The Cedar City Planning Commission held a meeting on Tuesday, August 2nd, 2022, at 5:15 p.m., in the City Council Chambers, 10 North Main, Cedar City Utah.

Members in attendance: Councilman Craig Isom, Jill Peterson, Jennie Hendricks, Ray Gardner, Adam Hahn, Carter Wilkey

Members absent: John Webster

Staff in attendance: City Engineer-Christian Bennett, and Executive Assistant, Onjulee Pittser

Others in attendance: Laura Henderson, Dale Hopkins, Nathan Bracken, Travis Holmes, Marc Peterson, Dallas Buckner, Teri Kenney

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

ITEM/REQUESTED MOTION  LOCATION/PROJECT  APPLICANT/PRESENTER

1. REGULAR ITEMS

1. Approval of Minutes (Dated July 19th, 2022) (Approval)

   Jill motions to approve the minutes from the July 19th meeting; Councilmember Isom seconds; all in favor for unanimous vote.

2. Property Disposal 2180 N. & 2181 N. Rosewood Ln. Holmes/Peterson

   Travis Holmes: My back yard goes against the wash. There’s a City easement of 20-30 ft. The reason I want to purchase that piece is because that the parcel to the west of me is landlocked. There’s a fence line that goes to the edge and the walking trail cuts across it. It’s unusable land for the City. Marc Peterson and I want to purchase that. Adam: Can you show us where this is? Travis: This small sliver behind my yard. The road used to go up on that side, but it’s locked because of the property on the west. There’s a bridge that goes across and the walking trail goes up. 3 lots that stop short of the wash. We talked to Jeff Hunter and other City people and it’s not usable land where that sits. Carter: Which is the neighbor’s property? Travis: The next section up. It’s paved now, but there are only 2 lots that can use the land. Adam: Are you talking about both parcels? Travis: Yes. Marc’s here tonight. Adam: Are there any concerns with this? In the Sketch minutes, I think they talked about an issue about access? Christian: From internal conversations with staff, we’re not worried about it, but from an engineering standpoint, Nichols Canyon wash the blue area represents Flood Zone A, that represents the 100-year areas without a known base flood elevation. For the triangle piece our concern is there’s a flood risk there. We just wanted to make sure that you’re aware of that. If that is extended and brings this parcel into the flood zone, it could cause the homeowner to get flood insurance. Adam:
If they make one parcel out of 2, that would create the entire parcel in the flood zone? **Christian:** Are you intending to have separate parcels? **Travis:** Yes. **Christian:** I don’t know how that would work, where they’re already in Flood Zone A, but the concern is if the extension brings the parcel into the flood zone, the lender could deem flood insurance is required. **Adam:** Were you aware of this? **Travis:** I’ve been told if this doesn’t pass, I am free to landscape up to the wash, as long as I don’t come back on the City if it gets flooded. **Christian:** Nothing’s preventing you from doing that, but there is a potential for floor risk. **Travis:** I thought that this route would be better, because if I purchased the property, I couldn’t go back on anyone. If I landscape, it’s still your property. If it gets flooded that it can’t come back to you. That’s how I was told to do this. **Jonathan:** From a City standpoint, we’re ok. We just want to make sure everyone’s aware of that. It’s more on the lending side. The lender could come back on the property if it does end up in a flood zone and require flood insurance. **Adam:** It’s ok as long as this is disclosed. **Jonathan:** We had some conversations with FEMA about this today, and this is new information we just found out. I apologize. **Adam:** Are there concerns with the drainage canal as it sits? They’ll just own up to the banks of it. **Jonathan:** Correct. **Travis:** It won’t go to the banks. This map looks pretty close. I already own the property to the corner where it goes across. I’m trying to take the piece that wouldn’t be in the flood zone. My lot is already in a flood zone. **Carter:** If this all goes through, are you going to make your property bigger or as separate pieces of property? **Travis:** Yes. He would have the one behind his house. **Carter:** So, was it to combine it into your current home or you want to keep it separate? **Travis:** They told me that I’ll have to have it surveyed to get it onto my property I have now. If it’s better to keep it separate, we can do that, as long as I can landscape it. **Carter:** If you keep it separate, you don’t run into the lending issue. **Adam:** You may want to look into that before merging them together. **Carter:** I’m assuming you’ll pay cash for the separate piece of property. **Travis:** I don’t have a lender. It doesn’t make a difference on my side. **Adam:** It can make it harder to sell a piece of property that’s in a flood zone? I appreciate staff for bringing that up. **Craig:** I don’t see that it’s usable property. **Carter:** From here does the process work? **Tyler:** The Planning Commission will make a recommendation, and that goes to City Council for approval. Assuming they’ll go through the process of disposal, it goes back to Mr. Holmes & Mr. Peterson to get an appraisal, it’s given to me, I’ll put out an RFP to the public to bid on, and we get bids. I’ll bring it back to City Council for them to accept or counteroffer.

