

**CEDAR CITY PLANNING COMMISSION**  
**MINUTES – November 25, 2025**

The Cedar City Planning Commission held a meeting on Tuesday, November 25, 2025, at 5:15 p.m., in the City Council Chambers, 10 North Main, Cedar City, Utah.

Members in attendance: John Webster, Jennifer Davis, Jim Lunt, Wayne Decker, Tom Jett, Steven Hitz

Members absent: Jace Burgess

Staff in attendance: Kent Fugal-City Engineer, Randall McUne-City Attorney, Donald Boudreau-City Planner, Faith Kenfield-Executive Assistant

Others in attendance: Tyler Melling, Ridley Griggs, Andrew Dudley, Arlo Fawson, Brent Drew, Ann Clark, Dan Roberts

**ITEM/REQUESTED MOTION      LOCATION/PROJECT      APPLICANT/PRESENTER**

- Pledge of Allegiance – the pledge was led by Davis.

**I. REGULAR ITEMS**

1. Approval of Minutes (dated November 18, 2025)  
(Approval)

**Davis motions to approve the minutes from the November 25<sup>th</sup> meeting; Hitz seconds; all in favor for a unanimous vote.**

2. PUBLIC HEARING

Ordinance Text Amendment (Recommendation)	Sidewalk Requirements for Subdivisions& PUDs	Tyler Melling
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**Tyler Melling:** What we had talked about last time, again, a few things, state law compliance and others. Just trying to figure out the best way to figure out when to install sidewalks, ensure that they get installed without knowing that we're going to rip them up within the next 12 to 18 months and replace them. This is our attempt at working with staff to get that timeline correct. There was one issue that I heard about earlier today. I don't know if any staff got wind of it yet. There is a little bit of an issue with that timing. Let's say you've put in all your streets, your road improvements, your curbs and gutters, and you're building houses. You're going to install the sidewalk with each of those houses. Sometimes you want to turn water on before you have C of O and before you have sidewalks on. You can use that for interior construction and things like that. Well, the water department will not turn on water if there's no concrete collar poured around that meter, but you don't want to pour the collar at a different time than the sidewalk. Because then they're not going to match. That's one of the things we're also trying to figure out how to navigate. Maybe that's just an internal policy matter. I don't know. Has that come on your radar yet today.

Kent: Not today.

Tyler: It came on our radar this morning.

Kent: The issue of the concrete collars is another issue that we will be discussing internally as far as whether they're needed or if they are when they're needed. That's some discussion we can have.

Tyler: Okay, but other than that, again, correct me if I'm wrong, Randall, but the way I read the newly past state law is that the city can't require those sidewalks to be installed subdivision-wide for at least a period of 18 months. If there's been a bond paid. You can still get certificate of occupancy in individual homes as long as you're putting in those sidewalks, just subdivision-wide, kind of with that model of look, if you're just kind of building. Especially some of the smaller homes that have less frontage, and you're not selling lots that people are going to sit on. You can go ahead and build those homes without putting in all the sidewalk knowing you're going to have to rip them back out and replace them. Is that about right.

Randall: Yes, that's right. We've done it as a 12-month standard until, well, this year when they changed it to 18 months at the state level. That will alleviate some of these. Where we would need this ordinance if everybody built all their houses within 18 months. That obviously won't hit all of them. The state obviously is pushing us to extend that time frame beyond the 12 months. Even the 18 months won't reach as far as this new updated subsection.

Jett: Quick question. Is that 18 months minimum or can we extend that further?

Randall: That's the minimum that we have to give. We could go longer. The only thing that probably prevents us from going longer other than our own fear of enforcement if we wait 10 years is how long is a letter of credit going to be good for issued by a bank? How long is a surety bond going to be good for issued by a surety company? Cash we can go forever because we're sitting with the cash. State law, we can't require them to only use cash. We have to give them at least two options. 18 months would be the minimum, again, for sidewalks. It doesn't apply to everything else. Again, I don't know if we've necessarily been that strict. At a 12-month mark, suddenly installing sidewalks and charging everybody. The state is trying to push for a little longer time frame. The only other thing I would notice, if you didn't see it last week versus this week. The formatting for this is a little bit different than last week. I took almost the exact same wording and took legal subsections, A, B, C, all that different stuff, to have the grammar fit a little bit better. The only other thing that I did, I changed, if you see it there, the corner lots. I changed the frontage on more than one street. Because we do have some lots that are not just corner lots, they're through lots. They have three or four different sides on streets. We wanted to be a little bit more inclusive as to when it's available. Again, this is broader than what the state statute is requiring us to do.

Don: If I'm not mistaken, Kent and correct me if I am wrong. We're not asking them to bond for 18 months. As it's written now, they would be required to put in the sidewalk before acceptance of the subdivision. Then we have a warranty bond, I mean a warranty for 12 months, right?

Kent: Yes, I need to make sure I understand better what that state code requirement is saying. We are saying here in this under, this added wording that we're talking about. We are saying that there are sidewalks that would not be part of the developer's responsibility. They would come with the building construction, right? The amount of time that a developer has under a bonding situation to get sidewalks in wouldn't even apply to those sidewalks. It would apply to the ones that we're saying the developer is still responsible for installing. With that, it sounds to me like the state code may be saying some things there if those are bonded that go contrary to our current practices. We need to explore that a little bit deeper. That doesn't have anything to do with anything that's on the screen right now, the changes we're talking about making. Those would be requirements from state code whether we make any of these other changes or not. It would only apply to the sidewalks that the developer is required to install.

Randall: Just to give you the exact wording so you have it, this is state statute. A municipality may not retain an improvement completion assurance, so bonding, securing the installation of a public sidewalk sooner than 18 months after the date the improvement completion assurance is posted. Its wording is broad. Like it would include it even under our new ordinance. What we're doing in the new ordinance is shifting a lot of this to the builders whether than a subdivider. This statute would still apply. We're still looking at 18 months from the date we make them post. It could create some complications. They build a house, and they don't build a sidewalk for 18 months, but it's state statute. The legislature doesn't have to make that statement.

