

PLANNING COMMISSION MEETING
Thursday, January 23, 2025 – 6:00 p.m.
Community Recreation Center
10640 N. Clubhouse Drive, Cedar Hills, Utah

Present: Donald Dolenc, Presiding
Commissioner Bari Cruze
Commissioner Tyler Dahl (left at 6:50 p.m.)
Commissioner Jeff Dodge
Commissioner John Dredge

Absent/Excused: Commissioner Troy Newbold
Commissioner Steve Thomas
Commissioner Robert Wallace

Staff: Chandler Goodwin, City Manager
Sarah Sampson, Associate Planner
Colleen Mulvey, City Recorder

PLANNING COMMISSION MEETING

1. Call to Order.

Chair Donald Dolenc called the meeting to order at 6:00 p.m.

2. Appointment of Chair and Vice Chair.

Chair Dolenc invited nominations for Chair and Vice-Chair.

MOTION: Commissioner Dahl moved to NOMINATE Donald Dolenc to continue to serve as Chair for the coming year. The motion was seconded by Commissioner Dodge. Vote on motion: Commissioner Cruze-Yes, Commissioner Dahl-Yes, Commissioner Dodge-Yes, Commissioner Dredge-Yes. The motion passed unanimously.

MOTION: Commissioner Dodge moved to NOMINATE Tyler Dahl to serve as Vice-Chair. The motion was seconded by Commissioner Cruze. Vote on motion: Commissioner Cruze-Yes, Commissioner Dahl-Yes, Commissioner Dodge-Yes, Commissioner Dredge-Yes. The motion passed unanimously.

3. Public Comment.

There were no public comments.

SCHEDULED ITEMS AND PUBLIC HEARINGS

4. Approval of the Minutes from the November 19, 2024, Planning Commission Meeting.

MOTION: Commissioner Cruze moved to APPROVE the Meeting Minutes from the November 19, 2024, Planning Commission Meeting. The motion was seconded by Commissioner Dodge. Vote on motion: Commissioner Cruze-Yes, Commissioner Dahl-Yes, Commissioner Dodge-Yes, Commissioner Dredge-Yes. The motion passed unanimously.

5. Review/Recommendation and Public Hearing on Amendments to City Code Title 10 Chapter 4 Related to Residential Square Footage Requirements.

Associate Planner, Sarah Sampson, presented the Staff Report and stated that effective November 1, 2024, the Utah State Legislature approved changes to the Utah Land Use Code § 10-9a-534, Regulation of Building Design Elements Prohibited. Subsection I states that a minimum square footage over 1,000 square feet not including a garage can no longer be required for one and two-family dwellings. The current City Code includes minimum square footage requirements for four zones. The proposed changes would eliminate that requirement and bring the City Code into compliance with State Land Use regulations. In response to a question from Commissioner Dredge, Ms. Sampson confirmed that homes less than 1,000 square feet in size would be allowed on all parcels.

Commissioner Dahl stated that square footage requirements for single occupancy were recently approved. Ms. Sampson clarified that the new rule pertains to the construction of new one and two-family dwellings. City Manager, Chandler Goodwin, added that the legislation was enacted to help lower housing costs. Ms. Sampson clarified that the minimum could be set at 999 square feet, and the legislation does not regulate occupancy. Mr. Goodwin stated that Cedar Hills has a few duplexes in the southwest corner, but they are not widely zoned for. Townhomes and other multi-family homes can still be regulated. The current Code requires a minimum size of 1,200 square feet in the affected zones.

In response to the question, Ms. Sampson confirmed that a parcel with an existing home can have one internal or external accessory dwelling unit (“ADU”). The legislation would allow two units, but only utility connection per parcel. Mr. Goodwin stated that if someone applied to build a 900-square-foot main dwelling and the City Code had not been updated, the City would likely have to approve the request because City Code is currently not in compliance with State Code. Commissioner Dredge noted that the legislation will have a major impact on some cities that currently have 1,600 square feet or higher minimums.

In response to a question from Commissioner Cruze, Ms. Sampson stated that the legislation also prevents the City from dictating exterior colors, cladding, style, dimensions, materials, roof pitches, location, design, or placement of architectural styling like windows, types of rooms, numbers of rooms, layouts of rooms, etc. Mr. Goodwin clarified that Cedar Hills does not regulate those features for residential dwellings, so the only change that affects the City is the minimum square footage. Commissioner Dredge asked about A-frame houses. Mr. Goodwin stated that Cedar Hills previously dictated roof pitch, but that regulation was removed for residences.

