

PLANNING COMMISSION MEETING
Tuesday, October 22, 2024 – 6:00 p.m.
Community Recreation Center
10640 N. Clubhouse Drive, Cedar Hills, Utah

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

Absent/Excused: Commissioner Troy Newbold

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 6:01 p.m.

2. Public Comment.

There were no public comments.

SCHEDULED ITEMS AND PUBLIC HEARINGS

3. Approval of the Minutes from the September 24, 2024, Planning Commission Meeting.

MOTION: Commissioner Dredge moved to **APPROVE** the Meeting Minutes from the September 24, 2024, Planning Commission Meeting. The motion was seconded by Commissioner Dodge. **Vote on Motion:** Commissioner Dahl-Yes, Commissioner Dodge-Yes, Commissioner Dredge-Yes, Commissioner Thomas-Yes. The motion passed unanimously.

4. Review/Recommendation and Amendments to City Code Title 10-5-17 Related to Clear View of Intersecting Streets.

City Manager, Chandler Goodwin stated this item relates to City Code Title 10-5-17. The current City Code requires that a clear vision area be established at all intersections. This is defined in the Code as "a triangular area formed by the lip of the curb and gutter and a line connecting them at points 45 feet from the point of intersection of said street lines." He shared a parcel map with the Commission and pointed out an intersection on Canyon Heights Drive. This has been a constant source of complaints during his time with the City. Oncoming traffic from the east is a problem because there are visibility issues. If a car is coming down the hill, it is not seen right away.

Though it is outside of the clear vision area, it still creates a safety hazard for anyone turning. He is surprised there have not been more accidents there.

The Code language proposed for Planning Commission consideration identifies that certain intersections are atypical. Most of the intersections intersect at a 90-degree angle and it is possible to see up and down in most directions. However, that is not the case for all intersections. There is a desire to define what an atypical intersection is. What is proposed is from the center line of the intersection measured 100 feet in either direction. If it curves off at any point in that measurement, then it would be considered an atypical intersection. When there is a problem with an atypical intersection, three groups would sign off on any changes the City Planner, the City Engineer, and the City Council. Those groups would make a recommendation on the changes that need to be made to that intersection in order to make it safe. This relates to health, safety, and general welfare.

The City Planner and City Engineer would likely be on site to look at the intersection to determine what is causing the obstructed view. A recommendation would then be made to the City Council to adopt a unique standard that is outside of the 45-foot range. If that were adopted, it would be possible to clean up the intersection and correct the hazard where possible. For the unique standards, there could be a prohibition on vegetation planted in the line of sight, fences or structures in the line of sight, or other prohibitions and limitations as approved by the City Council.

Mr. Goodwin reported that in his time with the City, there have been a number of occasions where vegetation has had to be trimmed in existing clear vision areas. In one case, a fence had to be lowered by a foot, so it was easier to see over the corner. There are some exceptions listed in the proposed language, which includes exceptions for City wayfinding and traffic control signs.

Commissioner Thomas understands there are a few atypical intersections that are already existing. What is proposed may or may not apply, because of existing non-confirming uses that would be grandfathered in. Mr. Goodwin clarified that this is not a forward-looking code but is corrective and retroactive looking. It is not possible to grandfather in safety issues or nuisances. There are certain grandfathering rules, but he does not believe those apply in instances such as this.

Chair Dolenc noted that the proposed language mentions “a factual finding.” He recommended that this be reworded to state that there is a factual finding that a safety hazard exists. If the City Planner and City Engineer feel there is a safety issue, then the specific findings can be drafted, and the City Council can adopt a standard for that particular intersection. That is a legislative act. Mr. Goodwin agrees that this falls under the purview of the powers and duties of the City Council.

Commissioner Dodge assumed that “other structures” refers to terracing that involves retaining walls. Mr. Goodwin shared additional information about structures in this context. When someone is at an intersection, the part of the yard that is visible is the front and side yard. He cannot think of an instance when the rear yard is visible from an intersection. While structure is mentioned in the language, it is unlikely that there would be an instance of that use near the clear vision area. Commissioner Dodge suggested leaving the language in there to cover a variety of situations. Discussions were had about potential solutions to clear vision area issues. Mr. Goodwin believes it is important to be open-minded. It is difficult to draft a code that states something specific must be done on an atypical intersection, because each one is unique and has its own set of challenges.