Tyler: To be clear, the state statute does still require whether it allows cities to require the sidewalk for that house to be completed before C of O, just not subdivision.

Randall: Yes, that's a separate one, but everything else.

Lunt: Does this affect lots? I live in a subdivision on a street that's 50, 60 years old, and there are vacant lots without sidewalks. They have curb and gutter. We have asphalt. Then there's just a patch of dirt that people stop at and go out in the street. Does that affect lot owners that do not have a home there yet.

Randall: What this is doing is creating more of those same situations. Where if you have a new subdivision. Just looking at new ones, right now we would say when Joe Blow's construction company brings in a new project. They have to put in all the curb, gutter, sidewalk, and all the improvements are on them as the subdivider. This new one will now stretch that at least in certain circumstances is all on the builder. Well, either way, it's on the builder, because it's developer and builder has to do it on his own. You will have lots that will remain vacant for 50 years, like that one, in these newer subdivisions. Our current ordinance doesn't allow that. Our current ordinance would say any subdivision, we need all the sidewalks in. Otherwise, we will never sign off on your subdivision. That's your tradeoff. You'll have more lots without the sidewalk, but you'll also have fewer lots where we put the sidewalks in two or three times.

Lunt: It's kind of an inconvenience 50 or 60 years ago, I understand. Now, because we're modern, it's a inconvenience for the street because I'm always seeing people, they don't walk in the mud and the weeds and everything.

Randall: Again, that's your debate. That's what you're trying to determine which inconvenience is worse. We have lots that will remain without sidewalks, potentially for months, potentially for years. If they do put them in like he said, they'll put them in, build a house, run it over and crack it. The backhoe and everything will destroy them anyway getting in there, and then they have to re-pour them.

Randall: Then we fill the landfills.

Davis: That's just the curb. I mean, it's just the driveway portion.

Randall: If you can get the builder to stay there.

Kent: The problem is a lot more than the driveway gets broken and has to be replaced. We end up on a lot of these where most of that sidewalk, if not all of it, ends up being replaced. After the developer spent the initial money to put it in. The reason we're bringing this to you in this form is because we believe that the advantage is gained overall of less waste of money and everything, of holding off on a lot of those sidewalks. Until the home gets built, that outweighs the minor inconveniences of having some lots sit without sidewalks sometimes for many years.

Davis: One thing that I can see is that that passes the cost on along to the end user and not always is the developer the builder in the subdivision. If you look at Saddleback, for example, where I'm building, that would push that cost back to the homeowner, that's building the house.

Kent: In theory, that cost gets to the homeowner either way. It's either passed off from the developer as part of the lot price, or it ends up being part of the added price after you purchase a lot. Either way, that cost in one form, or another is being borne by the homeowner already.

Randall: That's your question as a realtor, right? Carter Wilkie had his own opinion on it as well; I won't bring that up. If you're selling a lot, and that lot has a sidewalk, or the lot doesn't have a sidewalk, does that change the price of the lot being sold?

Decker: No.

Davis: I think it changes the desirability. It might not change the price of the lot. What I can see is a developer they'll save that money that they're going to have to put, all that into the project or into the subdivision. They'll save that, but they don't necessarily pass that along, at a discount, to where the new buyer of the lot gets \$5,000 off.

Jett: That's where I totally disagree. I believe in the free market forces. We have some people that are more cynical than others, thinking it doesn't go down. I don't publicly go out and build homes for other people. I personally, even on a free market basis, and I believe that everything the developer can save at some point, and I'm not talking about every situation, at some point it brings down prices.

Decker: There's no way. The developer's going to charge what they're going to charge.

Davis: No, I think the developer just makes more money.

Decker: The developer's going to make more money.

Hitz: I think what brings the value of a lot down is if the water collar is a different color than the sidewalk. What does that matter?

Decker: It doesn't matter. Tyler? You said at the beginning you're concerned about the sidewalk matching the water collar. Who cares?

Tyler: Well, it's just a matter of requirement, right? If the city won't turn on the water until the water collar is poured, and it's not the color, it's the elevation of that concrete.

Hitz: I see.

Tyler: Its tying in that elevation properly, and to be clear, Don and I had a good discussion about this this morning, right? There are many different models of construction and subdividing. If this policy is, it has been the standard and is the standard in most cities for the timing of sidewalk installation. Cedar some time ago decided, well, that's not what we want because we had so many people on stated income with very little. Before the financing rules changed, buy lots to sit on for decades, without ever building. That sidewalk never gets done. The project that we came through with in mind, we don't sell lots ever. We sell houses. There are no lots that will be sold to individuals until there's a house on it. That changes the timeline significantly. If you have a model where you are not selling lots until a house is built on it. Then why would you spend an extra three grand per unit to build sidewalk to tear it out within 12 months.

Davis: I understand it when it's that type of situation. It's the onesies-twosies. It's where they're just selling, lots to individual buyers, individual builders, and things like that. They could sit for 10 years. Absolutely.

Lunt: Is there a city standard for water meters? Whether they're in the parkway, they're in the sidewalk. Is there a standard position for those? Because I'm thinking of my own. My own is dead center in the middle of the sidewalk, which is now collapsed, and it's a hazard. Then my neighbor's is in their parkway. Our houses were built, 10-15 years apart.

Kent: The current city standard on that is that those meter boxes go behind the sidewalk. With future modifications, wind up with planter strips, maybe they'll go in planter strips. For now, behind the sidewalk, somewhere that is not in the driveway. Generally, they are just in front of that box, there is a foot or two behind the sidewalk, and that concrete collar that goes around it butts up against the sidewalk. That is our current standard for those.

