

CEDAR CITY PLANNING COMMISSION
MINUTES

August 3, 2021

The Cedar City Planning Commission held a meeting on Tuesday, August 3, 2021, at 5:15 p.m., in the City Council Chambers, 10 North Main, Cedar City Utah.

Members in attendance: Mary Pearson–Chair, Craig Isom, Jennie Hendricks, Ray Gardner, Jill Peterson, Tom Jett

Members absent: Adam Hahn-Excused

Staff in attendance: City Attorney-Tyler Romeril; City Engineer-Jonathan Stathis; Donald Boudreau-City Planner and Michal Adams

Others in attendance: Kleston Laws, Mike Dursler, Anndria Jacks, Laura Henderson, Fred Fleckenstein, Michael Platt, Sean Wharton, Pam Burns

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

Mary spent a moment to welcome the newest member of the Planning Commission, Tom Jett. He will take the place of Hunter Shaheen on this board.

ITEM/REQUESTED MOTION LOCATION/PROJECT APPLICANT/PRESENTER

I. Regular Items

1. Approval of Minutes (July 20, 2021)

(Approval)

Craig moved to approve the minutes of July 20, 2021, seconded by Jennie and the vote was unanimous.

2- PUBLIC HEARING

PUD- Vicinity approx. 1000 S 75 E

(Recommendation) Trailside Townhomes PUD 2 Cedar South LLC/Platt & Platt

Michael Plat pointed out Phase 1 that already is built. They want to do Phase 2 which will be 31 units. It is the extension of Phase 1 and they have been working with Don B. to get this going. The zoning is already in place. The only issue is the new PUD ordinance recently changed. Also, after talking with Mike S. of fire he wanted 26' for fire truck access so they have added an access off 25 East. They also have lots of parking in the middle.

Craig asked how many units were in Phase 1? Mike was not certain but thought about 90 and this will add 31 more.

Jennie said on Sketch they talked about a road; has that all been resolved? Michael P. said with the other access out to 25 East, it is all good now. He also said they would improve that portion of 25 East.

Don said that may have to do with the right-of-way as the master plan only requires this to be a 55' wide

road and it is 60'. Michael said that all of 75 East is at 60'. When they did the site plan and went all the way through to final plat, this street wanted to be 55' wide, but all the deeds along there fit for a 60' wide street. They will leave it all at the 60'.

Jonathan said they can always go wider than what the master plan wants, just not narrower.

Jennie said so they will have all the water and sewer lines inside. Michael said they were in the construction drawing phase now. They are working on all the drainage and as they move forward will go over all the infrastructure.

Jennie wondered if the City was requiring them to do any additional engineering due to the suspect soils. Jonathan said they will require a GEO report. They provide that and then show how they will mediate the soil conditions. They are concerned about any City street. They want them built in a way that they don't get any settlement. They will look for that in the soils report.

Sean Wharton who is the owner/developer of this said they anticipate that they will connect all the sewer, water, and drainage into the other phase of Trailside as it resides now. He has met with the HOA, and they all feel this is appropriate. They will keep the fence up during the construction of this phase and when they are complete will take that fence down and this will be one contiguous project. They will be utilizing the same water meter, and same drainage system and it will all be as 1 phase. The current project is draining really well. Even with all the recent rain. He has been on site daily monitoring all the settlement of the whole project. There has been very little movement. They had 1 building #7 after all the mitigation was done is now fine. The new buildings will be constructed with micro-piles. They are finding little bits of gravel layers in there that are encouraging. Some are only 12' deep. That is solid as they did over excavation of the recommended 15' then recomacted it all. They have not seen any problems and will listed to the GEO and know all the concerns.

Mary said they mentioned they don't have to do any zone change; this is all in accordance.

Jill asked if the open space were all just gravel and rock? Don B. said this is a continuation of the old Trailside PUD, but Jill said on the Project Analysis it says they will go by the new PUD ordinance. That Project Analysis was provided by the applicant.

Mary opened the public hearing.

Laura Henderson said that she thinks Sean has done over kill on the flooding aspect. He recognizes that with the landscaping, drainage, and all, that they should go over all that with this new project given the flooding that has happened this past week.

Anndria Jacks said that she lives in Trailside Phase 1 and all the drainage is good. She is excited for this new phase.

Mary closed the public hearing.

Jennie moved to send a positive recommendation to City Council for this Trailside PUD Phase 2; seconded by Craig and the vote was unanimous.

