

**CEDAR CITY PLANNING COMMISSION**  
**MINUTES –April 21, 2026**

The Cedar City Planning Commission held a meeting on Tuesday, April 21, 2026, at 5:15 p.m., in the City Council Chambers, 10 North Main, Cedar City, Utah.

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

Staff in attendance: Kent Fugal – City Engineer, Randall McUne – City Attorney, Donald Boudreau – City Planner, Amber Ray- Planner, Matt Baker- Water Department, Paul Bittmenn- City Manager,

Others in attendance: Derek DeGroot, Randy Q. Jones, Rick Magness, Cyndi Mickelsen, Darlene Mickelsen, Adriane Kadera, Brad Kadera, Julie Cook, Donny Cook, EJ Barber, Cami Bettridge, Keith Nelson, Ed Johnson, Kenvin Nelson, J.L. Gilbert, Dennison Dolato, Ben Cozzens, Amy Bennett, Brock Slauch, Rob Obrien, Teresa McDonnell, Mark McDonnell, Loren Purcell, Christine Purcell, Craig Rasmussen, April Orton, John Kilcoyne, Dallas Buckner, Philip Grady, Danette Hohnson, Kate Watkins, Liz Garcia, Nathan Garcia, R Scott Phillips, B. Watkins, M. Watkins

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

- Pledge of Allegiance – the pledge was led by Davis

**I. REGULAR ITEMS**

1. Approval of Minutes (dated March 31, 2026)  
(Approval)

**Davis motions to approve the minutes from the March 31<sup>st</sup> meeting; Burgess seconds; all in favor for a unanimous vote.**

2. PUBLIC HEARING

Development Agreement  
(Recommendation)

1157 South Main Street  
Smith's Marketplace

AWA Engineering

Rick Magness: I want to publicly thank staff for their countless hours. You guys have been great. You have a wonderful staff, and they're working so hard and diligent to get us out there and pushing dirt a little bit. I always see Development Agreements as a partnership with the city, and in this case, it's also with Smith's. We look forward to everything that's been negotiated and worked on. This is the overall site plan, and this shows the different pad sites and lots that are going to be developed on this. It's seven lots. We've got a fuel center, and then we have outlying pads. We don't have those totally committed yet, so I don't have anything to reveal to you tonight. All the pad sites are typical of being able to have a restaurant on there with a drive-through or not a drive-through. In the very back southeast corner would probably be just a normal retail without a restaurant there. As we got closer to Greens Lake, we wanted to minimize so traffic and have the other pads that have the drive-throughs out there towards Main Street.

I'm just going through the development agreement and the requests that the owner, or Smith's, is making. One is we have three loading bays that are at the north end of the site. The bays are set into the ground, and then we have an 8-inch concrete wall as well as 8-foot reinforced concrete wall with another 6 feet on top of that to help screen. Then we have 29-foot drive aisle in the back so that a truck can get back there to the docks. Then I have a retaining wall which will be there because we have to cut into the northeast corner to get that large of a building to be level. We also have landscaping and then a 6-foot masonry block wall to screen. So, there's quite a distance. Another request that we had was e-commerce pickup. This is very popular. This is at all of our Smith's Marketplaces now. The older clientele, the mom with the kids, this is very popular. The reason why we had to call this out in our development agreement is because the parking stalls where autos go do not conform to your code for a regular parking stall. But I promise this dimension works. This is not the first Smith's Marketplace that they've done. Another request is that we control the architectural design. That doesn't mean that we're just shoving something through. Staff has reviewed our materials and our look and our colors and everything else for the building. We wanted to be able to control that in the development agreement. This has a great percentage of open space and landscaping. One of the reasons why is because of the topography of this site. We do need extra landscaping to help us do everything. All three of these accesses are already in. This is a UDOT right-of-way, and they've already placed those in there. Fuel Center- six dispensers, 12 fueling locations with a little kiosk. We do have one request that was early on, to make this connection here to Greens Lake. We need to put in a box culvert that will allow passage of the flow to continue. This is going to be a great advantage for everyone, especially this neighborhood to the east, so that they can have access to this because we also have a screen wall along here. We're also going to be improving sidewalk to help that be connective and then come down into the marketplace when you need to. Three locations of various signage. Pink or salmon is the a 35-foot-high pylon sign that is multi-tenant sign. Not only is it set back from that public utility easement that runs there, but we've also pushed it back even further. And so that's why you see us asking for 5 feet more in height than what is allowed by code. A 30-foot would be allowed. We're asking for 35. It has to do with some visibility and speeds along here, that's why we're asking for that. The green indicates 15-foot-high signs with multi-tenant. Then I've got 8-foot for the pad sites. The signage on the building, we wanted that to also be in the development agreement. It's a typical thing that we ask for. This is a photometric plan. By code, we're not allowed to have light go past our property. LEDs can control lighting really well. They are at a point where it won't be able to bleed out into anything to the north and all other directions. The main lines of water system serving the property shall be owned, operated, and maintained by the city. It's an owner request. We are requesting that the water system on site be public. What happens here at Cedar City is that's not the case. It's usually private. We still design the system per city standards, but the standard is that the city would like to see us develop a water system differently. The city say to install a line out there in Main Street, and then run a line to each pad site for a meter. So you've got a spine running, running, running out into there. And then you have water meters that then you have to start to keep track of this. The longer you run a line, the less water pressure you get. There's resistance in the pipe. We do water studies, the city looks at water studies about water and fire safety and culinary water protection. One of the standard drawings asks for a W-7 water meter with fire flow. Note number 9 on that standard drawing, it says, "Only NEPA 13R fire sprinkler systems are allowed with this detail." That detail applies to residential. It doesn't work for commercial, I can't do this. The W-8 fire loop detector check valve, which is another way you can design, note number 5 says, "No culinary water connection to fire sprinkler supply lines." So now I can't take the water that's running out there in Main Street, I can't run culinary to fire sprinkler supply lines. Smith's needs to be sprinkled, I can't run culinary there, so I have to do something else. They're cost prohibitive.