A lot of times, residents will trim their trees so it is possible to see through them, but in some cases, it might make the most sense to remove the tree. A lot depends on the individual situation.

Commissioner Thomas pointed out that there are many other options available, such as flashing lights. He asked about the number of atypical intersections. Mr. Goodwin stated that there are a few, but the Canyon Heights Drive intersection is the most problematic. Commissioner Thomas is less comfortable changing the code to address one problematic area. Mr. Goodwin explained that there are some other options available, but this seems to be the most accessible. It will then be possible to approach homeowners in these areas, explain the safety hazards, and refer to the Code.

Commissioner Thomas thought there should be a few different remedies, such as a yield sign or a flashing sign. Those kinds of signs might slow down vehicles in the area. Chair Dolenc believed the proposed language would allow for something like that to be placed, which was confirmed.

Commissioner Dredge stated that when the Planning Commission looked at this last month, he had two concerns. The first was that it seemed the City was trying to write language to address one location. Mr. Goodwin explained that if the code were drafted in a way that tried to codify the specific recommendations from the engineer, then it would feel more targeted towards a specific home or homeowner. In this case, this is establishing a process that can be used again and again wherever these situations arise. Commissioner Dredge understands that but noted that the previous presentation did not make that clear. The second issue he had previously was the language: "Other prohibitions or limitations as approved by the City Council." That seems open-ended to him. He expressed concerns about potential overreach from the City Council in the future. Mr. Goodwin noted that there is currently a Council and Mayor that works well with Staff and the public, but that could change over time. It is important to guard against arbitrary decisions.

There was discussion regarding the previous example of an atypical intersection. Mr. Goodwin clarified that in that case, the slope is part of the problem, but the outcome the City is trying to avoid is an accident. Accidents are most likely to occur because of speed. If speed is the issue, it does not necessarily matter if there is a slope. Commissioner Thomas suggested rumble strips.

Chair Dolenc believes that good foundational language has been presented. The City Planner and City Engineer need to make a factual finding that there is a safety hazard. Whether that hazard involves speed, slope, or something else that does not necessarily need to be specified. All that needs to be stated is that the safety hazard must be identified. As far as mitigation, that is fairly open. The City Planner and City Engineer can recommend what they feel is appropriate.

Commissioner Dodge agrees with the comments shared by Chair Dolenc. To mitigate concerns about C(3) it might be best to rearrange the text so that what is written in C is dependent on the findings in B. Mr. Goodwin noted that it might be prudent to notify homeowners about the intent to amend the standards adjacent to their property and allow them to present to the City Council. Chair Dolenc asked if there would be a public hearing. Mr. Goodwin reported that actual changes to the intersection would require notice for a legislative act. It is possible to recommend that it requires a public hearing as well, so property owners in the area can speak.

Commissioner Dahl stated that the process could be interpreted in different ways. Mr. Goodwin explained that not all situations fit into the same box. He does not anticipate this matter coming

up very often, but it will from time to time. Future members of Staff and the City Council will rely on the code to establish a clean and clear process. Commissioner Dahl thought there should be a plan. Commissioner Dredge believed the suggestion is that when the City Planner and City Engineer have a factual finding that there is a safety issue, they recommend changes to the Council.

Mr. Goodwin shared an example scenario where the City Engineer went out to look at the intersection. From there, the engineer would outline a number of potential remedies. Some of the remedies would likely be easier than others. For example, adding a sign to state there is an intersection ahead is much easier than eliminating an island. The City Council would look at that plan and make a decision about how to proceed. Mr. Goodwin presented an example plan to the Commission and explained that the City Council would then have the discretion to adopt or deny that plan either in part or completely. Commissioner Dredge noted that the current version of the code language does not reference the drawing shown. Chair Dolenc believed the point is that the City Planner and City Engineer would make recommendations to the Council for consideration.

Commissioner Wallace did not believe there was a typical intersection based on the definition that was shared. Mr. Goodwin explained that this is the reason there is a desire to clearly define what atypical means. The language that has been presented is a starting point and he is open to hearing suggestions about what could be improved. He reviewed some example intersections in the City.

