PLANNING COMMISSION MEETING
OF THE CITY OF CEDAR HILLS
Tuesday, May 28, 2024 6:00 p.m.

Notice is hereby given that the Planning Commission of the City of Cedar Hills, Utah, will hold a **Planning Commission Meeting on Tuesday, May 28, 2024 beginning at 6:00 p.m.** at the Community Recreation Center, 10640 N Clubhouse Drive, Cedar Hills, Utah. This is a public meeting, and anyone is invited to attend.

PLANNING COMMISSION MEETING

1. Call to Order
2. Public Comment: Time has been set aside for the public to express their ideas, concerns, and comments (comments limited to 3 minutes per person with a total of 30 minutes for this item)

SCHEDULED ITEMS & PUBLIC HEARINGS

3. Approval of the minutes from the April 30, 2024 Planning Commission meeting
4. Discussion on amendments to City Code Title 10 related to Single Room Occupancy
5. Discussion on the Water Conservation Element of Cedar Hills' General Plan
6. Open and Public Meetings Training

ADJOURNMENT

7. Adjourn.

Posted this 24th day of May, 2024. /s/ Gretchen F. Gordon, Deputy City Recorder

Supporting documentation for this agenda is posted on the city website at www.cedarhillsutah.gov.
In accordance with the Americans with Disabilities Act, the City of Cedar Hills will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the City Recorder at 801-785-9668 at least 48 hours in advance of the meeting to be held.
The order of agenda items may change to accommodate the needs of the Planning Commission, the staff, and the public.
This meeting may be held electronically to permit one or more of the commission members or staff to participate.

The City of Cedar Hills

TO:	Planning Commission
FROM:	Chandler Goodwin, City Manager
DATE:	May 28, 2024

SUBJECT:	Discussion on amendments to City Code Title 10 related to Single Room Occupancy
APPLICANT PRESENTATION:	N/A
STAFF PRESENTATION:	Chandler Goodwin, City Manager

BACKGROUND AND FINDINGS:

The City has adopted three strategies to comply with Utah State requirements for promoting moderate income housing. Current code allows for up to four unrelated individuals to live together as a housekeeping unit (see the definition of a "Family" in 10-2). The City has refered to this definition as allowing for single room occupancy. A homeowner may rent out up to three rooms in their house to unrelated individuals and still be in compliance with code. However, in order to comply with the strategies adopted in the Cedar Hills General Plan Moderate Income Housing Plan, the City needs to adopt code specific to single room occupancy. In order to begin the process to adopt code, staff wishes to discuss the issue with the Planning Commission and get an understanding of their concerns and address issues related to SRO within Cedar Hills.

PREVIOUS LEGISLATIVE ACTION:

N/A

FISCAL IMPACT:

N/A

SUPPORTING DOCUMENTS:

Planning Commission should review 10-5-32 on accessory dwelling units in order to understand issues that may arise in relation to single room occupancies.

RECOMMENDATION:

N/A

MOTION:

No motion necessary, discussion item only.

ACTION:

Motion:

Second:

The City of Cedar Hills

TO:	Planning Commission
FROM:	Chandler Goodwin, City Manager
DATE:	May 28, 2024

SUBJECT:	Discussion on the Water Conservation Element of Cedar Hills General Plan.
APPLICANT PRESENTATION:	N/A
STAFF PRESENTATION:	Chandler Goodwin, City Manager

BACKGROUND AND FINDINGS:

The State of Utah is requiring cities to develop a Water Conservation Element as part of the General Plan. Items that need to be addressed as part of the plan are as follows:

An overview of items to be included in the General Plan are listed below:

- The effect of permitted development or patterns of development on water demand and water infrastructure.
- Methods of reducing water demand and per capita water use for existing development.
- Methods of reducing water demand and per capita water use for future development.
- Modifications that can be made to a local government's operations to reduce and eliminate wasteful water practices.
- Active consultation with the public water system(s) serving your community with drinking water regarding how the implementation of this integrated water & land use element may affect:
- Water supply planning, drinking water sources, storage capacity, distribution planning, current master plans, infrastructure asset management or replacement plans, and impact fee facility plans

PREVIOUS LEGISLATIVE ACTION:

N/A

FISCAL IMPACT:

N/A

SUPPORTING DOCUMENTS:

Included with the packet is the Lindon City Water Conservation Element that was recommended by the State as an example.

RECOMMENDATION:

N/A

MOTION:

No motion necessary, discussion item only.

ACTION:

Motion:

Second:

Open and Public Meetings Act Annual Training

Cedar Hills

2024

Spirit of the Act

- Act Openly
- Make Decisions Openly
- Deliberate Openly (the hardest part)
- Conduct the People's Business Openly

Openly = In Public



Jeff Parker / *Florida Today*

Spirit of the Act

Who has to follow the OPMA?

- Any local administrative, advisory, executive, or legislative body which:
  - Consists of two or more persons
  - Spends, distributes, or is supported by tax money
  - Has authority to make decisions about the public's business (which has been interpreted to include advisory groups)
- In other words, **you do**!



Mr. Lightman / FreeDigitalPhotos.net

What is a Meeting?

Quorum: The City Council is a 5 member council and so a quorum is 3 members.

Convene: The calling of a meeting of a public body by a person authorized to do so for the express purpose of discussing or acting upon a subject over which that public body has jurisdiction or advisory power.

- Does not include chance or social meetings – unless they are used to circumvent the Act's purposes.

Meeting: Convening with a quorum (includes workshop or executive session) to discuss, receive comments, or act on matters over which the body has jurisdiction or advisory power.