But also, for about 85% of all Smith's that are designed in the Intermountain West, what is done is it's called a loop system. So it would come off water. This loop system would then be designed within either landscaping but most likely in pavement over the top. And it would then from that loop system, then a meter would run to the front of this building in this lot. That design also works, and most entities let you do that. And where that saves cost- all the piping that's required. What we're trying to do is, because we're going to make this connection to Green's Lake and add curb, gutter, sidewalk, for a portion, that was a bit of a cost that wasn't foreseen. We're trying to economically make this site work. There is a reason why it's been vacant for a while. The land costs are higher on this site than another one.

Decker: Is engineering good with all of that?

Kent: What I would say on that with the water system is there are two ways to do it. They can both be made to work. The biggest concern with the private system is that then that fire flow has to go through those vaults before it ever gets to the building. You'll lose some pressure. There's a little bit of concern there. The system can be designed to work either way. AWA is presenting the case for why they think it makes the most sense for it to be public water mains through there. We'll hear from our water superintendent the case for why they should be private. That's something that you need to consider in your recommendation of this development agreement to City Council, and City Council will need to consider that as well.

Rick: With regards to the stormwater, what we found out when we were designing this is there's stormwater that we handle underground, and normal discharge would have gone out to Main Street. Main Street is at capacity. It's not going to be able to take that. So we need to take it into the channel. And to do that, we're going to have to ask for a higher discharge rate. Discharge rate of .2, we're asking for .5. We're asking is that we not be charged for the increase of the discharge rate. You have a discharge rate that costs us money if we're discharging at a higher rate than .2. We have the constraint that we can't normally take it out to Main Street and just run it through that storm drain system.

Jett: What was your reason for not charging you the discharge rate?

Rick: The reason is because I can't comply with what code says you're already at capacity, so we don't have a place to discharge. So we now have to take it to the northeast, but it's going to have to discharge at a higher rate. We don't want to be charged that because of the constraint that's already been placed on us based on the design of Main Street and how it could take capacity.

Kent: When development comes in and they do on-site storage of stormwater, if they're able to store that stormwater, and any release into any public system is held to the historic rate, then we don't charge them storm drain impact fees. If they're not meeting that requirement fully, then there's a prorated share of that stormwater impact fee that they would need to pay. The proposal here is they want to discharge into the public system at a higher rate and not have to pay that prorated storm drainage impact fee.

Rick: Typically, we would have done that and then discharged in the system that is in Main Street. All we're asking is because we can't discharge into Main Street and we can physically discharge into the channel, we're asking that we waive the impact fee of that difference.

Jett: You want some relief from the extra cost to bring it to that. Does that increased discharge rate, does that harm the system in any way?

Kent: There is a lot of the water that hits that channel that isn't being routed through storage first and then directed to the channel. Therefore, some of those peaks will pass before this water ever gets there because they're going to fill up their storage and then pump from that storage to the channel. Their water will arrive later than a lot of other water would. There is some other water that comes down off the mountainside and runs through various Green's Lake dams that also gets released into this channel that comes later. It's hard for me to say whether there's a detrimental effect or not, but when their peak flows

hit the channel will be different than what some of the other areas that discharge to it. That is one reason why it may be just fine.

Decker: What would be worst-case scenario?

Kent: Worst-case scenario is that further downstream, when we get down into where Cross Hollow Road's going down through the canyon then the channel has to cross under Cross Hollow Road down by Silver Silo, we exceed capacity there. I don't know that we would, but that would be the worst-case scenario.

Dais: Financially, what's the impact fee that you're asking for versus the discharge? Financially, what does that mean to the city?

Kent: A site this large and the amount of stormwater that comes off of it, the storm drain impact fee could potentially be fairly significant. In their case, it would be reduced by the fact that they will have all of the storage that they're putting in, that helps to bring down those peak discharges. It wouldn't be reduced to 0 following our standard, because they are planning to discharge at a higher rate. What they're asking for isn't a waiver of the entirety of the storm drain impact fee because some of that would be prorated out anyway. They're just asking for relief from the remainder of that that wouldn't be prorated.