Webster: Another discussion? I happen to have a lot of chairs in Sunroc. I'm all for replacing Sunroc. Not really.

Lunt: Are you declaring that you have conflict.

Webster: No, no. I have no conflict. I thought Tyler must not have Sunroc chairs then.

Don: I have a question. I think I said at the last meeting it's kind of a double-edged sword. We're talking about where it makes sense and maybe where it doesn't. Where folks might be buying a lot and they're dreaming to move to see there in 15 years, or when they retire. Is there some sort of middle ground, Tyler, you were kind of mentioning? Is there a trigger later down the road, where you could get those sidewalks put in, whether it's two years from now or.

Tyler: Right, and that's certainly something we can look at. I don't know what that middle ground is as far as, precisely. Again, this was something to us, right? If we want to talk about conflicts, we want to talk about motivation. Where we only do builder-developer model. We would love for all our competitors to have to pay to put in sidewalk. That we know that they're going to have to then incur that cost, sell that lot, and then we don't have to. Because, again, state law doesn't require us to until this goes in. Again, this is more of a courtesy to the building community. Because for us, we're fine. Our latest project, we don't have to install sidewalks until February 27, except for the homes that we're building, right? That's fine, and we'll save a lot of money that way. If you want a blanket rule that's going to apply to all, I don't know what that is. Maybe it's even just based on lot frontage, right? If you're in, say, an R1-zone or RE zone, maybe you have to put them in. I very rarely see custom home building or people sitting on lots in R-2 or R-3. Maybe that's the differentiator. I don't have a good answer.

Davis: Then that brings about the R-2-2 and all of those.

Tyler: Correct.

Randall: That's part of, I think, what the state legislature is trying to do is give you that for at least 18 months. You've subdivided. A timeline, just so you guys know, we require bonding right before we record their plat. That's the moment they can start selling lots officially. Not that they don't sell them unofficially, but officially. That gives them 18 months from the time people might be able to start pulling building permits to get it in. It could go longer. Again, I'd have to talk to a bank to see how long they'll give a letter of credit for. The longer it is, sometimes the harder it is for staff to keep track of. There is that question, and I think that's what Don's hitting at, is kind of a fallback. Do you say after two or three years, we're done waiting for builders, now we want the developer to come in and put in the rest of the sidewalks? That's fast for some subdivisions. That's slow for others, and it depends on the market. No matter what we pick, it's going to be good under one market and bad under another, because that's the way life works.

Tyler: We talk about pricing and profit and who saves and who doesn't. You know, I recently saw a project. I was shocked at the price, at how high it was for what was being offered. I thought, wow, they're going to be sitting on this project for seven to ten years. That's a long time in the development world. Yes, you do get to choose. Do you pass those savings on so you can get out of a project and be done and not be paying interest on it for the next decade? Or do you want to be out of a project within two to three years? Because it's a lot more of a headache to sit on a project. Again, that's the way the market works. People are free to choose to try to get every dime they can out of a project. They're going to be sitting on it, and it's going to be their own personal headache for a long time. Or they can get out of it and pass on those savings.

Randall: You're basically choosing between two imperfect choices.

Davis: Yes, for sure. Would they have to still do curb and gutter, or are we talking curb, gutter, and sidewalk?

Randall: The way this is worded is just sidewalk.

Kent: Curb and gutter are always required.

Randall: You'd still have, for our city drainage purposes, we need that in place. This is purely just the sidewalk portion for pedestrians, kids on bikes, and wheelchairs.

Kent: My concern with the idea that was expressed of possibly having a sunset date on that not requiring the developer to put them up front and having that instead be the responsibility of the home construction that the sidewalk goes in. To say that the developer has to come back if people haven't done that after, say, two years or whatever that might be. To me that's not a good way to do business where the developer needs to know up front what their responsibility is.

Davis: That's true.

Kent: That's why I would rather define what sidewalks the developer is not required to put in. Then they're off the hook on those sidewalks. Those come with the home. Now, if the developer wants to make an agreement and the home builder wants to make an agreement, that the developer's going to have to come back. They're going to come to put the sidewalk in when they get the home built, and they can get their CO. That's an issue between two private parties. In terms of our requirements, the developer needs to know what they're responsible for.

### *Open Public Hearing*

Decker: Can I just get a clarification? Maybe I'm just not understanding this full picture. A developer comes in, bare piece of land, they have the plot drawn up, they get approval, they subdivide, they put the curb and gutter in, but zero sidewalk? Or do they have to put in the ADA requirements up front.

Kent: On item number one, A1, they would be required to put in the ADA and pedestrian ramps at all street corners. Is that just like five or six feet of sidewalk? It's more than that. It's the whole curb return, the whole radius.

Decker: Radius, okay, so still 20, 30 feet in a corner, and then nothing else until the next corner.

Kent: Right, except along the major roadways where they're not taking access. When we build a subdivision, let's say you've got a corner lot and one frontage is local street, the other is, say it's an arterial or a major collector or something like that. The access is going to come off the local street. On the arterial side, yes, they would be required to put that in. That's what item two is talking about where we say sidewalks along roadways functionally classified as major collectors or higher. Those major collectors, those minor arterials, those major arterials, the developer will still put those in. I guess it does come down to the function of classified roadways. A lot of times we'll have lots within the subdivision that back up to the arterials, so the lots are sandwiched between a local street and the arterial. Those arterial improvements would still happen in their entirety, right? It's the local street frontage that that house uses. Where they get their access and all of that. Those are the sidewalks we're talking about.

Decker: Currently, when that subdivision goes in, the developer is required to put all sidewalk in. Is that the case?

Kent: That is.

Decker: I'm not fully understanding the problem with that. I understand things get broken. If you know where the driveway is going to go, that's a good place to break the sidewalk. I just don't see a problem with that unless there's weather conditions that don't permit you to pour the concrete, and that's extreme here.