Chair Dolenc believes there are two questions: whether something is an atypical intersection and whether the City Planner and City Engineer find safety hazards there. There may be atypical intersections where there are no safety hazards present. Mr. Goodwin noted that the history of the intersection would also be taken into account. He has not received complaints about most of the intersections in the community, but when there are repeated complaints about the same intersection, then there is likely something that needs to be addressed in the area.

Commissioner Wallace stated that the language will provide leeway on most intersections because it is unlikely there is one that is considered typical. Mr. Goodwin disagreed and explained that there are plenty of typical intersections as well as some atypical intersections. He pointed out that not all atypical intersections are problematic. That is the reason the City Planner, City Engineer, and City Council all need to make a determination whether something needs to be done for safety.

Commissioner Wallace asked if the language should reference an intersection where there are visibility issues. The measurements for an atypical intersection could be removed. Mr. Goodwin thought that was an interesting suggestion. Commissioner Dodge felt there is a good foundation with the proposed language. He suggested placing everything under Section B so it is governed by atypical intersections. Something that might also need to be considered is the homeowner. He pointed out that the language does not reference the homeowner specifically. It could state that after notice is provided to the homeowner, the City Council may adopt unique standards. This would allow the City Council to hear from the City Planner, City Engineer, and the homeowner before a decision is made. Commissioner Dahl thought that related more to the process.

Commissioner Thomas asked about the factual finding criteria. He wanted to understand what would trigger a review. Mr. Goodwin believed complaints would kick off the process. He would not make the complaints part of the review, but that would be what would trigger the City Planner and City Engineer to look at the site to see if there are safety concerns. He noted that it would also be possible to look at a heat map to see where traffic accidents occur most often in the City.

Commissioner Dredge suggested that the proposed wording be changed to mention something that deviates significantly from 90 degrees or that the sightlines are significantly impacted by the slope of the road. Mr. Goodwin liked that suggestion. It was noted that the definition of an atypical intersection can be reworked to remove the 90-degree angle reference and instead reference sight lines that significantly differentiate due to the angle of intersecting roads, sight lines, or slope.

Commissioner Thomas left the Planning Commission Meeting at 6:45 p.m.

There was additional discussion about the proposed language. Commissioner Dredge realizes that the code does not define the process, but the process is derived from the code. Mr. Goodwin noted that if the process is a concern for the Planning Commission, then that is something that can be considered further. If someone calls the City with a concern about an intersection, that will be looked at and information about accidents at that intersection can be obtained. From that, it can be determined whether or not there is an issue with the intersection. There are a lot of ways to determine if there is a problem. He will always listen to a complaint and then have it investigated.

Commissioner Wallace believes the atypical definition should be replaced. If there is an issue, then it can be addressed, whether the intersection is typical or atypical. Mr. Goodwin explained that most intersections are fine, but there are a handful that could be problematic. He feels the language should state that the intersection is different in some aspects from a typical intersection. The Commission further discussed the language. It was reiterated that instead of referencing a 90-degree angle, it can state that the sight lines significantly differentiate due to the angle of intersecting roads, sight lines, or slope. Mr. Goodwin confirmed that the intersection definition can be amended. His personal recommendation would be to have something that defines when an intersection falls outside of the norm. Chair Dolenc asked whether enough feedback had been provided. It was stated that the changes proposed by the Commission can be incorporated.

Mr. Goodwin reviewed the changes desired by the Planning Commission:

- Section C will be reworked to fall under a subset of Section B;
- A clause will be added to notify the property owner of the intent to amend or give an opportunity to present to the City Council;
- Rework the definition of an atypical intersection by removing the 90-degree angle reference and referencing that the sight lines significantly differentiate due to the angle of intersecting roads, sight lines, or slope.

Mr. Goodwin reported that he can make the amended changes, and the language can move forward to the City Council. Chair Dolenc suggested that there be a statement to clarify that findings are done on a case-by-case basis. Additionally, the accident history will be included when something is atypical. There was comfort with the addition of the requested changes.