Rick: Charged if we had the capacity in Main Street at .2 CFS to pay that fee but the above and beyond. Owner will construct public improvements along the Main Street frontage. We're doing that. We need to connect a water line from the north end of our property, up there by that yellow building that's now vacant, down along the frontage of our property and connect it down to the south end. We're going to do that. That's just one of the utilities that'll be connected. Owner shall construct a drainage channel crossing to provide access to Green's Lake Drive and shall contain sufficient width for two-way vehicles and curb gutter and sidewalk. Properly abandon a drain that goes from this property underneath and goes right across the street. Originally, that handled the drainage for this site. UDOT is saying, "Hey, close it off correctly" so we'll doing it properly so that drainage pipe no longer serves and takes water underneath the UDOT right of way. Maintain cross access with frontage road to the northeast of the property and the frontage road to the south of the property. There is an easement recorded on those two ends that we're honoring. Traffic mitigation measures include measures required by UDOT. How that operates and how we have access to that is being handled by UDOT, a traffic study, traffic engineers.

Jett: It's my understanding the Water Conservancy District allows what he wants to do.

Kent: I think there are a lot of jurisdictions that would allow exactly what they're requesting. There are reasons why our city has chosen to go the route we have in the past. I'd love to have our water superintendent have an opportunity to explain why the city has operated the way the city has. And then it'll be a policy decision whether to allow a shift to do something different here.

Matt Baker: Water Division Superintendent. We have many developments in the city that have private fire flow. The current Smith's, Home Depot, Walmart, all the schools, SUU, hospital, the big manufacturing plants, and other little ones. All have their own private fire lines that are maintained and tested by the owner. This practice has worked, and we've had no issues with this in the past. Ratepayer Cost Allocation: Acceptance of privately located infrastructure would result in operation, maintenance, and lifecycle costs being borne by the City's rate base for facilities that primarily serve a single private development. Lack of system-wide infrastructure benefit- The city finds that the subject water infrastructure is required solely to satisfy private insurance underwriting requirements and does not increase system capacity, redundancy, resiliency, fire flow, or service coverage, nor does it otherwise constitute an improvement to the city's public water system. Municipal liability and claims- water facilities on private property increases the city's exposure to claims for private damages, property damage, service interruptions, personal injury, and loss of revenues, including claims arising from service

disruptions, access limitations, or private operational constraints. This area is also susceptible to soils. Water leaks or line breaks can lead to ground instability and structural sediment settlement which can cause a lawsuit to the city. For an example, there's a building here on Main Street that had a water leak on their fire line for years without it being noticed, and it settled their building. Another one was a manufacturing plant out West, same thing. Fire line leaked it caused a huge sinkhole. No responsibility to the city to pay for any of that damage to those buildings or the water line, operation and maintenance impacts. Water lines located on private property require no standard maintenance or nonstandard maintenance practices, increased coordination, and restoration, private improvements resulting in elevated costs relative to facilities and public rights-of-way. Unfunded capital and lifecycle obligations- If the city accepts, would obligate the city to fund long-term rehabilitation, replacement, and upgrades of infrastructure without a corresponding system-wide benefit or end-of-identified funding source. If we do this as a policy and precedence, acceptance of private located water infrastructure would establish a precedence inconsistent with adopted city policies and complicate future infrastructure ownership determinations. And then again, does not constitute a public improvement or component to the city's water systems, does not extend, upgrade, replace, enhance, or otherwise improve city water infrastructure capacity or level of service. Their private one exists solely to satisfy private insurance requirements for fire protection associated with the property and is required to supplement private fire protection only as the city has existing public fire hydrants located within the public right-of-way surrounding the property. Decker: If we're just having a conversation out in the hall, you'd say you're good with this? For me to fully take that in, I'd have to read it two or three times. So help me out here, you're in favor of a private system.

Matt: A public system.

Jett: The private system is less responsibility from what you've stated, and a big liability for the city. That area has suspect soils.

Hitz: I know on the builders' side, you can buy insurance to cover all those water damage scenarios. The premium on that's not going to be that much of an add-on.

Rick: When we do this in other entities, you have dedicated easements. You have to build it according to city standards. That goes in. The easement is there. They have full access to whatever needs to be done, whether it's a meter within a public easement or it's a hydrant that's also in an easement. You have that design.

Matt: We do have an ordinance 37-5-2. If it's on property, water meter acceptance is the back of the meter setter or property line, whichever it comes first. All these meters are going to be on property. They're going to be yours. The only thing that'll be ours is meters. So all the service lines would be yours.

Rick: But then but then we dedicate that easement area to the city for a public utility easement.

Matt: When you're saying easement, I don't think we're talking about easements where we take responsibility of any of your internal on your property water lines. Just there'd probably be an easement where the city's water line would come in and then hit the meter.