**Craig motions for a positive recommendation on the property disposals at 2180 N. & 2181 N. Rosewood Lane; Ray seconds; all in favor for unanimous vote.**


**Dallas:** We went through the process and got an approval. We were working out deeding some trail easements in favor for the City, but during that time, one buyer backed out. We originally had 5 lots but revised it to 4 lots. Another parcel on the corner was dissolved into parcel 2. We are dedicating the 30’ trail easement along I-15 and a 5’ easement along Nichols Canyon Road. **Craig motions to approve the minor lot for the CCC/Abrams Minor Lot subdivision; Jennie seconds; all in favor for unanimous vote.**

4. **PUBLIC HEARING**

Zone Change: R-3-M to SHD 212 S. 700 W. Leavitt Land (Recommendation) 700 West Apartment Complex

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**Brent:** We have 3 lots. The east lot is an 8-plex we own. The middle lot has an existing home that’s more of a shop, and we’re in the middle of a transaction for the west lot. It’s n the GP to be in the airport overlay. **Jill:** Is this across from the new building at SUU? **Brent:** Yes. It’s on the South side. **Carter:** For all three lots combined, how much property is there? **Brent:** It’s about 0.42 acres, maybe a bit bigger than that. There’s 4 lots and they’re all 0.19 acres. 2 of them are combined. It’s all old City lots. **Adam:** So, what’s your plan here? **Brent:** Student housing; single room with a single bath. **Adam:** Will you be leveling what’s there and rebuilding? **Brent:** Yes.

*Adam opened the public hearing.*

**Sue Gale:** I own the property that’s adjacent. The Stapley’s home is not a shop. The homes were small back then. I feel it will devalue my property extremely. I don’t know how many stories it will be, but it will take away all my privacy. I’m frustrated, because no matter where I choose to live, rezoning happens. We moved to Shurtz Canyon and that’s been a nightmare out there. We own this property, and I feel that the citizens aren’t being represented. People are coming to this community because of the small size. There’s no moratorium on building. My roots are here. My family’s property is the SUU football field. You can’t have a home without encroachment. Who will want to live there? They won’t be doing 1-story, that’s for sure. I’m against it. If it gets bad enough, I’ll have to sell. I have some emotional ties and that’s where I was raised, and my son lives there now. When does it ever stop? I don’t have the millions of dollars that some others do. I’m not the only one who feels like that.

*Adam closed the public hearing.*

**Carter:** Do we have everything we need to make a recommendation, even though they don’t own the property? Do we need to get permission from the other owner? **Tyler:** The owner signs off on it usually. I’ll make sure we have that before it goes to City Council. **Carter:** I know there’s been discussions of looking at minimum lot sizes for the SHD. Has that gone any further? **Tyler:** There’s been some general discussion about it and some different opinions. It’s kind of lost traction. **Don:** There’s been interest from residents and City Council to explore that. I’ll see if we can get some data. There’s not an easy answer. **Carter:** This is a bigger piece of property than most we’ve seen. **Laura Henderson:** What’s the collective total? **Carter:** It’s almost 0.8 acres. **Don:** I have internal orders to keep looking at it.

**Jennie motions for positive recommendation; Councilman Isom seconds; Jill and Ray vote NAY; all others vote AYE; motion passes.**

II. **CITY ITEMS**

1. **PUBLIC HEARING**

Ordinance Text Amendment – Chapter 32, Section 32-9-1.H.1.a regarding Public Utility Easements (PUE) in Residential Areas (Recommendation)

**Jonathan:** We’ve had a request to look at the minimum width of the PUE along front lot lines of residential lots. With utilities going in now, everyone needs more room. Gas is usually the last utility that goes in on the inside of the lots, and they’re getting pushed out about 12’. Now the requirement is 10’ easement on fronting lot lines. It’s hard to fit in there. Our proposal is to increase the width from...
10’ to 15’ along lot line in residential lots, except in the SHD zone and maintain a 10’ PUE. We’re not concerned there because typically in the old part of town, it’s in the back of the lots. The SHD is a minimum 15’ setback for buildings. That leaves a 5’ buffer between the back of the easement and the building. On an R-1 lot, it’s a 25’ setback, and by increasing that to 15’ you still have the 10’ buffer. In the RNZ zone, the requirement is 10’ from the back of the utility easement. There will be some impact to the RNZ, because it will push that to 25’. We may want to look at that more. Adam: What does this do for homeowners? They can’t build on the easement, but it’s landscape-able. You can put fences and walls on it, but not a shed along the side of the house. Jonathan: They can’t do that in the front setback. On a corner lot, it’s a 20’ setback. It’s tighter on the side, but there’s still room from the back of the easement to the home. Carter: On one house there’s a 20’ side setback and the other street pushing it in 15’, so there’s only 5’ from the side of their house on a corner lot. Adam: The gas line can be to the edge of the easement. They’re exceeding it now. That’s why there’s an additional distance from the easement for construction equipment to get in there and dig. Jonathan: It’s good to have a clear zone from the utilities to the structure. Adam: I read in the Sketch minutes something was said about front porches. Don: It’s into the setback. Adam: How far? Don: It’s 5’ between the porch and PUE. Carter: When you’re coming down between houses, how far can a masonry fence come down? Jonathan: They’re limited to 30” in height within the front setback.