The Commissioners discussed setting a minimum that is within State requirements. Mr. Goodwin stated that City Code should regulate health, safety, and general welfare. For everything else, he believes they should ask why they are regulating it. Commissioner Dredge pointed out that the City

sets minimum lot sizes. Mr. Goodwin countered that he believes lot sizes fall under general welfare because they lend to the traffic patterns and home spacing the City wants to encourage. The spacing of homes also affects the efficacy of utilities.

In response to a question from Commissioner Cruze, Mr. Goodwin confirmed that all zones have minimum lot sizes. Oregon, California, and other states are beginning to look at single-family homes as a relic of the past, but that can be problematic. The City's sewer lines are designed for single-family lots. If you quadruple the number of units per lot, the system will not have the required capacity. The Commissioners discussed the ramifications of that type of decision, and Mr. Goodwin stated that he would keep them informed if similar legislation is being considered in Utah.

Chair Dolenc opened the public hearing. There were no public comments. The public hearing was closed.

MOTION: Commissioner Dredge moved to recommend APPROVAL to the City Council for the proposed amendments to City Code 10-4A-8, 10-4B-8, 10-4G-6, and 10-4H-6. The motion was seconded by Commissioner Dodge. Vote on motion: Commissioner Cruze-Yes, Commissioner Dahl-Yes, Commissioner Dodge-Yes, Commissioner Dredge-Yes. The motion passed unanimously.

6. Review/Action and Public Hearing on Amendments to City Code Title 10 Adding Chapter 5 Section 43 Related to Residential Outdoor Lighting.

Ms. Sampson presented the Staff Report and reported that Staff was asked to provide language on residential outdoor lighting to consider adding to the City's Supplementary Development Standards. There are currently no regulations on residential outdoor lighting. Ms. Sampson then read the proposed Code.

10-5-43: Residential Outdoor Lighting: It is the intent of the City to encourage lighting that provides safety, utility, and security and to limit hazardous or nuisance conditions on public ways and private property by confining direct light to the premises.

A. General Provisions:

1. All lighting shall be shielded, recessed, or directed downward to ensure that direct glare and reflections are contained within the boundaries of the parcel. No lighting may be installed in connection with the multipurpose sports court, tennis court, or other similar playing surface which shall throw any direct rays beyond the property lines on which it is constructed. Motion-sensing light fixtures shall be fully shielded and properly adjusted, according to the manufacturer's instructions, to turn off when detected motion ceases.
2. Height. Any lighting fixture attached to a structure shall be placed below the eave or parapet, whichever is lower.

3. Light fixtures on poles shall be installed at a maximum height of 20 feet in residential zones. Light fixture height shall be measured from the ground surface at the base of the pole to the bottom of the light fixture.
4. Freestanding lights intended to illuminate outdoor recreation areas (i.e., sports courts, riding arenas, swimming pools, etc.) shall be turned off no later than 10:00 p.m. daily.

B. Exemptions:

1. Lighting for public streets.
2. Temporary Lighting, including but not limited to construction or emergency lighting.
3. Lighting for public facilities such as city recreation facilities, parking lots, city buildings, parks, etc.
4. Holiday lighting provided such lighting does not create a nuisance or hazardous conditions on adjacent streets or properties.

C. Enforcement:

Violation of this section shall be subject to enforcement by the Zoning Administrator and any penalties under the nuisance code section 4-2.

In response to a question from Commissioner Cruze, Ms. Sampson confirmed that the regulations would only apply to residential lighting. Commissioner Cruze stated that a resident has complained to him about a light pole on Oak Road that shines into their bedroom and asked if Staff receives similar complaints. Ms. Sampson stated that Staff also receives those complaints. They understand that the lights can be annoying and will install shielding or adjust them to the extent possible, and they usually recommend that residents install blinds. She stated that they recently had complaints from houses abutting Cedar Canyon Lot 1 commercial. Staff spoke with the contractor, who then installed shields to direct the light straight down instead of into houses.

Commissioner Dredge stated that he has LED lighting in his backyard and asked how that would be affected. Ms. Sampson stated that it would be within the Code as long as no direct rays were being emitted beyond his property lines.

Commissioner Dahl noted that commercial developers use light meters to determine compliance. Commissioner Dodge suggested that the language be similar to the Commercial Code and require zero-foot candles at the property boundary. Chair Dolenc stated that there should be an objective standard and agreed that it should be measured in foot candles. The problem would be in determining compliance. If a light meter registered one or more foot candles at the property line, they would need to be able to attribute it to a specific light and not neighboring lights. Mr. Goodwin clarified that the changes were originally suggested to address sports court lighting, but the City also receives

complaints about other residential lighting. There is a difference between light being projected down versus a light that is aimed at a neighboring property.