Commissioner Cruze noted that at the last meeting, he had some concerns about pre-existing structures and a property owner being forced to tear down a shed or something similar. Mr. Goodwin reported that the most common structure that could be that far out into the corner would be a shed. A shed that far out into the corner is typically adjacent to the property line and is considered a portable utility shed that is under 200 square feet. In that case, it should be possible

to move the shed. Those sorts of details can be worked through on a case-by-case basis. He cannot currently think of an example in the community where there is a shed in a clear-vision area.

MOTION: Commissioner Dahl moved to recommend APPROVAL to the City Council for the proposed amendments to City Code 10-5-17, related to Clear View of Intersecting Streets, subject to the following conditions:

- 1. Section C be reworked to fall under a subset of Section B.**
- 2. Add a clause to notify the property owner of the intent to amend or give an opportunity to present to the City Council.**
- 3. Rework the definition of an atypical intersection by removing the 90-degree angle and referencing that the sight lines significantly differentiate due to the angle of intersecting roads, sight lines, or slope.**
- 4. Add that the findings are on a case-by-case basis.**
- 5. Add that the accident history be included when something is atypical.**

The motion was seconded by Commissioner Dodge. Vote on Motion: Commissioner Dahl-Yes, Commissioner Dodge-Yes, Commissioner Dredge-Yes. The motion passed unanimously.

5. Discussion on Approval Process for Single-Family Residential Properties.

Mr. Goodwin explained that this last year the Utah State Senate passed Senate Bill (“S.B.”) 174. It made changes to the way that land use is governed in the State of Utah. One of the changes relates to the way single-family residential subdivisions are approved. It used to be that there was a pre-planning meeting with Staff and a Concept Plan would be presented to the Planning Commission. The Commission would provide some initial feedback and then the applicant would come back to the Planning Commission with a Preliminary Plan. There would be a public hearing and a recommendation would be made to the City Council for Preliminary Plan approval. The applicant would then go to the City Council for Preliminary Plan approval and would come back to the Planning Commission for Final Approval with a public hearing. It would then go to the City Council for Final Approval with a public hearing. As part of this process, there were five meetings in total and four public hearings as well as the pre-meeting that took place with Staff.

When it comes to approving a subdivision, it either meets the code or does not meet the code. The State Legislature is saying that cities need to review their codes to ensure that it reads appropriately. Approval of single-family residential subdivisions has been shifted to an administrative process. Final approval has to be administrative, which is where the City Planner and City Engineer will sign off on the Final Plan. However, the City Council felt it was important that the Planning Commission still be involved in the process. The Planning Commission will still be involved in the preliminary process, but rather than making a recommendation, the Planning Commission will make an approval. During that Preliminary Plan meeting, there will be one public hearing where members of the public can share comments. Most of the time when there is a public hearing for a subdivision, it delves into public clamor quickly, but every once in a while,

there is someone who has a valid concern that needs to be considered. As a result, it is important to hold a public hearing. The State Code only allows for a maximum of one public hearing.

Mr. Goodwin reviewed S.B. 174 and explained that it came into effect on February 1, 2024. He highlighted some of the changes. The City Council will no longer be the land use approval authority, as that is now an administrative function working with the Planning Commission. Mr. Goodwin clarified that the process for commercial approvals did not change. The Planning Commission and City Council are no longer part of the final approval process. The City needs to designate an administrative land use authority for the approval process. The City Council chose the City Planner and City Engineer. A municipality may not require more than four review cycles.

The adopted code needs to define what a complete application looks like. Mr. Goodwin reported that this is included in the preliminary and final checklist. He informed the Commission that the concept phase is no longer mandatory but pointed out that some developers still like that process.

6. Discussion on 2025 Planning Commission Meeting Schedule.

Mr. Goodwin reported that the Planning Commission has met on Tuesday evenings for the last few years, but the meetings used to be held on Thursday nights. He proposes that the meetings return to Thursday nights. There was some support for the move to Thursday nights, but not all Commissioners were certain that the day would work for their schedules. It was noted that the schedule for the Planning Commission Meetings in 2025 will be adopted in November 2024.

ADJOURNMENT

7. Adjourn.

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

The meeting adjourned at 7:08 p.m.

Approved:
November 19, 2024

/s/ Colleen A. Mulvey, MMC, UCC
City Recorder