3- PUBLIC HEARING

PUD-Vicinity (Recommendation)

2015 N Fiddlers Cnyn. Rd. Sean Wharton/Platt & Platt Fiddlers Cove PUD

Michael Platt said the road in there being constructed now is along the south side of this PUD. It came through with a project GO Civil had in the past year. They will use that access also for this development of 36 units. It is just across the way. It is zoned R-3-M so there is no zone change needed. They have talked about this site being a little steeper and are doing some retaining walls and will step the buildings. They will put a little pond on the 1 corner that will serve this area. They have made that for more volume than needed just to be safe. That will run out onto Fiddlers Canyon Drive and is what the City allows. It is all part of the historical runoff that was there. The open space is in the middle and he pointed that out along with all the guest parking. This is really straight forward.

Craig asked if this was part of the RDO for this area? Michael said no, it is outside that area. Sean Wharton the developer said pointed out the piece that is the hill that stops at the back. It does not go up the mountain just a very little so there is very little erosion on this land as there is very little up that hill. All the water will be going around that larger mountain behind all this. They are on the toe of that hill. They will not get water from anyone else's property that will impact this property. Sean said they are also getting a piece all along the one side for a trail 6' wide. They will deed a chunk of land so they can have part of the master-planned trail system there. Getting away from that new road there will be a whole retaining wall, then the perimeter fence, and it will be unsightly thing to develop it that way. Hopefully, the City will work with them and let them put the fence at a low point and sluff dirt onto it. They have to have that retainage all designed. It will be a nice view from these homes all to the west out to 3 peaks and the elementary school. They would like to be able to put that fence up to the top of the mountain so that no one will see it. They will place all new curb, gutter, sidewalk, asphalt, and a drainage system all on the Fiddlers Canyon side so that will help with all the water they have seen lately.

Tom J. asked if that other new road up into there was a public road? The one that is under construction? Yes.

Jill said they will not be able to back out onto that major road. No.

Tom J. said so this retaining wall will just go up to the level of the ground. Sean said they do need to retain some, then have the 6' high site obscuring on top of that. Then this whole thing will look like a fortress. Michael said they are looing at all the engineering so they can minimize that retaining wall and it will all look good. He asked if they would need to go to Board Of Adjustments for that? He did not want the same thing as you drive out on Cody Drive to see a large fence that goes up the hillside. They would like to avoid something like that here.

Mary was not sure if they just go to Board of Adjustments. She suggested that they discuss this with Don B., and he can lead them to the right place. Don B. said once they get closer to the construction drawing phase, they can look at that with the ordinance. There is something on the meeting this Thursday dealing with PUD's and the fence.

Mary opened the public hearing.

Mike Oursler said he lives across the street. How much of that hill will they cut down? What will be the

excavation down the hill? Sean pointed out the cut of the hill and that is about 9'. That is what they are trying to do. He talked about the back units and how they will have underground garages. He explained this.

Mike O. said it is fairly level to that first rise and then will be well above the street. Sean said they will stay on the grade as it is existing. It is about flat on the new street side. That containment pond will also be a little bit above the road.

Mike O. said they are all aware of how much water they have just had this past week. It all came down there. Sean is well aware. He also said with them improving that side of Fiddlers Canyon Road it will help with erosion and water control when they add curb, gutter, and sidewalk. The alternative is to leave it and have it all eroded on that side of the street. He pointed out his portion that will be improved. They are trying to get with that other property owner so they can do all the curb, gutter, and sidewalk at the same time.

Mike O. said they are aware of all the mud slides? He is concerned they are just making a bad thing worse.

Sean said all the contractors he has talked with will be trying to get to his and have all that blacktopped with the curb, gutter and sidewalk before winter comes. It will be all new controls, new drainage, and they will put in the fence, whatever they need to do to help the erosion control as he does not want to have that stuff on the road.

Mike O. asked when would this street be done? Sean said hopefully by November. That is his completion date.

Mike O. asked when would they have all the townhomes completed? Sean said they will have all the interior done by November and the large benefit is they will have the curb, gutter and the fence and it will be lots better controlled water than you have seen in the last few weeks.

Mary said one benefit is that this builder lives up the street. He is well aware of the problems and challenges of that area. Sean said he drives that every day and is well aware. He sent his backhoe and skidder there this last week and had them cleaning in front. People yelled at his son thinking he was one of the contractors on the job.

Mike O. asked how long it will take to complete the project and how much will these units cost. Mary said it would be up to Sean if he wanted to answer that, as he did not need to. Sean said the buildout of these townhomes will be determined by the market. If the demand stays as it is, they will be quick to build them.

