

PLANNING COMMISSION MEETING
Tuesday, May 28, 2024 – 6:00 p.m.
Community Recreation Center
10640 N. Clubhouse Drive, Cedar Hills, Utah

Present: Doland Dolenc, Presiding
Commissioner Bari Cruze
Commissioner Tyler Dahl
Commissioner Jeff Dodge
Commissioner John Dredge
Commissioner Troy Newbold
Commissioner Steve Thomas
Commissioner Robert Wallace

Staff: Chandler Goodwin, City Manager
Colleen Mulvey, City Recorder

PLANNING COMMISSION MEETING

1. Call to Order.

Chair Donald Dolenc called the Planning Commission Meeting to order at 6:00 p.m.

2. Public Comment.

There were no public comments.

SCHEDULED ITEMS AND PUBLIC HEARINGS

3. Approval of the Minutes from the April 30, 2024, Planning Commission Meeting.

MOTION: Commissioner Dahl moved to APPROVE the Meeting Minutes from the April 30, 2024, Planning Commission Meeting. The motion was seconded by Commissioner Dredge. Vote on Motion: Commissioner Dahl-Yes, Commissioner Dodge-Yes, Commissioner Dredge-Yes, Commissioner Thomas-Yes. The motion passed unanimously.

4. Discussion on Amendments to City Code Title 10 Related to Single Room Occupancy.

City Manager, Chandler Goodwin explained that this discussion has to do with single-room occupancy. He reported that the City has to do a Moderate-Income Housing Plan as part of the General Plan. In that Moderate-Income Housing Plan, the City has to choose at least three items from a menu list the State has prepared. The menu items are different methods intended to promote moderate-income housing in communities. The City has chosen:

- Allow accessory dwelling units (“ADU”) in residential zones in the City;
- Explore mixed-use development in the commercial zone;

- Single room occupancy.

Mr. Goodwin explained that some Homeowners Associations (“HOA”) state that ADUs are not permitted. There is also one zone in the City, the PD-1 Zone, where ADUs are not allowed. As for the second menu item, Cedar Hills is not near any major commercial centers or transit corridors. In the annual report that is submitted to the State, he pointed out that while a portion of the commercial zone has been rezoned to mixed-use, the development is not necessarily affordable. When building moderate-income housing, it is ideal for that housing to be located close to places of work or close to transit options that can take residents to their places of work. Mr. Goodwin referenced the third item on the list, single-room occupancy, which is the basis of the discussion.

The definition of “family” in Title 10 Chapter 2 was referenced. Mr. Goodwin explained that the current code allows for up to four unrelated individuals to live together as a housekeeping unit. The City has referred 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 comply with the code. As part of the Moderate-Income Housing Report that is submitted to the State each year, there are benchmark goals for how the City will promote or develop the code. The goal this year is to flesh this out. In Title 10 Chapter 5 there is the ADU code where the City developed what it means to have an ADU. His thought is that a similar section of code could be adopted for single-room occupancy. Mr. Goodwin pointed out that there is nothing to prevent multiple entrances and four vehicles. Technically, this is not an accessory apartment, as it relates to single rooms.

The purpose of the ADU code is to recognize and preserve the residential character of Cedar Hills. Mr. Goodwin explained that language can be drafted for single-room occupancy with that goal in mind as well. The way the house interacts with the neighborhood is where the code needs to be addressed. Commissioner Dahl reported that he read several single-room occupancy codes from other places, including California, Chicago, and New York. The New York language is 20 pages while the California one is three paragraphs. He liked how succinct the California example was. Something like that seems to be broad enough but still places clear regulations on the use.

Mr. Goodwin shared an example scenario. Approximately two years ago, someone in the City was renting out a room in their home. The property owner informed the renter that they could use the room but could not use the bathroom or anything else in the home. That is the reason that code language might be useful, so there are certain protections in place. Commissioner Dodge asked if Mr. Goodwin was concerned about defining the single-room occupancy requirements within the dwelling or only what it looks like from the outside. Mr. Goodwin explained that externally, it is important to look at the impacts on the neighborhood and do whatever possible to mitigate those impacts. Internally, it makes sense to focus on the health and safety of the tenants.

Commissioner Thomas pointed out that there are duplexes with two entrances on the front of the house. Those entrances may or may not match. He wanted to understand why that is not an issue, but additional entrances might be when there is single room occupancy. Mr. Goodwin explained that when a duplex is developed, there are often two separate owners on the lease agreement. The property lines are defined. A duplex is something developed that way from the beginning.

Commissioner Thomas asked if the State will eventually not allow single-family zoning for new construction. Mr. Goodwin reported that he has not heard anything about that. The conversations at the State have largely been focused on density. These types of bills are intended to promote affordability where there may not be affordability.