Kent: The problem with it is what we see in practice. In theory, yes, the homeowner comes in, they start building the house, they know where the driveway is going to go, they could just go ahead and remove it and get access, or they know only break this. The problem is we get sidewalks broken all up and down the street as those construction activities go on. A lot of that happens while that sidewalk for the developer is still under warranty. Now we're coming back to the developer and we're saying this sidewalk you put in is all cracked up. You need to replace it before we can sign off on the end of the warranty. Someone has broken it up. We don't know who. The only thing we can do is go after the developer. Is

that fair to that developer that he's out there spending thousands of dollars replacing sidewalk that was broken by other parties, but we don't know who? Or do we just let that sidewalk wait? So, that doesn't break up all the concrete and we're not wasting money? That's really what we're trying to address here.

Decker: Okay, thank you.

Webster: Thanks for that clarification. Okay, public hearing, anybody like to speak to this.

**Brent Drew:** I don't want to, but since you guys called me up here. All right. Brent Drew with Development Team with this one. People in question are weighing, because you're a good builder. You know how to go there and go over where you're going to cut the sidewalk and use that. What we see happening there, and when you say would there be savings or not. We decided what we're going to charge for a lot by, well, we're going to put this much money into developing that site. When I started the business, it used to be \$13,000 to put all your infrastructure into a lot. Now we're talking about \$90,000 to \$110,000 per lot to do that. We sometimes have a, not a builder of your quality, will decide they need to go over somebody else's lot from behind and drive to load whatever they need for their lot. They crack the sidewalk in front of somebody else's lot, and then we still get charged for that. We know that's, that's what's happening. We put that into our number two and say, okay, it was this much to put it in, but we're going to get charged for this sidewalk, that sidewalk, and when the city comes through and does the inspections. We're looking at lots that haven't even been developed where they're cracked after we put in the pristine sidewalks. That's why we're sitting there going. We understand it could be us. We're going, well, that lot's going to cost us a little bit more down the road and for 18 months in the future there. It's not us out there driving our trucks over those sidewalks.

Decker: How confident are you that the prices do stay down if you don't put the sidewalk in.

Brent: Well, because what we do when we go out and we figure out what the lot cost is. We put all those improvements, what it's going to cost us together and do a percentage on top of it.

Decker: Sure.

Brent: That's just the simple way we do it. If we're going to be putting this into it, then that lots going to cost that much more.

Decker: It's the case with most developments that they do it that way? Or you think they say, okay, we can get X amount of dollars whether they decide to walk in or not.

Brent: If you just say we can get this amount of dollars without figuring out what you're going too put in it too be for, you're not making a very informed decision.

Decker: Sure.

Brent: See what I'm saying? It'd be like, I'll just go out there and guess. We don't do it that way. We have to figure out everything in there. In fact, if we do have somebody come and say, I'd like that lot before we're even doing a subdivision, we'll say we can reserve it, but I can't give you a cost until I know exactly how much money we're going to be putting into that. Just for that reason.

Decker: Thank you.

Brent: I'd say there are a lot of builders who do not do that. It's just there's a certain group out there right now that seems to not care about boundaries. Things like that. I think what happens is we get as shocked as whatever, to when we go and do the inspection and walk through with them and go, how on earth did this get cracked? I think that's the amount of cracking we're seeing lately. We're sitting there going, I don't know how that happens.

Webster: Thank you. Anybody else like to comment about this? If not, Kent, it's my understanding that the cement collar for the water meters can be overcome without changing this. Is that right?

Kent: We will work on ways around that. Because we just won't have the sidewalk there to match a collar up to until it gets put in as part of the home construction. That's something we'll just have to change in our standards too not have that required at that point in time.

Randall: That'll have to come back. The question on the collars, that's going to require some actual changes to standards. That won't be your issue today. While it's related, that's not what we're asking you to give your opinion on today.

### *Close Public Hearing*

Webster: Excellent. Well, it's back to us. Does anybody want to comment further or make a motion?

Decker: I'm still torn, to be honest with you.

Jett: I'll make a motion for two years, that they don't have to put sidewalks in. Six months above the minimum state law.

Randall: Can I clarify that one?

Jett: Sure.

Randall: The changes that are before you.

Jett: If I said no, you couldn't, what would happen.

Randall: I'd ask everybody else what they thought you meant. You might not want that answer. What's presented before you are shifting the installation of the majority of sidewalks to the builders.

Jett: Correct.

Randall: Is it your motion then to still leave it with the developer but give them two years to put it in? Because based on what's here, we wouldn't need two years. We would just say when you get your certificate of occupancy, your sidewalk has to be done.

Jett: That's a good point. Thank you for clarifying.

Randall: They're two different questions, which I'm fine with what you're proposing. Because there are plenty of people that have pushed exactly for that. I just want to make sure we distinguish between the two.

Jett: I hate waste. Just one of my greatest things, and maybe it's because I grew up in the great Depression, Mom. It just makes me crazy. I'd like to switch, if we can, directly to the builder of the property.

Randall: Okay, so is your motion then to support what's been proposed.

Jett: Yes.

Randall: Because that's what that would do.

Jett: Yes. The reason I put a date on there was some discussion. How long do we leave it, 10 years, 5 years, 7 years.

Davis: Well, now it would be indefinitely.

Jett: We're going to have exceptions to every rule, whatever we do. That's what my proposal would be, leave it to the builder to put that in.

Webster: Your proposal would be this as is written currently proposed before us.

Jett: Yes.

Faith: Can I just get that clear for the record? When I put the motion it's a clear motion please?

Jett: I think everything Tyler has proposed with the minor clarifications that we've sought is what I would propose.

Webster: My understanding would be your proposal is that what is presented on the screen before us. What you support and are proposing that we make a recommendation on?

Decker: Yes sir.