Mike O. asked how long to put up all the buildings. 3 years? Sean said if they sell well, they will build them all summer. He also said lots of the construction will be out on Fiddlers Canyon and they hope to get that all done while they are doing all the dirt work. Sean said he plans on nice affordable units around \$250,000.

Mary closed the public hearing.

Jennie moved to send a positive recommendation on this Fiddlers Cove PUD to the City Council; seconded by Ray and the vote was unanimous.

Staff Items

1- Consider an ordinance outlining vesting rights for developments (recommendation)

Tyler R.

Tyler said that over the past 6-10 months the City Council has voted changes in the ordinances regarding impact fees, updated the water acquisition, and other changes. Where do all the developers fit in with all that is going on. They have been going with State Law that says you have to submit an application and pay fees to be vested. As they have been going through these changes, they decided to add this ordinance to make it clear when they are vested and they have it all written. What this ordinance is bound by, and what it is not. He has sent this to the home builders, they sent back a few changes. He has not heard anything against it. He sent it to a major developer in town and received no opposition.

This is the time line of when a development is first vested and how that fits. He will skip around a little. See the attached ordinance.

To be vested they must submit the Planning Commission application and pay the fees. To be vested in impact fees, submit a plan, and pay the fees. To be vested in a building permit have that permit paid for.

The reason to set those is so they just get the serious applicants, or those that need to have “skin in the game”. He talked about expiration times. The language is in the State Code of paragraph 2. With Mixed Use they placed a moratorium on that, and the State allows that for 180 days. That then gives them the 180 days. If they don't get the changes made in that 180 days, then you use the ordinance.

If you only have a discussion, if it is for the master plan, if for the General Land Use, and not the zone, you are not vested. They just want to make it clear.

Under #7 this will give the City Council the ability to come up with agreements as they see fit. If you have one of those major developments that will take several years to complete, they could have an agreement that they are vested up front for all phases.

Jill wondered if that would be the case like with Iron Horse as they have said their development may take 20 years to complete. Tyler said with the way ordinances change, they may seek to have that agreement in place. He also sited the newer ones down along Tipple Road that have come in recently who may also want such an agreement.

Mary said this will help with those things that are brought in years ago, and then they wait and develop later. This will make them act on it or start over.

Craig moved to send a positive recommendation to the City Council for this vesting ordinance; seconded by Jennie and the vote was unanimous.

2- General Plan Review Update

Don B.

Don B. said there is a draft plan on line. Some on the committee have given comments. He is going through it himself. He has put that out to staff, and they need more time to work on the map. He will work with Mike and then re-group. They need to get him some data; a little more to push this out. So, the August open house will not happen.

It was asked when he thinks that it will be. Don said soon, they are just not there yet. For those here that

are on this committee, they need to look over that draft and get their comments in. Mary felt it was a good document. There are 3 committee members in this room now. She is sure there are more things to go over. She felt if they implement the things in this General Plan, pay attention to it and live by that, it will all be good things for the community.

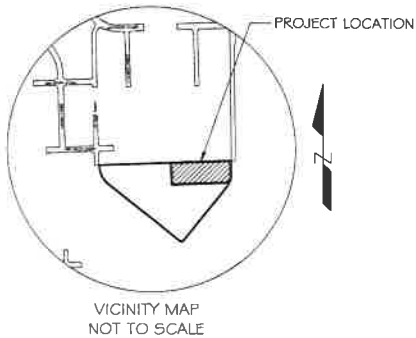
Laura H. said that some things in there are encouraging. Some have been done. Some are in progress now and some are yet to be done. So, they are working on all of it. Some parameters seem interesting. When you look at what has been done from 2012 to now, there are things you can check off. Mary said there are great ideas of how to implement the plan; at every meeting they take time to review those things and you take a year to put it all in place. Then there are pressing issues that come forward and take precedence.

Laura said some of the stuff is what you want, versus those things that have to be done.

The meeting adjourned at 5:55 p.m.