Adam opened the public hearing; there were no comments; the public hearing was closed.

Carter motions for positive recommendation for the Ordinance Text Amendment to Chapter 32 regarding PUE’s in Residential Areas; Jennie seconds; all in favor for unanimous vote.

2. Engineering Standards Update – Detail R3

PUE Width in Residential Areas and Utility Separation

(Recommendation)

Jonathan: This goes with the ordinance change. The detail shows the width of the PUE. Current standards show a 10’ in residential and 20’ in commercial. We’re not proposing any changes to the commercial and industrial. That remains at 20’. The change would be for residential from 10’ to 15’. At the bottom in the notes, I added a couple things to clarify. For 11 & 12 we’ve added notes of separation of the utilities. They get too close to our water, sewer and storm drain lines. The minimum clearance for any City utility is 18” vertically and 36” horizontally. It allows City crews to maintain them properly. It’s just a bit of cleanup work.

Jennie motions for a positive recommendation for the Engineering Standards Detail R3; Jill seconds; all in favor for unanimous vote.

Jennie: I’m going to ask for an agenda item for our next meeting. My notes said Gap implementation. What does that mean? Don: The City has goals and policies that were approved by City Council. The thought was at the next meeting we’d take a read through the GP. Everybody has top priorities that are important to them, so we’d take some of the goals and policies and see if there are some that the commission thinks are top priorities. Pick your top 5, then the commission can give something to staff.

The meeting was adjourned at 5:45 p.m.

Agnulee Pittser, Executive Assistant
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Transportation Master plan  Culinary Water Master plan  Wastewater Master plan
Storm drain Master plan  Active Transportation Master plan  Master plan Trail System

Transportation or Street Master plan was adopted by the City Council on February 23, 2022.
MINOR SUBDIVISION/RECORD OF SURVEY
FOR
CEDAR CITY COMPANY LLP
LOCATED SECTION 35, T35S, R11W, SLB&M, CEDAR CITY, UTAH

SURVEYOR'S CERTIFICATE

I, DALLAS R. BUCKNER, PROFESSIONAL UTAH LAND SURVEYOR NO. 1062248-2201, HOLD A LICENSE IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS AND WILL PLACE ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT. I, JONATHAN STATHIS, CITY ENGINEER, DO HEREBY CERTIFY THAT THIS MINOR SUBDIVISION WAS EXAMINED AND ACCEPTED BY ME THIS THE ________ DAY OF _______________________, 20______. I, MARY PEARSON, CHAIRPERSON OF THE CEDAR CITY PLANNING COMMISSION, DO HEREBY CERTIFY THAT THIS MINOR SUBDIVISION WAS APPROVED BY SAID COMMISSION.
MINOR SUBDIVISION/RECORD OF SURVEY
FOR
CEDAR CITY COMPANY LLP
LOCATED SECTION 35, T35S, R11W, SLB&M, CEDAR CITY, UTAH

BASES OF BEARING

THE BASIS OF BEARING FOR THIS SURVEY IS THE N1/4 (I.C.A.C.) TO THE NE CORNER
OF PARCEL 1-3. FLOOD INSURANCE RISK MAPS EFFECTIVE DATE: OCTOBER 16, 1984. AND REVISED TO
AS SHOWN ON THIS MAP THROUGH PARCEL 1-3.

REFERENCES:

1. RIGID LAND SURVEY DATED 12/17/18.
2. CEDAR CITY HYDROCOMPACTION SOIL MAP DATED FEBRUARY, 2021.
3. SOILS LIKELY TO BE MODERATELY THICK TO THICK. 1 TEST HOLE PER 2 LOTS.
4. 70' MINIMUM DEPTH INTO SOIL OR AT LEAST 5 FEET INTO BEDROCK. PER
5. THIS SUBDIVISION IS CURRENTLY ZONED CENTRAL COMMERCIAL.