Rick: Usually, there is also a dedicated easement for a public utility easement. These are just public utility easements so that the city has access to something. Let's say we ran it right up the middle we wouldn't, but what if we ran it right up the middle of our parking lot? A pipe, a line, a meter. We would dedicate so much that they would have access. You would have access anytime for that utility that lies within that easement. But the city owns it. My understanding is the city owns the water line between the meter to the main.

Matt: That's correct.

Rick: Historically, I think we've tried to place meters right on the edge of property.

Matt: That's another ordinance 37-5, water meters placed within and near the line of the street curb.

Rick: Let's say Chick-fil-A buys one of our pad sites, they're going to use a meter, and it's going to be specific to their property. So in the loop system that we would have, there would just be an extension of that meter to that parcel, and then they would be responsible from meter into their building. But there's just this kind of small area where they're actually going to be dedicating to the city access to that.

Jett: On this part of town where your store's being proposed and toward the mountains, the city won't even accept the roads in there. You have to build private subdivisions because the soils are so suspect, especially when a drop of water hits them. There's buildings have sunk feet.

Rick: That's why we've done a soils test. We've drilled borings. We've done a soil study. We know when you put the weight of a 123,000-square-foot building and put all the goods in it and everything else, we have looked at that. We understand the soils out there.

Jett: May I ask why can't from the meter in, run your own water system to each one of those and do an independent or a sub-meter for each one of those? So there'd be a master meter.

Rick: So the master meter is tough because for the fire loop, I can't use culinary water. That's what's going to all these different pad sites. On the other one, this isn't a residential, so I can't do it. There's some notes in the standard drawings that don't allow me. But, both of those work. It's just the PSI gets a little janky on one of them that we were talking about yesterday.

Jett: Matt, Kent, is there any other options that could minimize the city having exposure that they could still get the water needs to their project?

Kent: Depending on what the policy decision is that ends up being made on whether this is going to be public or private on-site water mains, we will work with the applicant to come up with acceptable solutions to make it work, either as private or public. I'm not too concerned about that. We'll find a way to work through those issues and honor whatever policy decision is made.

### *Public Hearing Opened*

Ben Cozzens: Active Transportation Committee. I just have a few concerns about the walking and biking path that goes along Greens Lake and how this might affect the walking and biking infrastructure, and safety of those walking and biking, as well as on Main Street. It's already pretty bad in that area. Just making sure that people are thinking about the safety of those pedestrians walking on those streets. Smith's is one of the few grocery stores in town that doesn't have bike parking. If you go there now, it's kind of a hodgepodge of bikes wherever they can lock it up. Any way we could somehow get bike parking there, it would be greatly appreciated. There's a growing number of people who rely on biking and walking now, thank you.

Jett: Do we have the authority to require that?

Randall: When we're in a development agreement, the breadth of what we can add and what they can add is incredibly wide. But I always want to be careful that I don't give you a blank check at that point. You'll need to show that it's something that's related to the development. You're not trying to exact something that's just out there for no reason, no connection, not related. If you're talking bike racks, then yeah, that's probably within a range that can be done if you feel that's necessary as for safety reasons as part of the development. Same thing on Greens Lake. If you feel there's something that they're doing that becomes unsafe, that's something to discuss as well.

Rick: I'll take a note that we will look at that because we have bike racks at all of our stores. Maybe we need to just do a few more since we're now doing the connectivity to Greens Lake. With regards to the trail system there, we're not interfering with the trail system at all along that channel, except for the

culvert that's going to go over the top. But we're connecting that with sidewalk, curb and gutter. And as a matter of fact, we're going up around the corner on Greens Lake so that we can connect that sidewalk and continue that. The safety of our pedestrians is actually going to be enhanced for that reason. Where the access out onto Greens Lake crosses the existing path, we'll make provisions to make sure that's a safe crossing.

Dennison Dolato: A new resident of this community. We're very used to having dark sky standards being represented in our town, where we came from. We also see it happening here. I'm not sure it's a standard in the city community, but we're hoping that that standard will be continued here with new development wherever it is, including the Smith store, for not only parking lots but signage. It all gets to be considered to increase the importance to a lot of people in this community for dark skies and being able to look at the stars at night.

Jett: One of these days soon, we're going to be having a discussion about an ordinance allowing more dark sky subdivisions in the future. I hope you watch the agendas because I think it's an important discussion, especially in residential communities that aren't next to a commercial project.

### *Public Hearing Closed*

Kent: The big issues that I see that probably should be addressed in your motion, or at least consider addressing in your motion is the issue of public versus private with the water mains on-site. The other significant ask that they have, as I see it, is that higher discharge rate into the into the Greens Lake flood channel there. If you choose to weigh in on that, they're requesting that they be allowed that higher discharge rate that they would pump. If you feel like that needs to be addressed, you could address that in your motion as well. Those are the two items I see that you may want to address in your motion, or you may not if you're okay with it the way it's written.

Lunt: Is there any conflict with the 5 extra feet or 10 extra feet with their sign? Any problem there?