Michael Adams, Executive Assistant



VICINITY MAP
TRAILSIDE TOWNHOMES PHASE 2
WITHIN SECTION 23, T. 36 S., R. 11 W., 5LB4M
CEDAR CITY, IRON COUNTY, UTAH



PLATT & PLATT, INC.
CONSULTING CIVIL ENGINEERS
LAND SURVEYORS
155 N. 100 E.
CEDAR CITY, UT 84720
TEL: (435) 506-6151
FAX: (435) 506-0567
EMAIL: PLATT@INFOWEST.COM

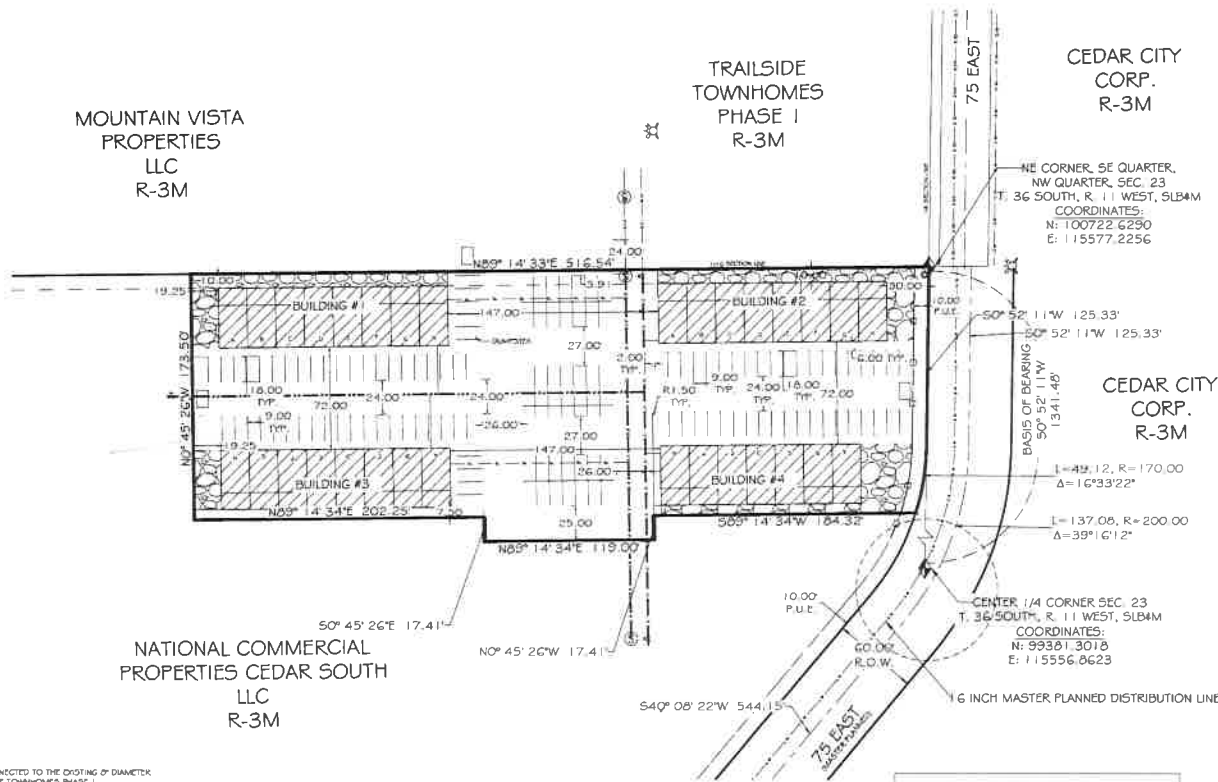


MOUNTAIN VISTA
PROPERTIES
LLC
R-3M

TRAILSIDE
TOWNHOMES
PHASE 1
R-3M

CEDAR CITY
CORP.
R-3M

NE CORNER, SE QUARTER,
NW QUARTER, SEC. 23
T. 36 SOUTH, R. 11 WEST, 5LB4M
COORDINATES:
N: 100722.6250
E: 115577.2256



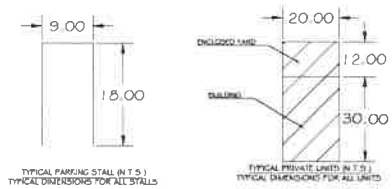
NATIONAL COMMERCIAL
PROPERTIES CEDAR SOUTH
LLC
R-3M

CEDAR CITY
CORP.
R-3M

CENTER 1/4 CORNER SEC. 23
T. 36 SOUTH, R. 11 WEST, 5LB4M
COORDINATES:
N: 99381.3018
E: 115556.8623

- LEGEND**
- PROPERTY BOUNDARY
 - PHASE BOUNDARY
 - EXISTING SEWER MANHOLE
 - PROPOSED SEWER MANHOLE
 - EXISTING 10-INCH WATER LINE
 - EXISTING 8-INCH WATER LINE
 - PROPOSED 8-INCH WATER LINE
 - 2" WATER LATERAL
 - EXISTING 8-INCH SEWER LINE
 - PROPOSED 8-INCH SEWER LINE
 - SEWER LATERAL
 - EXISTING FIRE HYDRANT
 - PROPOSED FIRE HYDRANT
 - WATER VALVE
 - MUNICIPAL UTILITY EASEMENT
 - SET BACK
 - CURB AND GUTTER
 - BLOCK WALL
 - PRIVATE
 - LIMITED COMMON WITH RESTRICTIVE ACCESS
 - COMMON AREA OR LANDSCAPING (NO SHADING)
 - DENOTES OPEN SPACE
 - STREET LIGHT