NARRATIVE

THE BASIS OF BEARING FOR THIS SURVEY IS THE N1/4 (I.C.A.C.) TO THE NE CORNER
OF PARCEL 1-3. FLOOD INSURANCE RISK MAPS EFFECTIVE DATE: OCTOBER 16, 1984. AND REVISED TO
AS SHOWN ON THIS MAP THROUGH PARCEL 1-3. FLOOD INSURANCE RISK MAPS EFFECTIVE DATE: OCTOBER 16, 1984. AND REVISED TO
AS SHOWN ON THIS MAP THROUGH PARCEL 1-3.

PARCEL 1 DESCRIPTION

CONTAINING 1.32 ACRES, MORE OR LESS.

PARCEL 2 DESCRIPTION

CONTAINING 5.95 ACRES, MORE OR LESS.

PARCEL 3 DESCRIPTION

CONTAINING 3.70 ACRES, MORE OR LESS.

PARCEL 4 DESCRIPTION

CONTAINING 1.27 ACRES, MORE OR LESS.

NOTES:

1. PROPERTY IS LOCATED IN ZONE B AS RECLASSIFIED FROM CONSERVATION ZONE TO
COMMERCIAL ZONE PER DEER FALLS CITY MANAGEMENT BOARD RESOLUTION NO. 1.
2. THIS SUBDIVISION IS CURRENTLY ZONED COMMERCIAL, SCHOOL, HOSPITAL, OR
SUBDIVISION PRICED AS RESIDENTIAL DEVELOPMENT PENDING RESOLUTION
3. THIS PROJECT IS LOCATED IN A PERMISSIBLE BUILD AREA, THEREFORE
SUBDIVISIONS MAY BE PERMITTED - CONTACT DEER FALLS, SLB&M, AND CEDAR CITY
4. BUILDING PERMITS MAY BE REQUIRED - CONTACT DEER FALLS, SLB&M, AND
CEDAR CITY
5. SURVEYORS WORKED TOGETHER TO COMPLETE SURVEY PERFORMED BY

ORIGINAL PARCEL DESCRIPTION

CONTAINING 15.74 ACRES, MORE OR LESS.

CHECKED:

DATE:

590 N. 800 W. CEDAR CITY, UT 84721

#(435) 586-9592  WWW.GOCIVIL.NET
Zoned R-3-M and want to add SHD Overlay Zone.

Properties are included in the SHD Overlay Zone.
subdivisions and PUDs the subdivider or developer shall have an engineer licensed in the State of Utah prepare and stamp one (1) copy of engineering drawings showing a detailed design of all the required subdivision or PUD City and common improvements as listed in Section 32-9(3). The engineering drawings shall be reviewed and initialed by the design engineers’ internal checker and shall conform to all City Ordinances, City Engineering Standards, City Master Plans, sound engineering practices, other local, state and federal regulations, soils report recommendations and other requirements of the City Engineer that are based on adopted Cedar City land use regulations. Design study reports for drainage, water, sewer, and traffic may also need to be submitted when requested by the City Engineer. Whenever final approval has been obtained from the City Engineer on the Engineering Drawings the approval shall remain in effect for a period of two (2) years. If construction has not begun before the 2 year period elapses, the City Engineer has the right to have the drawings updated to the current Cedar City Engineer Standards in effect at that time.

E. Parks, School Sites, Other Public Space. In subdividing property, consideration shall be given to sites for schools, parks, playgrounds, and other areas for public use, as shown on the Master Plan. Any provisions for such open spaces should be indicated on the Vicinity Plan in order that the City may determine when and in what manner such areas will be dedicated to, or required by, the appropriate agency.

F. Water Pressure. No subdivision shall be approved in an area in which the water pressure at the highest spot in said subdivision has less than 40 p.s.i. with the water tank serving said area containing the amount of one (1) foot of water in said tank, unless said subdivision installs a water system consisting of either additional storage, booster pumps, or other requirements as determined to be necessary by the City Engineer to provide service to areas within said subdivision not meeting the 40 p.s.i. requirement.

G. Access. All subdivisions shall have access to a dedicated, paved street. If these conditions do not exist, the subdivider will be required to obtain such access before Final Plat approval and make improvements before the subdivision is accepted.

Amended by City Ordinance No. 1009-19, 0310-21, and 0525-22-3

H. Minimum Public Utility Easements on Residential Lots. Residential subdivision plats prepared for filing shall be required to show the following minimum width utility easements:

1. Residential Lots:
   a. Minimum ten-foot utility easement on the front lot line;

   Except in the SUU Housing District (SHD) zone where a minimum 10-foot utility easement will be required on the front lot line.