Don: Ordinance would allow a freestanding sign at 30 feet. The style of that sign is more of what we would describe as a monument sign. It has that continuous footing. It's wide, it's not sitting on a pole like a lollipop. The maximum height of those signs is 20 feet, so they are exceeding the height. The number of signs as far as the multi-tenant signs is being exceeded. I don't think staff has a whole lot of concerns. Just to the due to the size and scale of this development, I don't think it's a huge ask what they want. One of my concerns is the sign right there next to Greens Lake. That is a 15-foot sign right next to the trail. It's a digital sign. It will have gas prices and things of that nature. I don't know if that's the best fit for that residential area and the trail. I think something more subdued might be nicer. Like their individual pad signs are shorter, a little less intrusive.

Davis: You want it visible so people know what the gas prices are.

Rick: The reason why it's tucked up near the wash is because this site right at this point drops off. If we move it back, it drops underneath the elevation of the roadway. We're not going to interfere with any type of sight visibility line there.

Decker: Can you clarify one more time why the big sign is 35 feet instead of 30?

Rick: Because of the size and traffic along Main Street, what you usually look at with signage is speed, how much traffic's on there. People are going to have to make a decision heading south. There's a distance safety factor.

Randall: If I can just add in real quickly, not that we deal with it a lot, this is just outside of the south interchange area that's in our sign ordinance. Inside the sign ordinance, if you're within those specific zones that are each of the interchanges, they can actually have taller signs. They can go 50 feet as

measured from basically the deck of I-15 where it's even closest to them. And in most cases, that means quite a bit more height than the 20 to 30 feet they can have for other signs. This is literally right at the edge of your property. Just to let you know how close that is to other places that have higher signs. On the other side, we've actually had three businesses, two in this area, one at the center interchange. They went to the Board of Adjustments over the last 10, 15 years to try and get taller signs through a variance approach. The danger they all ran into is two of the three all said the same thing- we want to be seen so we can make more money. Very bad argument to the Board of Adjustments because they're not allowed to do it on money. You've at least not heard that argument today. It's based on a safety thing. Letting you know, that's a slightly different argument than what the Board of Adjustments has rejected. Maverick at this interchange is the one that did get an approval to have a taller sign. They also made some different arguments with regards to what was UDOT property before. But just know, similar concepts have been proposed, including one at the hotel more or less across the street from here, that was rejected by the Board of Adjustments but just under a different theory. So we're really close to this area, but there have been some prior boards, other boards that have gone the other way.

Decker: I'd like to add just a 30-foot sign also.

Lunt: I don't think 5 feet's going to matter with marketing.

**Jett motions for a positive recommendation to the Development Agreement with the change of the proposed public water to remain private. Hitz seconds; all in favor for a unanimous vote.**

3. PUBLIC HEARING

Residential Development Overlay	Cody Drive/Cross Hollow Road	Eros Dev/GO Civil
(Recommendation)	B-1764-0000-0000, B-1750-0044-0000	

4. PUBLIC HEARING

Development Agreement	Cody Drive/Cross Hollow Road	Eros Dev/ GO Civil
(Recommendation)	B-1764-0000-0000, B-1750-0044-0000	

Dallas Buckner: We're proposing a residential development overlay, so this is not a zone change. It's basically a master plan for the property. I've spent a couple hours last week talking to maybe a dozen of the residents. This had a pretty extensive mailer boundary to try to educate people on what an RDO is and what exactly we're proposing. We're proposing a master plan for a 77-acre parcel. We're proposing three pods. We're proposing pod one, which is R-3 right here, pod two, which is this larger area, and that's proposed to be R-1, then we're proposing R-3 right here. Currently, the property is zoned R-1. With an R-1 zoning designation based on the city ordinance, four units an acre. The property just under the R-1 would allow roughly 310 units if we did single-family residential 10,000-square-foot lots, which is what R-1 is. When you do a zone change, you come in and you propose a zone change, and you develop to the limits of the zone change. RDOs is what I would call a more restrictive type of zoning application where there's kind of a give and take, and there's more stipulations. Oftentimes, they come along with a development agreement, which is the second item on this agenda. When you do an RDO, there's a bonus density that the city can give you. The bonus density, if we were requesting it, would be 464 homes. Our total proposal for this is 400 units. I'm assuming most of the public's familiar with what this property looks like. It's relatively steep through this area, and then there's a flatter area down here. And then there's two dead-end stub roads that just go into the property. What we're requesting with this RDO is, instead of going and leveling the site and cutting the mountaintops off and masquerading the whole thing, we're proposing to concentrate the density into the flatter areas- being pod one, and pod three, and then