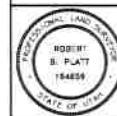
- NOTES**
1. PROPERTY OWNERS:
SEAN WINTERSTEIN
2004 N. LINDENBACH
CEDAR CITY, UT 84721
 2. THE PROPERTY IS ZONED R-3M.
 3. CONTAINS 2.05 ACRES.
 4. THE BASIS OF BEARINGS IS 50°52'11"W 1341.40 FEET BETWEEN THE NE CORNER OF THE SW 1/4 OF THE NW 1/4 OF SECTION 23 AND THE E 1/4 CORNER OF SECTION 23, TOWNSHIP 36 S, RANGE 11 W, 5LB4M.
 5. THE BASIS OF BEARINGS, COORDINATES, AND ELEVATIONS FOR THIS PROJECT ARE PER THE CEDAR CITY ENGINEERS GPS BASIC STATION AND CALCULATIONS.
 6. THE PROPERTY IS LOCATED IN FLOOD ZONE C, AREA OF MINIMAL FLOODING BASED ON THE FEMA FLOOD INSURANCE RATE MAP, IRON COUNTY, UTAH (UNINCORPORATED AREAS) COMMUNITY PANEL NUMBER 40074-00048, EFFECTIVE DATE, OCTOBER 16, 1994.
 7. SOILS IN THIS AREA CLASSIFY AS HIGHLY SUSCEPTIBLE SOILS PER CEDAR CITY HYDROCOMPACTIVE MAP.
 8. UTILITY EASEMENTS WILL BE 10 FEET WIDE ALONG THE EAST BOUNDARY LINE OF TRAILSIDE TOWNHOMES PHASE 2.
 9. SEWER MAIN TO BE CONNECTED TO THE EXISTING 6" DIAMETER SEWER MAIN IN TRAILSIDE TOWNHOMES PHASE 1.
 10. WATER MAIN TO BE CONNECTED TO THE EXISTING 6" DIAMETER WATER MAIN IN TRAILSIDE TOWNHOMES PHASE 1.
 11. WATER PRESSURE IN THE VICINITY OF THIS SUBDIVISION IS APPROXIMATELY 50 PSI.
 12. TOTAL NUMBER OF TOWNHOMES IS 31.
 13. VARIATIONS FROM R-3M ZONING:
1.3.1. FRONT, REAR, AND SIDE DETACK.
1.3.2. ROAD WIDTH.
 14. DEVELOPER TO CONVEY WATER RIGHTS TO CITY PER CEDAR CITY WATER ACQUISITION ORDINANCE.
 15. THE PUD IS LOCATED WITHIN THE WILDLAND URBAN INTERFACE (RUG) ZONE.
 16. ALL PUD COMMON AREAS ARE PAVED.
 17. TYPICAL UNITS ARE 2-STORIED TALL.
 18. PROJECT IS LOCATED OUTSIDE OF THE AIRPORT INFLUENCE ZONE. FAA STUDY IS NOT NEEDED FOR THIS PROJECT.



CATEGORY	UNIT	ADDED
PRIVATE	ACRE/FT	0.0006 0%
COMMON	ACRE/FT	1.6373 1%
CITY	ACRE/FT	0.00%
NET	ACRE/FT	2.5841 100%
GREEN SPACE	FT ²	0.00%
REQUIRED OPEN SPACE	ACRE/FT	0.061503%
TOTAL OPEN SPACE	ACRE/FT	0.2976%
ALLOWABLE DWELLING UNITS	DACH	53
TOTAL DWELLING UNITS	DACH	31
BEDROOMS PER UNIT	EACH	3
BEDROOMS	TOTAL	93
OWNER PARKING (1.3X OF BEDROOMS)	EACH	121
GUEST PARKING (0.2X OF UNITS)	EACH	6
REQUIRED PARKING SPACES**	SPACES	127
TOTAL PARKING SPACES	SPACES	130