Decker: I'm still just a little unclear on this and please forgive me. I'm slow on it but the subdivision goes in curb and gutter goes in, the ADA requirements go in, on the corners a contractor comes in, and builds a house he puts his sidewalk in. Let's say there's 50 lots in the subdivision, and 30 of them go in relatively soon, and 20 are just left without sidewalk forever.

Randall: Potentially yes.

Decker: I don't like that.

Randall: Then don't vote in favor of it.

Decker: Thank you.

Randall: That's really the distinction. Are you trying to avoid the waste of multiple sidewalks being put in multiple times but run the risk that some lots will remain without a sidewalk potentially indefinitely.

Decker: I understand the breakage, and I've probably had concrete trucks pull over sidewalks over the years and probably broke something I shouldn't have broken. I don't know. Thanks for the kind words anyway. Please don't call me. I'm retired. Thank you. I'm clear on things now but thank you. All right.

Webster: We have a motion, is they're a second.

Hitz: I'll second,

Webster: We have motion and a second, all in favor.

Davis: Nay.

Lunt: Nay.

Decker: Nay.

Webster: Nay

Jett: Aye.

Hitz: Aye.

Webster: What we have is a failed motion.

Kent: That means it's a negative recommendation to council. Okay.

Randall: Can I pause you on that real quick, though? The preference still is to have a motion that gets the majority of the vote. If you're not in favor of it, then we would want a motion against it and then a vote. Well, a motion in a second. Or a motion for a modification. If the only reason you voted no is because you want to tweak it, do that too.

Jett: Or the proponent can take it directly to the council as it exists.

Randall: No, because we need something from the Planning Commission. The council can't vote until you have made a recommendation.

Jett

Oh.

Randall: Again, it can be nay, and then the council can vote and say yes anyway. We just need a vote.

Decker: Let's have a time or two.

Randall: Just a few.

**Jett motions for a Negative Recommendation, so this it can be moved forward; Lunt seconds; all in favor for a unanimous vote.**

Jett: I'm not doing it because I believe it. I'm doing it just in an effort to move it forward.

Lunt: I second with an explanation that what I am seeing. That subdivision would then be kind of a patchwork, like my 50- or 60-year-old street is. I would much rather see the sidewalks there. A little bit of care and understanding as the home is built, that they mark out. The builders are required to find some way to mark out where those driveways are going, and that's where the access to that lot would be.





Lunt: In this proposal, I would like to see a little more emphasis put on the city's water use, cemeteries, ballparks, where the city is there. A lot of our neighbors don't understand what the different water is and why we're doing it there. We're telling them, don't water your lawns between 8 and 6 or 7. Yet here's the city, the schools, and SUU. They're out sprinkling water 24-7. I think that there needs to be a little more understanding between the residents of the city. Where these waters come from, why are they being used, and yes, we're not just wasting your water. Maybe a little more conservation on the city's part. Let the city set an example.

Webster: Okay. The example by not watering.

Lunt: No, water what you must. We want a beautiful city. I'm not against watering but just letting the people. Because I've had neighbors say, well, the waters on 24-7 at the cemetery, or SUU's trying to grow asphalt or concrete. Yet they want me not to water. A little more understanding so that our neighbors can use our water wisely. That's it boils down to let's use what we've got and use it wisely.

Jett: I think that's a very fair point. Education is everything. We have mechanisms through the mayor's newsletters or through social media to explain we're not necessarily soaking that water out of the ground. We have other mediums that we're using for some of our water. To water the fields, the schools and the cemetery and so forth. I think that it's important that we educate the public because, you know, monkeys see, monkeys do. They get frustrated and say, well, if they can do it, I can do it. I think what Jim said is very important.

Griggs: Yes, and one strategy we have included in the plan that I think can help with this is what we call a water budget. We've recommended that the city establish a water budget for every property. Look at the characteristics of that property. For example, we'll use a park and say, okay, how much water does that grass really need to survive? Then track them very carefully. Then if we can demonstrate to the citizens that. We are watching this very carefully or we're using good scientific data that can be an educational tool.

Lunt: Have the city lead by example. Then the citizens will automatically fall behind you because they see that you're concerned about it. I as a citizen should be concerned about it.

Decker: Well said.

### *Open Public Meeting*

**Ann Clark:** I must go. I've got grandkids waiting at home. They're arriving for Thanksgiving, and I'm not there. Here's what I think about the water. I want the city to water. I want it to be a beautiful place. Now, you could change the timing and water in the morning during the same hours that we ask people to do, but this is my big thing on water. I think if you want to do a positive motivator, all water should cost the same amount. To motivate people to use less, hey, we'll drop your bill if you use less. We do the punishment one, where we the government are going to tell you how much water you get, and then if you go over that, you tier up, you tier up, you tier up. What happened is, Steve brought up last week, for families that have a lot of children, you're going to do laundry, you're going to do bathing, let's hope, let's hope. It really is a deterrent to anybody who has a bigger family. It's just another huge tax on them. I think we need to make a positive motivator, saying all water is the same amount of money. If you use less, then you get a bonus. The way it is now, it isn't. And Tom asked me, he said, "Do you believe it? I said, "Yes, and I'm going to tell you why I believe it, because I lived it, this very thing in Palmdale, California. I keep bringing that up, because what happens is, people have to choose between water and food. They will not water their lawns. They will not water their fields. They won't have landscaping. They'll choose food. Then what happens is the neighborhoods fall apart, and as the neighborhoods go, so does the town go. I think it's fine for a lot of us. Like I've said to you, my husband doesn't care about how

much the watering costs him. What I'm telling you is that it is a problem for a lot of people. We can lead out an example about when we water, but water should be the same amount of money. You should not have any tiered watering at all whatsoever. If you want to motivate people, say you're going to lower their water bill if they use less. Anyway, thank you.