Mr. Goodwin next reviewed the owner-occupied definition, and pointed out that there is often a difference between the care that a rental owner gives to a property versus an owner who is living on the property. The owner occupancy standard matters. Commissioner Thomas believes this can be difficult to enforce. Mr. Goodwin explained that the State requires the Moderate-Income Housing Report and if the report is not completed, the City is fined \$250 per day and is not eligible for certain Class B and Class C Road Funds. While he understands some of the comments and concerns that have been shared, this matters to the City. If the code is drafted to be succinct enough, it can work for the neighborhood and the tenants.

Commissioner Dahl believed the language will protect the City. The definition will make sure the City is able to enforce certain regulations and focus on tenant safety. Discussions were had about room size language. Commissioner Thomas asked to discuss legalities. He wanted to know what would happen if he leased his house to one person. Mr. Goodwin explained that it could not be rented out to others, because the home needs to be owner-occupied. There are a few exceptions, such as temporary absences for three years or less for activities such as temporary job assignments, sabbaticals, and voluntary service. Indefinite periods of absence from the dwelling do not qualify.

Commissioner Dahl noted that the language will cover not just the owner, but the tenants in the house. It is important to define what tenants have access to, such as a kitchen and bathroom. Commissioner Thomas explained that situations where four unrelated people are living in a home can happen and he does not know that those situations always have the owner in the home. Mr. Goodwin reported that when situations like that occur, the code can be used for enforcement. Council Member Thomas asked what would happen if a trust owned the house rather than an individual. Mr. Goodwin explained that someone named on the trust must live in the home.

Commissioner Cruz believed the intention is to ensure there is no nuisance created for neighbors. He feels this process should move forward. Mr. Goodwin offered to work on some initial language. It can then be shared with Commissioners and individual feedback can be submitted.

Commissioner Thomas explained that he lived in a house with single-room occupancy in college. He is not saying that Cedar Hills should be like a college town, but some investors approach things similarly regardless of whether a property is located in a college town or not. He wants to make sure there is something in the language to address that. For instance, both the bathroom and kitchen must be available to tenants, or the room must meet the ADU code.

Commissioner Dahl reported that he shared links to the example codes with the Commission. Mr. Goodwin believed the code could simply state that certain facilities must be available and open to all tenants. Commissioner Cruz stressed the importance of protecting the rights of tenants. Mr. Goodwin discussed how an ADU in the home would impact the use. These are the kinds of questions that the Planning Commission needs to consider when it comes to the single-room

occupancy language. For instance, a home that has single-room occupancy can have an ADU. He reminded Commissioners that there is nothing in the code at the moment to prohibit that.

Commissioner Thomas asked how something like prohibiting ADUs in homes with single-room occupancy would be enforceable. Mr. Goodwin clarified that there are discussions that need to be had about single-room occupancy and whether ADUs should still be allowed in that case. Commissioner Dredge pointed out that the City writes the code and can determine whether both or only one will be permitted. Commissioner Cruz added that enforcement often happens when neighbors make reports about issues on a property. Mr. Goodwin read the definition of family and noted that the Commission has never had an in-depth conversation about single-room occupancy before. He believes it is now time to start having these conversations. The report must be submitted to the State in August, so these conversations need to be prioritized before then.

5. Discussion on the Water Conservation Element of Cedar Hills General Plan.

Mr. Goodwin explained this discussion is on the Water Conservation Element of the General Plan. He reported that three elements of the General Plan are required Transportation Element, Land Use Element, and Moderate-Income House Element. As of December 1, 2025, there will be a Water Use and Preservation Element required as well. Mr. Goodwin met with the State last week about the plan to discuss what is expected. As cities grow, there is a desire to ensure that land use planning takes into account water resources and the limited nature of water in the valley. Cities need to look at densities, landscaping, and the resources available. The State provided the Water Preservation Element from Lindon City as an example. He asked the Commissioners to review that example.

Mr. Goodwin explained that during the conversations with the State, there were discussions about Cedar Hills and growth. He clarified that the City is not growing. Every other city seems to be growing, but the population of Cedar Hills is shrinking, and it is now considered a rural community.

The Lindon plan goes through the water resources, usage, and landscaping requirements to outline what the city is doing to be a good steward of water. In 2018 in Cedar Hills, a team of engineers worked on a Water Rights Master Plan. Once it became clear that Cedar Hills is not a place that is continuing to grow, it made sense to evaluate the water rights portfolio to ensure there is sufficient water to meet the needs of residents. There is enough water if it is used responsibly.