* BASED OFF 0.4 UNITS PER ACRE
** BASED OFF 1.3 PER BEDROOM, AND 0.2 GUEST PARKING PER UNIT

VICINITY MAP FOR
TRAILSIDE TOWNHOMES PHASE 2
WITHIN SECTION 23, T. 36 SOUTH, R. 11 WEST, 5LB4M
CEDAR CITY, IRON COUNTY, UTAH



ISSUED BY:
R.S. PLATT
CHECKED BY:
R.S. PLATT
DATE: JAN 25, 2021
SCALE: 1" = 40'
FILE:
Y:\Information\Projects\Towns\TUD Phase 2\DWG\VICINITY
PAGE: 1 OF 1



NO.	DATE	BY	DATE

VICINITY MAP FOR
FIDDLERS CANYON TOWNHOMES
WITHIN THE W 1/2 SECTION 36, T 33 S, R. 11 W., SLDAM
CEDAR CITY, IRON COUNTY, UTAH



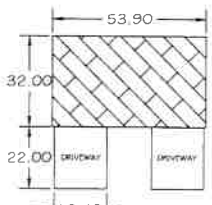
DRAWN BY:
R.S. PLATT
CHECKED BY:
DATE: 04/28/2021
SCALE: 1" = 40'
FILE: F:\Projects\2021\04\28\2021\11 W. SLDAM\11 W. SLDAM.dwg
PAGE: 1 OF 9

VICINITY MAP
FIDDLERS CANYON TOWNHOMES
WITHIN THE W 1/2 SECTION 36, T 33 S, R. 11 W., SLDAM
CEDAR CITY, IRON COUNTY, UTAH



Curve Table

Curve #	Length	Radius	Delta	Chord Distance	Chord Length
C1	23.54'	15.00'	90.00°	NOF 1.37 87°W	21.21'

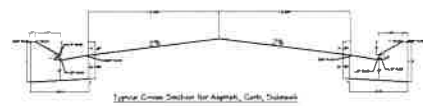


TYPICAL PRIVATE LIMITS (IN T.O.)
TYPICAL DRIVEWAY DIMENSIONS FOR ALL UNITS

AREA USE TABULATION

CATEGORY	UNIT	TOTALS
PRIVATE	ACR/FTL	1.0526 4%
COMMON	ACR/FTL	1.5264 6%
CITY	ACR/FTL	0.0%
TOTAL	ACR/FTL	2.5791 100%
GREEN SPACE	%	41.4%
REQUIRED OPEN SPACE*	S.F.	3301
TOTAL OPEN SPACE	S.F.	10 033 X TOTAL AREA
ALLOWABLE DWELLING UNITS**	EACH	71
TOTAL DWELLING UNITS	EACH	36
BEDROOMS PER UNIT	EACH	3
TOTAL BEDROOMS	TOTAL	108
REQUIRED PARKING SPACES BEDROOM***	SPACES	140
REQUIRED PARKING SPACES GUEST***	SPACES	6
TOTAL PARKING SPACES	SPACES	146

* BASED OFF 1% OF TOTAL PROJECT AREA
** BASED OFF 2.4 UNITS PER ACRES
*** BASED OFF 1.3 PER BEDROOM, AND 0.2 GUEST PARKING PER UNIT