preserving the R-1 space in pod two. We've shown a concept of finishing those roads out and putting more R-1 houses on there. Pod one is roughly 14-acre R-3, and we have a density of 250 on there. Pod three is 5.6 acres, and we have 100 shown on there. And then pod two is 57 acres, and we have 50 units proposed on that one. When we go through and do an RDO, we create pods. We look at the bonus density that the city could allow. We look at the underlying zoning, and then we propose a density. We're below what the bonus density would allow. It's important to note that when we lay these pods out and we put a density on this table, we're saying this is the absolute maximum that the city would allow. So for instance, when you zone something R-3, the city's density is 24 units an acre. When you look at the density we're proposing on pod one and three, which we're proposing as R-3, the zoning if we came in for a zone change on those, it would allow 24 units an acre. We're at 17.8. We're underneath those. We're proposing as the give and take aspect of this, there's a topography challenge that we're up against through this largely green hatched area. We're proposing to concentrate higher density in pods one and three and then finish this out in a similar style as what's already there. We met with engineering, planning, and parks. Part of one of the items in the development agreement is that we're proposing that once we develop these two roads out, the remainder of pod two be dedicated to the city as open space. There's nice hills through there. There's a lot of dirt trails that the public already walks their dogs on it. In our development agreement, we're proposing that anywhere from 30 to 49 acres of the 57-acre pod two be dedicated to the city as open space. The staff that we met with saw the value in it, but staff doesn't make the decisions necessarily. Those are the two R-3s where we're concentrating the density. Pod two is this larger piece here, and that's 57 acres. And we're proposing to finish out these roads with cul-de-sacs and then dedicate the remainder of that to the city for open space.

Decker: Does it match the existing homes that are up there?

Dallas: Exactly

Decker: That's essentially R-1 then

Dallas: From a home standpoint, the R1 is going to be up high, like all of the residential homes. And then down on the flatter parts, lower than the existing homes is where we're proposing the R-3.

Decker: Even with your proposal for pod one and three, with R-3, you could go 24 units per acre, and you're proposing just over 17. Is that correct?

Decker: Correct. We don't have engineered plans for this. But that is what I would call the maximum threshold that through the RDO process, we'd be allowed to build to. Even if we get an RDO approved we're still subject to the underlying zoning requirements and engineering design standards. Whether we can actually get 250 in here is a question. There's the roads. There's the open space requirement. There's the parking. There's a lot of factors that go into that where 250 may or may not be achievable. And similarly, on pod two, when we talk about the overall number we're proposing, we're proposing 400 units. Pod two, for example, we're requesting 50 units in there. If you look at these two roads, these are both very short. I'd be surprised if we got more than 25. But I just use that as an example to say, we're setting it here depending on how it actually gets engineered and designed, and based on the site constraints. On the open space discussion, the city has already accepted some open space. When we talk about actual houses that border the project, it's really just the ones in Sunset that are adjacent to it because there's city open space here. The other part that the planning commission's familiar with, not necessarily the public, but there's always this concept of buffering or feathering of zoning. When we talk about having a commercial corridor on Cross Hollow, we've looked at that and said- typically, you go commercial, high density, medium density, low density away from commercial. In some sense we've done that with the R-3 adjacent to the commercial. And then we're proposing this as a large open space area and then R-1 up on top.

Lunt: I'm holding an email from your developer. And he talks about pickleball courts, gymnasiums, clubhouses, frisbee courses, trails, dog runs, stuff like that. Is that part of this proposal, what that open area could consist of or will consist of?

Dallas: We are planning to do PUDs for pod one and pod three. And so those would likely be factored into the PUD amenities. It depends on how willing the city is to accept a dedication of open space and what happens with the land. Staff and parks saw the benefit of it, but there's the admin, legal, the council. There's a lot of people that factor into the decision of whether or not. We're hoping that they are because there's somewhat of a precedent where they've accepted other land. The hillsides they have accepted are way less usable. There's a lot of trails that weave through here that people walk on daily. If we're able to preserve from 30 to 49 acres, we're at 50% or greater, roughly that we're proposing to dedicate to preserve open space and the trails.

Lunt: So if the city could come up with the money and the infrastructure, there would be a, the way I read it, a pretty nice park right there for the residents.

Burgess: It's a little steep for a park, but you could probably get trails.

Don: I think in talking with Parks and Rec, this would be more of a natural open space type area.

Dallas: I think those specific amenities that you were asking about are things that would be incorporated into the PUDs. The open space dedication would be a natural open space preservation with the existing dirt trails that the public already uses.

Davis: Does the city assume liability for those once they're dedicated? How does the city deal with things like that?

Randall: Once we own it, we own it. Keep in mind, in a natural landscape, this is just the way nature made it. Our risk is substantially lower than when we improve things. If you're walking along dirt and trees, I'm hoping you're watching your feet. Sometimes people walking on sidewalks don't as much as they should. There's a risk. Anytime the city owns property, owns improvements, we take a risk.

Dallas: Part of the discussion we had with parks was that, depending on the outcome of the RDO, but we had talked about trails through here, and there's specific trail criteria for a paved asphalt trail. Parks said when you have these open space trails, that you more so post a sign that you're at risk at where they enter. If you look at the city's GIS master plan, there's two different areas where there's two different, what I'm calling regional basins.

Jett: Regional meaning other people, other properties are utilizing it?