Jett: May I just remind everybody, and I'm going to shoot from the hip here, about 75% if you help me out. Jonathan, if I'm correct here, about 75% of the water used is for non-indoor use in our city. Watering lawns and washing your yard and washing your driveway down. Although I appreciate large families because I come from one. That the amount of water, that's not where the water is being used on washing and showering.

Ann: Tom, more people use more water.

Jett: I get that, but I'm saying about 80%. Am I correct here, 75%, 80%, Jonathan.

**Jonathan Stathis:** City Engineering. Tom, that is correct. Most of the water use is for outdoor irrigation. The city has tried to set those tiers at a high enough level where it gives people an allowance that they can have enough water for indoor use. Now, whether we need to look at maybe adjusting those tiers a little bit, that might be something that the city could look at to make sure that people have enough for indoor use. The big issue is to try to encourage people to conserve on their outdoor use. Again, this report talks a lot about drought-tolerant plants. We made a visit to that gentleman who, again, I forgot his name.

Hitz: He's here. His name's Andrew Dudley.

Jonathan: Okay. Andrew. He has an amazing yard that's filled with drought-tolerant plants. It's very beautiful. It doesn't use very much water. There are options to do landscaping where you don't have to use much water. That's what we've tried to do in this report. One of the recommendations is to provide a packet for developers, for home builders. That they can go and implement some of those ideas with the drought-tolerant landscaping. Those are just some things that we've tried to include in the report as we move forward.

Webster: Thank you, Jonathan.

**Ann Clark:** Here's my question that I have to go. How do you know whether you're using water for indoor use or outdoor use? How does that work, Jonathan? How can you tell.

Randall: I think mostly where we've done it, and Tyler can obviously fill this in as well, is when you're looking at townhomes and things like that, it's very easy to see a lot of that indoor use versus outdoor. You have single-family homes like mine, it's a little harder. When you're looking at apartments and townhomes, things like that, none of those users have grass, and it's a very small percentage of their water use. That's one of the biggest indicators I've seen when I've seen the numbers is trying to focus in on those indoor use-only kind of areas.

**Tyler Melling:** You also look at the seasonal adjustments. As someone who spent roughly 300 hours in 2021 going through all the billing data for the city. I can tell you we set Tier 1 and left it at 8,000 gallons a month, which is far higher than just about any other city in the West. Which is the cheapest tier because we know we have some big families. The very biggest families in January use less than 8,000 gallons a month in this townhouse. It's a very small percentage of the water used in this town. There are some outliers. If you looked at their data over several years, it was generally a leak or something like that. Very few families in the month of January used more than 8,000 gallons. The median citywide was about 5,000. In new construction, it's about 3,500 a month because of the efficient faucets. We left that very cheap. The \$12,000 above that, up to the \$20,000 tier, was based on, as anybody who knows

anything about water in the state of Utah. We assumed historically until recently that homes, the duty that was provided to a city when you get your permit, is a half-acre foot of water per door, right? Based on how much water right people have provided, whether they're getting a home out in the valley, unincorporated, or on a private well, or in the city, that is about a half-acre foot a year. That's the social compact Utahns have lived by since we started allocating water rights for homes. That gives you up to 20,000 gallons a month, six months out of the year, if the other six are eight. 8,000 gallons a month. We also left that very cheap. Between those two tiers, if you're maxing out those tiers in this city, your bill over the last five years has gone up. About \$7 a month, and that was by design. We wanted to keep it very low because we did not want families to be impoverished due to grass and irrigation. That's an allowance for grass, right? If you have a larger-than-average lawn for the largest lots in our city. You can still water that in that allotment with an inch and a half of water every week in the middle of the summer, and that's great. If you're not paying attention, yeah, it's going to cost you a lot, and that's by design. Because it costs the taxpayers a lot of money if you don't. Now for new development, we institute even more stringent standards, and that comes with a recorded agreement on the property where you know you're going to start facing penalties after 12,000 gallons a month instead of 20. We're seeing now those users are using an average of 4,500 a month, not 12,000. Which is great. They're more than paying their way. They're helping pay into that system and stabilize all our other conservation efforts. That's why we're doing it. We designed it the way we did, and now the new council gets to decide when they have to fund other projects. Do we keep placing that on the highest users that are using five, six, seven households' worth of water, or do we place that across the board and have all the families that are trying to conserve pay that too? I would caution if we go to a static billing model where all water costs the same. Which doesn't cost the city the same amount because that's more wells, more tanks, more pumps, we would not only be one of the only cities doing that in the Mountain West, where even with the changes we're still one of the cheapest in the Mountain West. I grew up in a place with twice the precipitation in Texas that we get here, and we used a fraction of the water we used here. Our bill was \$350 a month. That's the norm. The more water you have, the more expensive the water gets as you go east. Because you shouldn't be watering outside. The key is adapting your landscape, adapting your habits. Again, as a city, certainly we would encourage people to stay under 20,000 gallons a month to keep it cheap.

Jett: Thank you. Ann, you ask a question, how do we know? To put it real bluntly, it's simple. We know exactly how many gallons we suck out of the wells, and then we know how many gallons get processed at the sewer treatment plant, and you subtract the two, and that tells you how much is being used indoor versus outdoor.

Ann Clark: Okay, I'm just saying that if you're using high-density developments to see how much water people, and you're saying they're using less, most people, most families in higher-density housing are smaller families. That's all I'm going to say, but I've got to go. Sorry, guys. Hey, thank you for the explanation. I appreciate it.

Webster: I'm hearing from you that if we tier up, you'll tier up. See you. Thank you for your comments.