Typical Cross Section for Alignment, Curb, Sidewalk



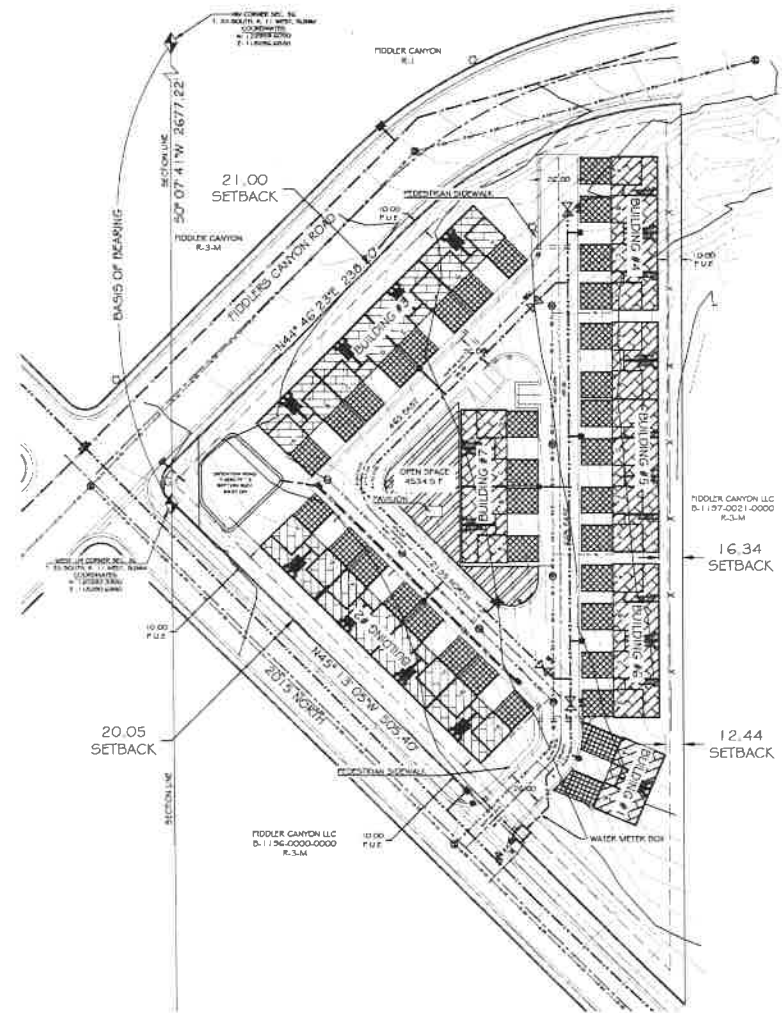
VICINITY MAP
NOT TO SCALE

LEGEND

- PROJECT BOUNDARY OR PHASE BOUNDARY
- EXISTING SEWER MANHOLE
- PROPOSED SEWER MANHOLE
- PROPOSED SEWER CLEANOUT
- EXISTING 12-INCH WATER LINE
- EXISTING 10-INCH WATER LINE
- EXISTING 8-INCH WATER LINE
- PROPOSED 8-INCH WATER LINE
- PROPOSED 6-INCH WATER LINE
- WATER LATERAL
- PROPOSED STORM DRAIN
- EXISTING 8-INCH SEWER LINE
- PROPOSED 6-INCH SEWER LINE
- SEWER LATERAL
- EXISTING FIRE HYDRANT
- PROPOSED FIRE HYDRANT
- WATER LATERAL CONNECTION
- WATER VALVE
- STREET LIGHT
- PUBLIC UTILITY EASEMENT
- SET BACK
- CLUD AND CUTTER
- PRIVATE
- LIMITED COMMON WITH RESTRICTIVE ACCESS
- COMMON AREA OR LANDSCAPING (NO SHADING)
- OPEN SPACE

NOTES

1. PROPERTY OWNERS: FIDDLERS CANYON LLC, 2004 LUMBERJACK WAY, CEDAR CITY, UT 84721
2. THE PROPERTY IS ZONED R-3-M
3. CONTAINS 2.97 ACRES
4. THE BASIS OF BEARINGS, COORDINATED, AND ELEVATIONS FOR THIS PROJECT ARE PER THE CEDAR CITY ENGINEERS GPS BASE STATION AND CALIBRATIONS.
5. GEOTECHNICAL REPORT TO BE PREPARED BEFORE START OF THIS PROJECT
6. THE PROPERTY IS LOCATED IN FLOOD ZONE C, AREA OF MINIMAL FLOODING BASED ON THE FEMA FLOOD INSURANCE RATE MAP, IRON COUNTY, UTAH (UNINCORPORATED AREAS) COMMUNITY PANEL NUMBER 4300740004B, EFFECTIVE DATE: OCTOBER 16, 1994
7. STREETS ARE TO BE 20 FEET WIDE
8. SOLDS IN THIS AREA CLASSIFY AS SUSCEPTIBLE SOLDS PER CEDAR CITY INTERCOMPACTIVE MAP
9. UTILITY EASEMENTS WILL BE 10 FEET WIDE ALONG ALL LOT LINES, AND 20 FEET ALONG ALL CEDAR CITY ROADS
10. SEWER MAIN TO BE CONNECTED TO THE EXISTING 8" DIAMETER SEWER MAIN IN FIDDLERS CANYON ROAD
11. WATER MAIN TO BE CONNECTED TO THE EXISTING 8" DIAMETER WATER MAIN IN FIDDLERS CANYON ROAD
12. WATER PRESSURE IN THE PROXIMITY OF THIS SUBDIVISION IS APPROXIMATELY 103 PSI
13. TOTAL NUMBER OF TOWN HOMES IS 36
14. VARIATIONS FROM R-3-M ZONING:
 - 14.1 FRONT, REAR, AND SIDE SETBACK
 - 14.2 ROAD WIDTH
15. DEVELOPER TO CONVEY WATER RIGHTS TO CITY PER CEDAR CITY WATER ACQUISITION ORDINANCE
16. THE PLD IS LOCATED WITHIN THE WILDLAND URBAN INTERFACE (WUI) ZONE
17. THE PLD IS LOCATED WITHIN THE AIRPORT INFLUENCE ZONE
18. ALL PLD COMMON AREAS ARE PLD'S
19. TYPICAL UNITS ARE 2 STORIES TALL
20. NO BACKING OVER A MAJOR COLLECTOR OR ARTERIAL ROAD
21. OPEN SPACE CALCULATIONS:
 - 21.1 REQUIRED 3% X 2.97 ACRES = 300 S.F.
 - 21.2 TOTAL = 4534 S.F.