The Commissioners discussed the regulations in relation to lighting on homes versus sports courts, and it was suggested that Section 1 of the General Provisions be separated into two sections. Chair Dolenc recommended adding the one-foot candle limit relative to sports court lighting. Commissioner Dodge stated that if sports courts were separated, they should also separate motion-sensing light fixtures. Ms. Sampson stated that motion-sensing light fixtures could be added to Section 1.

The 10:00 p.m. turnoff time specified in Section 4 was discussed. Ms. Sampson clarified that it is set at 10:00 p.m. to coincide with the Noise Ordinance. Commissioner Cruze suggested removing the language requiring sports court lighting to be turned off at 10:00 p.m. and instead requiring that lighting be contained within the property. Chair Dolenc noted that Section 1 requires that all lighting be shielded, recessed, or directed downward. New Section 2 will remove the “direct rays” language and measure it instead in foot candles. He believed Section 4 to be redundant. Mr. Goodwin cautioned that they could strike the language, but it would not change City Code regarding nuisances. The cutoff time for any public nuisance is 10:00 p.m. Ms. Sampson read the definition of “nuisance” and clarified that it includes language regarding sports machinery. Lighting is also a possible nuisance. After further discussion, the Commissioners agreed that Section 4 should be stricken.

Chair Dolenc suggested that Sections 1 and 3 under B: Exemptions be stricken as they pertain to public lighting and are covered by other sections of Code. Mr. Goodwin understood his point but clarified that exemptions for City infrastructure must still be called out. Residents complain about street lighting. The City does what it can to limit the complaints and will install shielding, convert the light to LED, or take other steps to mitigate the issue, but the streetlights must stay on. The Commissioners agreed that those sections should remain.

In response to a question from Chair Dolenc, Ms. Sampson confirmed that “outdoor lighting” would be added to the Nuisance Code and brought before the City Council for approval. The Commissioners agreed that in Section 1, the phrase “all lighting shall be shielded” should be changed to “all outdoor lighting associated with residential use shall be shielded.”

Chair Dolenc opened the public hearing. There were no public comments. The public hearing was closed.

Ms. Sampson was directed to update the proposed Residential Outdoor Lighting Code and bring it back to the Commission for review at a future meeting.

MOTION: Commissioner Dredge moved to TABLE to this item for revision. The motion was seconded by Commissioner Cruze. Vote on motion: Commissioner Cruze-Yes, Commissioner Dodge-Yes, Commissioner Dredge-Yes. The motion passed unanimously.

7. Discussion on Amendments to the Moderate-Income Housing Element of the Cedar Hills General Plan.

Mr. Goodwin reported that Utah requires cities to adopt three strategies in their Moderate Income Housing Plan. The previous three strategies were ADUs, single-room occupancy, and mixed-use in commercial areas. As the third strategy is no longer practical, Staff worked with the City Council to adopt a new strategy.

The City has signed an Interlocal Agreement with the Attainable Housing Agency (“AHA”), which provides funding, building permits, and oversees construction of ADUs for property owners. In exchange, the ADU is locked in as affordable housing for a specified period of time during which the AHA receives 90% of rents as repayment of the loan. After 10 years, the lease reverts to the homeowner, and the ADU no longer has to be designated as affordable housing. Mr. Goodwin was unsure if residents would use the tool, but it would be made available to them.

The Affordable Housing Plan was redrafted to include the above strategy, as well as some minor verbiage updates. Mr. Goodwin asked the Commission to review the draft Plan to ensure that it aligns with their vision and indicated that they would discuss it in more detail at the next meeting.

8. Review/Action on Amending the 2025 Planning Commission Schedule.

City Recorder, Colleen Mulvey, reported that at its November 2024 meeting, the Commission voted to hold the January and February meetings on the fourth Thursday instead of the usual fourth Tuesday of the month. The request was to move the date for the February meeting to Tuesday, February 25, 2025.

MOTION: Commissioner Dodge moved to ADOPT the amended 2025 Planning Commission Meeting Schedule, with the adjustment of the February meeting to be held on Tuesday, February 25, 2025. The motion was seconded by Commissioner Dredge. Vote on motion: Commissioner Cruze-Yes, Commissioner Dodge-Yes, Commissioner Dredge-Yes. The motion passed unanimously.

ADJOURNMENT

9. Adjourn.

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

The meeting adjourned at 6:56 p.m.

Approved:
February 25, 2025

/s/ Colleen A. Mulvey, MMC
City Recorder