Dallas: Correct. There's a five-acre pond right here, and then there's an eight-acre-foot dike that's proposed there. In the development agreement, the way that master plan improvements have typically worked in the city, specifically for storm drain, is the city says, if we have a 36-inch or 48-inch master plan line, a developer's responsible for paying for the 24-inch, and then we pay the upsize. From our perspective, not necessarily staff or the cities, when we're talking about regional detention basins that are five acre feet or eight acre feet, which is either one acre foot, one acre square, five feet deep, or five acres, one foot deep, or some variation thereof, similarly, eight an eight-acre foot, those are substantial basins. They're both proposed in the flatter areas that are more developable. From the development agreement, we're saying, we're a proportionate share, our project will definitely drain to those. There's specific paragraphs in the development agreement, two items- the dedication of the open space, and it's the drainage, where we're saying, we're some representative portion of area that's required for our site to drain to, and based on the logic that's been applied in ordinances, the city said, we will pay for the upsize for the construction, but we're saying- there's a big land burden associated with that as well. We feel like we should be compensated proportionally for the footprint of the land value on top of just, half an acre foot or an acre foot of the five-acre foot, so we pay 20%, and the city pays 80 of construction, we're

saying, if we need half an acre of detention and the basin ends up being two acres of detention to serve this regional need, then we split it that way for land acquisition and construction.

Jett: Is that within your development agreement, this?

Dallas: There's a paragraph.

Lunt: Are you bringing water to this development or water to the city?

Dallas: Yes. An RDO is the same rules for subdivision as any other developer. Whether the developer on this one owns water rights and wants to deed them or he wants to pay the acquisition fee. An RDO is still subject to the exact same water requirements as every other project.

Decker: Tell me again why you're doing an RDO instead of just zone change and are they enforceable?

Dallas: In my opinion, a zone change is pretty cut and dry. You propose a zone, and whatever the zone says you can build to. I think we would have a much harder time just proposing R-3 on here. The RDO and development agreement gives the city the ability to have some more discussions and restrictions. If we came in and proposed pod one as it's shown here and proposed R-3, and it got approved, it would be 24 units an acre, the max density you can do. We've come in and said, we propose 250. We're more at 17 units an acre. There's a little bit more kind of give and take. That's how you get into open space discussions and these other things. But as far as it being enforceable, it's as enforceable. Essentially, what we're doing is overriding the city's general plan for this one specific project.

Jett: And just, just for the record, RDOs are not uncommon. We have several. They came about to change the master plan development, if I recall. It's a better product. We have the development up behind Home Depot. That's an RDO. We have several RDOs that have turned out to be very nice mixed-use communities.

Dallas: In my opinion, this is kind of a quintessential RDO-type project where we come in, we propose a master plan, we say, there's a lot of things we could do here, but there's flatter lands, and there's steeper lands. Let's concentrate the density, provide the city with a master plan that shows the intent of the overall project boundary. We've got some high. We've got some low. We've got some open space. Versus just coming in and slapping a boundary on it and proposing R-3.

Davis: I think it's kind of compromising.

Don: I wanted to give you an overview of what is an RDO, what, and why do we do these things. The purpose

is to establish a method whereby landowners and/or developers who develop property in designated residential land use classifications of the Cedar City general plan can develop to a higher density. It states that RDOs can include commercial components and should be enhanced with community amenities. So that's what we're talking about. When you look at an RDO, we're looking at what is the general plan designation. And the general plan is a macro view. This is an opportunity to look at this piece of land and see what makes sense. In this case, the general plan designation is low density, that is four units per acre. None of this says we shall, but you can apply a density bonus, and in that sense, you end up with a total amount of units. And what the RDO is saying is we can take those number of units and shift them and designate different zones. Under the current general plan, you have 310 units. That's at four units per acre. If we take that RDO bonus density, that takes you to 464. We're taking that density and shifting it and clustering it. Obviously, that's the most developable components of the land. Having the open space is a good part of the discussion because that provides some of the amenities that the RDO is asking for. Due to the steepness a lot of this, we're not going to see parks. We're not going to see paved trails. This is going to be natural open space, which, which is an amenity. Dallas mentioned drainage potential liability. There that detention basin that is called out.

Dallas: The 2023 storm drain master plan says it's a five-acre-foot basin.

Don: Within that open space area that they're proposing, there's another master plan component, which is a dike system to hold back some of that drainage before it even gets downhill. One of the concerns from staff is we are taking that density and putting it into pod two. That was at 250 units. So we are put we're putting a lot more folks potentially downstream. The other concern would be traffic. We would definitely want to see a traffic impact study. I think we should memorialize that in the development agreement. We would want to see access going directly out to Cross Hollow as opposed to putting two accesses directly on Cody Drive. I think the discussion really is- does the project proposal really fit and make sense, and are these benefits of preserving some of the green space and the hill country out there? There's pluses and minuses, but we do want to make sure traffic is considered as we move forward and think about some of the drainage issues we might face there.

Decker: You mentioned a traffic study. I think that definitely needs to be done. How would we do that? That has to take place at another time?

Don: The proponent is looking to eliminate that access on Church St due to the topography constraints there, the amount of cut and fill. But before we take those roads out, we will be looking at the master plan as a whole. And we need to see if we take that leg off the stool, does that cause any problems in other areas? They will be coming back with some amendments to the master plan. That's probably the main one. Those master plan elements take precedence over the RDO. If there needs to be another road there, it would have to be there, whether the RDO is approved or not.

