. Once you talk shop about any planning commission items, then you need to stop. If there is not a quorum there, talk all you want.

Hunter wondered if you had a question on an agenda item, and had questions, does it violate that to e-mail the group and get other opinions? Tyler said whether over the phone or in social media, it should not be done.

When these meetings are held, if done properly, you have the doors open, the meeting is recorded and minutes are taken. If there are violations to that act the remedies are to re-do the public meeting. That would undo what was done. It can go as far as you having to be sued, taken to court, and paying fees.

Mary felt that it was one of the best things when they have public hearings, and they have some debate, that is healthy. That the public feels they can speak and how they are always respectful to them, etc.

Tyler said as the chair, you always give them time, but state law also gives you the ability to limit them to time, give some rules and even if all feel they do not agree, at least the public has that chance to have their time to speak. Sometimes they can go long.

Tyler went on about the Planning Commission and the unique thing about them is they are appointed. They can debate then choose to vote as they need to vote, and not lose your seat at the next election. That should help create a better political process.

Next is the Municipal Officers Employees act.

Those who are elected and appointed are to make decisions of what is best for all, not just for them or how they feel. All need to be aware of potential conflicts before they vote. The law does not define exactly what the conflict of interest is. If there are things outside weighting more on what is in Planning Commission, that would be a conflict.

There are three types that disclosure does not cure: 1- if you received in your position information that is not open to the public and you use that to benefit yourself or another person.

2- if you attempt to use your position on the Planning Commission to garner personal benefits or get privileges for someone else.

3- is gifts. You can't receive any sort of gift for sitting on the Planning Commission. There are 2 categories; things you think is a gift or things others may see as a gift. The exception is if that is less than \$50 in value, you can take that.

If anyone received a loan, you receive an award for public service, or you decide to run for office and you get money for a campaign.

Next is you can have a conflict and there are ways to cure that. For all these things, you can come to him, the mayor or Renon and fill out a form or statement and list all those conflicts. They do come up and need to be disclosed.

Example: if you are brokering a contract and helping things out and you know the working of the City and if that contract were to come up for a vote, you have your written statement filed with the Mayor and you have disclosed this prior to the discussion.

2- If you have interest in a business being regulated by the City and if you own at least 10% of that business, anything above that needs to be disclosed. Also, this goes for both your spouse and children having an interest in any business.

3- If you have interest in a business that is doing business with the City. If the city were doing electrical work in a building and they had Adam do that work, he has an interest in the business doing business with the City and would just need to disclose that.

Basically, anything in your business or personal life that creates a conflict with your duties on the Planning Commission you need to disclose. That is the State law.

The City went through and passed their own rules for disclosure back in 2011. The City asks if you have personal interests that may conflict with your duties. As set for in the ethics act, to protect the office, where there is a conflict, the members are encouraged to disclose and reclude themselves from the chambers when they are discussing or voting on those items. They need to follow the State law and also the City one.

Lastly, Tyler discussed the different types and amounts of penalties when this act is violated. Can be a Class A, a Class B misdemeanor, etc.

The meeting adjourned at 5:50 p.m.

Michal Adams, Executive assistant