SECTION 32-10

Vesting Ordinance

1. Definitions:

- a. Complete Land Use Application. To become vested, an applicant must submit a complete land use application and pay the applicable City fees. To be accepted and considered complete, the application must conform to the requirements of the City's zoning map and applicable land use ordinance in effect when the application is filed with the City. Application forms are available at the City Engineers Office or on the Cedar City website. Applications will not be accepted that do not comply with the application form. All requested information on the application form must be provided to be considered complete. The applicable City fee will correspond with the specific land use application.
- b. Requirement to Pursue Approval with "Reasonable Diligence". It is not in the City's best interest to allow applications to languish for years with little activity, while zoning, safety and other standards are being updated and changed. As such, once an application is accepted as complete by the City, the applicant is required to appear before the Planning Commission and/or the City Council meeting agendas with required plans, studies, and requested information necessary to obtain preliminary and final plat approval within 6 months.
 - i. At no time shall a Vicinity Plan remain effective beyond a period of two (2) years from the date of the Planning Commission approval. If the Vicinity Plan expires, the applicant will lose their vested rights and be required to restart the land use application process under the ordinances/fees in effect at the time of resubmittal.
 - ii. At no time shall an Application to Annex remain effective beyond a period of two (2) years from application submittal. If the Application to Annex expires, the applicant will lose their vested rights and be required to restart the annexation process under the ordinances/fees in effect at the time of resubmittal.
 - iii. Except for being granted a building permit extension by the City's Building Official, at no time shall a Building Permit remain effective beyond a period of 180 days from the date of the filing of the Building Permit application and the payment of all applicable fees. If the Building Permit expires, the applicant will lose their vested rights and be required to pay the Building Permit fee at the rate in effect at the time of resubmittal.
 - iv. At no time shall a Residential Development Overlay (RDO) remain effective beyond a period of seven (7) years from the date of the City Council approval. If the RDO expires, the applicant will lose their vested

rights and be required to restart the RDO approval process under the ordinances/fees in effect at the time of resubmittal.

2. An applicant is entitled to approval of a land use application if the application conforms to the requirements of the City's zoning map and applicable land use ordinance in effect when a Complete Application is submitted and all required fees have been paid, unless:
 - a. the City Council, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or
 - b. the City Council, before the application is submitted, has adopted a Notice of Pending Ordinance as set forth in Utah Code Ann. §10-9a-504.
3. The City shall process a Complete Application without regard to proceedings initiated to amend the City ordinance if:
 - a. 180 days have passed since the proceedings were initiated, and
 - b. the proceedings have not resulted in an enactment that prohibits the approval of the land use application.
4. When a Complete Application for a land use approval is consider submitted, the accompanying rights vest on the following date:
 - a. A Planning Commission Application plus the payment of applicable fees vests the applicant in the City's ordinance in effect on the date of application submittal and payment of applicable fees.
 - b. A Land Use Application for Annexation, Subdivision or PUD approval plus the payment of Planning Commission Fees, vests the applicant in the City's fees effective when the Application and Planning Commission fees are submitted.
 - c. A Building Permit Application vests the applicant in the City's permit fee rate in effect on the date of application submittal and payment of applicable fees.
5. The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with Reasonable Diligence.
6. The following list of land use practices do not create vested rights: master plan approval, general plan amendments, City master plans, discussions with City Staff pertaining to a development, and the deeding of water rights. This list is not meant to be exhaustive.
7. The City Council retains the ability to enter agreements which provide vesting rights contrary to this ordinance when the City Council finds that the proposed agreement furthers the City's policy of establishing and maintaining sound, stable, and desirable development within the City, and which promotes more fully the objectives and purposes of the City's ordinances.