What is a Meeting? (cont'd)

Social Events: OK for members to socialize, just can't discuss or act on matters under their official jurisdiction.

Text Messages: If more than three are on the thread, it's a meeting.



Don Landgren Jr. / *The Landmark*

Conference Call: It's a meeting if a quorum is involved, so don't do it.

What is a Meeting? (cont'd)

Emails

Remember: Email may be a public record under GRAMA.

Emails regarding City business are likely subject to GRAMA and OPMA.

Bottom Line: Citizens are entitled not only to ***know what*** government decides, but to ***observe how and why*** every decision is reached. Communication by email is not entirely off-limits, but all deliberations must be done in public and recorded.

Location of Meeting

The Rule: On the day of the regularly scheduled meeting, any work sessions or closed sessions must be held at the regular meeting location, unless:

- The regularly scheduled meeting is being held elsewhere;
- There is an emergency or other extraordinary circumstances;
- The meeting is being held electronically; or
- There is a site visit or traveling tour.



Parks and Recreation

Notice: Must provide public notice of the location.

Electronic Meetings

Electronic Meeting: a public meeting convened or conducted by means of a conference using electronic communications.

You may adopt rules regarding how such meetings are conducted (i.e. require video connection, etc.).



Scott Adams / *Dilbert*

Reasons meeting may be closed

Closing a Meeting to the Public: The only reasons that a meeting may be closed to the public:

- Discussion of an **individual's character**, professional competence, or physical or mental health.
- Strategy session to discuss pending or reasonably **imminent litigation**.
  - Must be specific, not an open-ended threat.
- Strategy session to discuss the purchase, exchange, lease, or sale of **real property or water rights** if public discussion of the transaction would: (a) disclose the appraisal or estimated value of the property under consideration; or (b) prevent the public body from completing the transaction on the best possible terms.
  - If selling, must give public notice that property is being offered for sale, and terms of sale must be publicly disclosed before sale is approved.
- Discussions regarding **security** personnel, devices, or systems.
- Investigative proceedings regarding **allegations of criminal misconduct**.

OPMA Notice Requirements

Under OPMA:

- Must provide notice at least 24 hours before the meeting.
- Notice must include the agenda, date, time, and place of meeting.
  - Agenda must be specific enough for public to know what will be discussed.

At a minimum, notice must be:

- Posted on the Utah Public Notice Website; and
- Posted at City Hall.

Regular Meetings: Public bodies which hold regular meetings over the course of a year must give notice of its annual schedule every year.



Charlie Daniel / *News-Sentinel*

Public Comment

Open Meeting: Public must be allowed to come and watch, but there is **no requirement to allow them to comment.**

- Public hearings do require an opportunity for public comment.
- Disruption of meetings does not have to be tolerated.
- OK to keep people on point.
- Public's time belongs to everyone, not just the individual who is speaking.
- Topics not on the agenda can be raised by the public and discussed, as long as no final action is taken.

Minutes and Recordings

Required for all public meetings.

- Except for site visits.

Recordings: Must be unedited, of entire meeting, clearly labeled, and available to the public.

- Must be made available within three business days.
- Public has right to record meeting, if they can do so without disrupting.

Minutes: The official record of the meeting.

- Must be approved by the body.
- Can be released to the public before body approval, if marked "unapproved."
- Draft minutes must be available to public within a 30 days after the meeting.
- Must include:
  - Substance of all matters proposed, discussed, or decided
  - Names people giving testimony and substance of their testimony
  - Individual votes

Emergency Meetings

Notice: Must give best notice practicable as to the time and place of the emergency meeting, as well as the topics to be considered there.

- Must attempt to notify all members of the body.



The Lord of the Rings

Convening: Majority of the body must agree to hold the meeting because of an "emergency or urgent matter."

Minutes: Should include a statement of the unforeseen circumstances that made the meeting necessary.

Violations of the OPMA

What happens if someone breaks the open-meetings laws?

- In addition to any other penalty under this chapter, a member of a public body who knowingly or intentionally violates OR who knowingly or intentionally abets or advises a violation of any of the closed meeting provisions of this chapter is guilty of a **class B misdemeanor**.
- Action taken in the meeting is voidable if the body violated the Act.



SOCIAL MEDIA

- Can a Social Media Message Board Constitute a Meeting?

- Social Media and Free Speech

- Recent U.S. Supreme Court Cases
  - *Lindke v. Freed*, 144 S.Ct. 756 (2024)
  - *O'Connor v. Ratcliff v. Garnier*, 144 S.Ct. 717 (2024)

SOCIAL MEDIA – *Lindke v. Freed*

- Holdings:
  - "[A] public official's social media activity constitutes state action . . . only if the official (1) possessed actual authority to speak on the State's behalf, and (2) purported to exercise that authority when he spoke on social media."
  - First Step—An official's "conduct is not attributable to the State unless he was 'possessed of state authority' to post city updates and register citizen concerns."
    - Courts look to the sources of power: "statute, ordinance, regulation, custom, or usage."
    - A official "must have actual authority rooted in written law or longstanding custom speak for the [City]."
  - Second Step—"Generally, a public employee purports to speak on behalf of the State while speaking 'in his official capacity or' when he uses his speech to fulfill 'his responsibilities pursuant to state law.'"
    - If disclaimer is included on social media page ("the views expressed are strictly my own" or "this is the personal page of James R. Freed"), a "heavy" presumption arises that all posts are on the page are personal.
    - "[a]n official who uses government staff to make a post will be hard pressed to deny that he was conducting government business."