**Andrew Dudley:** I've met a few people. I like plants. I do other things, obviously, but I like plants a lot. But just to the point of, and to Ann's point, I think if you drive it right home, her fear is that if costs are too much for families, they abandon the yard, and everything starts to get run down. Just to that point; there are so many plant options in our area that we can keep our landscaping, our yards, our parkways, our parks, our everything looking excellent without pretending we're in New England. That's a chronic issue in Utah, frankly. We like big old yards and all these trees that take up water like we get 30 inches a year, and we just don't. That said, we have fantastic options that are extremely water-wise for our area. I

think it's a misnomer to think that if we can't water as much, suddenly everything just goes to heck and looks terrible. We might as well just throw in the towel and start having car lots on every corner. It's just not the case. Just to make the point that I think if the culture was willing to change around just what we're planting, we can still have trees and flowering plants and bushes and green spaces, and it's all possible on a significantly reduced water budget. For what that's worth, I think there's a lot of great options.

Lunt: What you're saying is we maybe need a little bit of education.

Andrew: I think, absolutely, yeah. The education's available. It's just that I think people need to know that they need education in the first place. Even, you know, we work in landscaping, among other things, but I run into it constantly people just plant everything they've always planted. You know, it's the sins of our fathers, right? I mean, well, these are the only four plants I know how to plant. I just keep planting those same four plants. It wouldn't be that significant of a thing for maybe Cedar City to put out something and say, hey, these are our recommended plant lists. Here's some sources. I think we talked about some of that. Just to kind of start nudging people in the direction of, well, if you just plant this different tree that requires 20% the water of the tree, we always plant. We're way ahead of the game and it still looks great. Some great options out there. But yeah, education is everything.

Davis: Are you for hire? Do you go around and do consultations, or classes or something like that.

Andrew: I would be totally open to it. I should. Yeah, you're right. I'd be open to it. It'd be fun. That was my two cents. I like plants and they're great.

Webster: Thank you. That was helpful.

Davis: I want his number.

*Close Public Hearing*

**Jett motions for a Positive Recommendation that we adopt the Water Use Preservation Element to the General Plan; Lunt seconds; all in favor for a unanimous vote.**

8. PUBLIC HEARING  
Ordinance Text Amendment  
(Recommendation)

Section 32-9(H)(2)  
Required width of PUE  
in Commercial & Industrial Zones

Don Boudreau

**Don Boudreau:** Thank you, Chairman. The ordinance before you is an attempt to kind of regulate, or I should say regulate, rectify some inconsistencies in our ordinance. This takes the required public utility easement in commercial and industrial zones, potentially down to 15 feet. If the easement is not needed and our public utility or easement holders are okay with that reduction. Part of the catalyst for this is in our industrial zone, we have a 15-foot setback. If we require a 20-foot public utility easement, essentially, we've required a 20-foot setback. If these are not needed, and Kent brought this up, it's something we can certainly work with. It could give the developer a little bit more flexibility if we don't need that full 20 feet there. One caveat that did not make it into this slide that you see is in our downtown commercial zone. We talked about this briefly at the last meeting, there are no setbacks required. My recommendation was to put some wording in there, something along the lines as follows. Commercial industrial lots, minimum 20-foot easement along street property lines where setbacks are required. If we do a subdivision in the downtown commercial zone, we put a 20-foot PUE on it and then say there's no setback. We've got a problem there too. Kent, I don't know if you have any thoughts on that.

Jett: Could I ask a question? Can we adapt this? What you said about the downtown, but not just a commercial zone, but property that is also zone general commercial. Randall, last week I asked you about the property south of 200 South, and you said that it is general planned, but it is not. Could we include the property that is general planned.

Randall: Well, I think that you're talking about the additional wording that Don's talking about, of just saying where there is no setback.

Jett: Yes.

Randall: Correct me if I'm wrong, I didn't think you were giving an explanation that there are zones that don't require a setback. Not necessarily recommending wording that set a specific zone. Am I correct? Correct. It would be any property that has a zero setback against a roadway could be at zero, regardless of what it's selling now.

Jett: When you say roadway, we're talking sidewalk.

Randall: We're talking about any property, and right now it's a downtown commercial. Again, if you get a lot changed to downtown commercial, you'd also end up with a zero setback. What we're indicating is that the wording Don's suggesting, it doesn't necessarily care about the reason why the ordinance says there's a zero setback, just simply that there is. If you get your property changed to a zero setback, this will allow you to potentially go down to zero as well.

Jett: The only way to get the change to zero setback is to get it zoned to downtown commercial.

Randall: Correct. You would want to do that before you try and build on it.

Jett: If you have a building, all right. Full disclosure, I have a building on Main Street that is right on Main Street, right on the road. How does that play out? I know you can't tell me to tear the building down, but if I tore the building down, I can't build another one at that same place then.

Randall: Right, but again, that location, I think we determined last time, you should be able to just get that zone changed. Then you'd get the benefits of it anyway. Okay. We don't want to complicate it by adding zone names into this part. Just leaving it as Don suggested is anywhere where there's a zero setback from the right-of-way, and they could potentially go down to zero.

Don: Just to clarify, my intent is that if the 20-foot PUE applies in all commercial industrial zones, but it would not apply in the downtown commercial zone. That's my intent. Then in these other areas, you could reduce it down to 15 feet. As long as we see that there's no reason for the easement and our utility companies have signed off.

Jett: The setback could then be 15 feet.

Kent: Correct.

Jett: Okay.

Kent: One advantage I see of going with some wording similar to what Don said at the beginning. It's only that downtown commercial zone that has zero setbacks. I don't know what the future might hold, whether there would ever be a reason to have some other type of zone designation that has a zero setback. If there were, then this would also apply there. If we word it that way, without us having to go in and change something else in our ordinance.

Jett: Thank you.

Randall: There is one other thing that I would mention. Some of you have probably heard me say this before, that typically we're not legally allowed to let a third party have veto power over a city decision. They can't have it where your neighbor has to approve the building of your house kind of stuff. I provide this as a bit of an exception here, where we are asking the utilities to sign off on this. Mainly because there's a different way to get there. There's a longer process if the utilities don't sign off on it, if that makes sense. They can go in, get the 20 feet dedicated, and have the city council, through a state statute, vacate that 5 feet. That only requires notice to those franchisees, not their permission. We're allowed to do this only because, again, we're shortening the process, not because it's the only way, if that makes sense.