Commissioner Thomas noted that if there is too much conservation, then the City can lose the water rights, but if not enough is done, there might not be a sufficient amount. He asked about the tradeoffs that need to happen to make sure there are enough water rights. Mr. Goodwin reported that there are several avenues available to the City, so this is less of a concern. Every so often, the City has to file Proof of Beneficial Use of the water right and show that while the water right is held, it has also been used. If it is not possible to show that the water right has been used, it gets allocated back into the State portfolio and the City loses the ability to draw on that water resource. However, if there is a lot of water not being used, it is possible to lease it to other communities.

Mr. Goodwin shared information on secondary meters and the tiered rate water structure that was mandated. He discussed landscaping and explained that the City has done a number of things that can be put into a report. Commissioner Thomas wondered whether it is possible to expand things like hardscaping in order to allow for the management of water. He wanted to know what is on the table. Mr. Goodwin explained that everything is on the table for discussion. That being said, it is important to keep in mind that there are not many lots left to develop within the community. When the element is drafted, the story of Cedar Hills will need to be shared clearly.

Mr. Goodwin asked the Commissioners to review the Lindon City document and become familiar with what has been done there. Ultimately, the goals for Cedar Hills should make sense for the City and be community-driven.

6. Open and Public Meetings Training.

Mr. Goodwin shared a PowerPoint presentation with information about the Open and Public Meetings Act. He explained that the spirit of the act is to act openly, make decisions openly, deliberate openly, and conduct business openly. It was clarified that openly means in public. He added that there needs to be notice provided so people know when and where the meeting is, and what will be discussed during the meeting. As for who has to follow the Open and Public Meetings Act, 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.

The Planning Commission makes decisions about land use issues in the community. Mr. Goodwin reviewed information about the Commission. He explained why there are eight members, including three alternates. Many years ago, it was difficult to have a quorum, so alternates were added. At certain meetings, the alternate members are voting members depending on the turnout.

Mr. Goodwin explained that convening involves 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. It does not include chance or social meetings unless those were used to circumvent the purposes of the Open and Public Meetings Act.

A meeting is defined as convening with a quorum (includes workshops or executive sessions) to discuss, receive comments, or act on matters over which the body has jurisdiction or advisory power. Mr. Goodwin discussed text messages and conference calls and stressed how important it is to be careful. He reported that it is appropriate for Commissioners to socialize, but there cannot be discussion or action on matters under their official jurisdiction. When it comes to emails, those may be public records under GRAMA. Emails regarding City business are likely subject to GRAMA and the Open and Public Meetings Act because citizens are entitled to observe how decisions are reached. Communication by email is not off limits, but deliberations must be public.

Mr. Goodwin discussed the location of the meeting. On the day of a regularly scheduled meeting, any Work Session or Closed Session must be held at the regular meeting location unless the

regularly scheduled meeting is being held elsewhere, there is an emergency or other extraordinary circumstance, the meeting is being held electronically, or there is a site visit. Public notice must be provided for the location. Mr. Goodwin shared information about electronic meetings, which became more common in 2020. The State has said that there can be an electronic meeting, but there still needs to be an anchor location. He reported that the City Council can have Closed Meetings and there are a few different reasons they do. That being said, he cannot imagine a circumstance where the Planning Commission would need to hold a Closed Meeting.

The notice requirements were further discussed. Mr. Goodwin reported that notice must be provided at least 24 hours before a meeting. Notice must include the agenda, date, time, and place of the meeting. The agenda must be specific enough for the public to know what will be discussed. At a minimum, the notice must be posted on the Utah Public Notice website and at City Hall. Public bodies that hold regular meetings over the course of a year must give notice of the annual schedule.

Mr. Goodwin shared information about public comments. The public must be allowed to come and watch, but there is no requirement to allow members of the public to speak. However, in Cedar Hills, the decision has been made to allow time for public comments. He clarified that a public hearing is different than a public comment period. Mr. Goodwin reported that there are Meeting Minutes and recordings of all of the meetings. Those are posted on the city's website. As for emergency meetings, as much notice is provided as possible. He discussed what happens if there is a violation of the Open and Public Meetings Act. If a member of a public body knowingly or intentionally violates the Act or knowingly or intentionally abets or advises a violation of any of the Closed Meeting provisions, that person will be guilty of a Class B misdemeanor. Mr. Goodwin reported that there were some interesting Supreme Court cases related to social media use.

ADJOURNMENT

7. Adjourn.

MOTION: Commissioner Dredge moved to ADJOURN. The motion was seconded by Commissioner Dahl. Vote on Motion: Commissioner Dahl-Yes, Commissioner Dodge-Yes, Commissioner Dredge-Yes, Commissioner Thomas-Yes. The motion passed unanimously.

The meeting adjourned at 7:00 p.m.