Webster: Thank you. Any other comments?

*Open Public Hearing.*  
*Close Public Hearing*

Jett: Randall, I own some commercial property that this will affect. Does this preclude me from voting.

Randall: Well, it may eventually affect it, but you're not yet zoned that.

Jett: Well, I have some commercial property that this would affect that reduction.

Randall: If we started broadening it far enough that a generally applicable change like this would impact all those properties. We'd have some of these that none of you could vote on. I think you're probably fine. You've disclosed the potential conflict. You're good to vote.

Jett: Okay. Thank you.

Webster: Thank you for that, Tom. Any discussion or motion.

Decker: My discussion is if city planner and engineers are fine with it and city engineers are fine with it, I'm fine with it.

**Decker motions for a Positive Recommendation for Item 8, an Ordinance Text Amendment for Section 32-9(H)(2) Requiring width of PUE and Commercial & Industrial Zones with the change that then to say minimum 20-foot easement along street property lines where setbacks are required. Then the rest of it would remain the same; Lunt seconds; all in favor for a unanimous vote.**

Amber: Where setbacks are required then this.

Kent: Let me make sure I've got that right, Amber. Right here at the beginning, the current requirement just says minimum 20-foot easement along the front line, right? We would change that then to say minimum 20-foot easement along street property lines where setbacks are required. Then the rest of it would remain the same.

Decker: Let me adjust the motion to approve what you just said. There we go.

Randall: Perfect. Thank you.

Webster: Excellent.

9. PUBLIC HEARING  
Ordinance Text Amendment  
(Recommendation)

Section 32-2(A)  
Adding definition  
Functional Classification of Streets

Kent Fugal

**Kent Fugal:** This one may or may not end up being needed, but we'll talk about it anyway. We probably do need it for other purposes. In the item that was brought before you earlier in the meeting that you made a negative recommendation to City Council. We do mention there of functional classification of the streets. Where we talk about the sidewalks still being required to be installed by the developers. Along roadways that are functionally classified as major collector or higher. We did not have; we do not have in our current city ordinance a definition of what that functional classification is. That's the intent of this item before you are to get in our ordinance a definition of functional classification of streets that would pertain to that item if it were approved by city council. Would also apply to anything else that ends up in our city's ordinances regarding functional classification. If there's any questions on the wording as to what, any of this means. We're just talking about all our roadways being classified as either local streets, collectors, or arterials. With some subdivisions like having, major or principal arterials, major collector, minor collector, minor arterial. There would also be somewhere that functional classification may use a land use context such as industrial. That's what we're talking about. It defines; the streets end up being

classified based on what the purpose is within the transportation network. Whether it's intended to move a lot of traffic. Whether it's intended to provide local street or local lot access. Primarily or, what that functional classification is.

Randall: If I can just add, Kent and I had this conversation. Rather than saying these certain size streets in the master plan. The fear was that some of our streets that we currently have, including some larger ones, are not in the master plan because they're done. We don't necessarily need to include things like Main Street or the like sometimes in there just because it's there. The idea was to make sure we're basing it not just on the master plan, although that is included, but also existing roads that serve the same size and purposes as those larger streets in the master plan. It includes the master plan, but it's also broader. Then that is based on actual use of streets. Is that fair.

Kent: That is. When you look at the study document from our master plan study that was done. Three years ago, something like that? 2022. In addition to what we have in our master plan for roadways that are intended to be built or improved to a particular function that they weren't originally built for. There's also a map in there that shows all the functionally classified roadways. Is it an exhibit in that document that's available on our website. These functionally classified streets, that's information that is already available for all those streets in town. Not just the ones that are on the Master Plan. We don't want to refer to it as Master Plan. We want to refer to that. Now, some of that figure is a little bit out of date, as there have been changes to the Master Plan. In the last three years when that was put together. Those are really what we're talking about.

Jett: But this covers that.

Kent: This covers all those functionally classified streets. Basically, anything that isn't just a local street. Like the street in front of most of our houses within subdivisions.

Webster: I think that will make us all feel better to know that we're driving on functionally classified streets.

Randall: The only other thing I would note, just because of boring procedural stuff, this is already, in fact, this pretty much entire agenda is on the Council's agenda for next week, December 3rd. This one, combined with the one you guys already gave a negative recommendation to, will go together. I'm giving the council one issue. Your case, more historical, they got put in separately.

Lunt: Is there a problem with for and against being combined.

Randall: No, I'm sure I can cover that in the memo to the council, whichever way you go. I'm sometimes slow, but I might be able to pull that off.

Jett: The only problem I have with our streets is we've gone away from the numerical east, west, north, south, and put names on them. I have no idea where I'm going half the time now.

Webster: That explains a lot.

Jett: Pretty sad. I'm just glad my truck knows its way home.

Lunt: You and Google are both having the same problem.

Kent: Tom, I am glad that my street has a number. That is nice.

*Open Public Hearing*

*Close Public Hearing*

**Jett motions for a Positive Recommendation on Item 9, Adding Definitions to Functional Classification of Streets; Davis seconds; all in favor for a unanimous vote.**

**II. DISCUSSION ITEM ONLY**

10. Ordinance Text Amendment

Ordinance 26-III-21 Pertaining to  
Use Tables for Commercial Zones

**Jett motions to Table Item 10 to December 2.**

11. Ordinance Text Amendment

Section 26-4-16  
Pertaining to Building Material

**Webster motions to Table 11 to December 2.**

The meeting was adjourned at 6:38 p.m.

  
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Faith Kenfield, Executive Assistant