Jett: If they do a traffic study, can that limit what their density is, or is that just talking about where their exits can be?

Don: The traffic study would identify if we have issues. Do we have level of service issues at a potential intersection? We are looking at another intersection right there around the bend, south of Cross Hollow with all that development going on within the Levitt's RDO. If we see impacts there, then the idea would be to mitigate those impacts, whether it's right-hand turn pockets or other mitigation measures that we would need. Potentially, if they could not mitigate it, that could impact the density proposed.

Jett: Did we request a traffic study for our horse arena where we have 5,000 people sometimes when it comes to cars, did we require traffic impact studies on that massive new apartment building?

Don: I don't believe there was one done on the Henley Apartments, I don't know if it would have triggered it. We are looking at traffic more diligently. That was prior to changing some of our engineering standards and looking at traffic studies for more than 200 vehicle trips or if the city engineer determines that it's necessary. In this case, we thought it would be a benefit.

Jett: I just struggle throwing the burden onto one.

Randall: We're not asking them to do a traffic study for the whole city. We're asking with regards to the impacts their development would have. It's just something we have to look at to make sure our system can handle it. And if not, what do we do to mitigate? UDOT was just in here last week for our council meeting telling us, "Stop doing that," because you're actually starting to make it so the level of service even for Main Street is not going well. There are areas where it's turned yellow on their map, and who knows how much longer before it goes red, and we'll all be like Walmart. That's what we're trying to prevent. That's where the planning comes in, to make sure we're not just covering our eyes and saying, "Approve everything." Have we done that in the past? Yeah, absolutely. We have sometimes, but we're learning.

Jett: I'm not opposed to the concept of a traffic study. It seems sometimes the last guy out, all the dirty laundry gets stuck on his desk.

Randall: We're not the last yet. Other ones, if they try and move their density around or increase the density, they'll run into the same thing. Pretty normal.

Dallas: We're assuming that pod one, the city would like to see the roads lined up. There's specific criteria of offsetting center lines of intersecting roads. With the frontage on Cody Drive and then having to accommodate a detention basin here, it looks like this frontage is probably going to get pinched. There's also a significant grade off of Cody, the further to the east you go. We've shown the intersection lining up for pod one. This area is a part of the property, not a part of the RDO, that's commercial. We've shown a secondary access that we would intend to have through one of the commercial lots, parcels, projects, whatever ends up being developed there. And then similarly on this pod, the staff instructed us that the Levitt RDO across the street is planning to have a signalized intersection here. We have to match that. If we go over the 80 units, per the current ordinance, we have to have a secondary access. Depending on where that lines up, if we have enough frontage to get another access within the right distance and proximity to there, if we have enough frontage, otherwise, we might be trying to work with the Leavitts and tie into commercial if they end up developing commercial on that other side across the street.

Lunt: I just wondered, with your pod one at 250, you have an in and an out. I don't know if there's any other way to put another access into that. That seems limited access for 250 units.

Dallas: It's really going to come down to how hard is this basin to design and how big of a footprint, because the deeper we can make it, the smaller the horizontal. Until we go to the actual engineering design of that basin, it's hard to say how many we can fit on Cody, especially if we're if we're trying to match that existing road.

Randall: I'm going to put it bluntly on the legal side, there's a dangerous section that they've included in there that I would discourage you from approving, mainly because it's probably going to be left for later negotiation. Under subsection 3A, small Roman numeral 2, there's a really long paragraph. That one describes who pays for what with regards to that basin. As it stands, probably not the best thing to include in a development agreement. This is set by ordinance currently. Part of this is a change from ordinance, and likely is something that council wants to discuss when you actually get further along, in exactly how big this basin ends up being. Since much of that discussion is the land value. The only reason I would ever leave this in here is if you're essentially stating, "Whatever that value is you're claiming, we want that to count as a public amenity towards the additional units you're getting." And that's a possible trade that you can do, but again, we don't necessarily know what the value is of all this. It's hard to decide how many units equals what type of acreage when we don't really know what kind of acreage it is yet. Until you really get to detailed designs, it can be hard. You start getting into the- how much is the city's responsibility to pay? Our ordinance talks about majority of it, I think we agree on that. There's just one part that we don't, and that's the actual land value. I think that is usually best left for a different discussion than what we would do in a development agreement. Again, unless you're saying, "Look, the only way we're approving these additional units is because they are getting more units because they're doing an RDO than they would if they tried to develop this with clustering and everything else that our ordinances otherwise allow," you could tie it to that and say, "The only reason we're giving you the extra units is because of the amenities you're providing with the basin, with the leftover mostly unusable land," which again is helpful for us for that unusable land, but it's also not really developable for them. We're getting a gift that isn't as valuable as a true park. I'm not saying it has no value. I'm just saying it has less of a value. So unless you are saying, "Let's tie this to those units that we're giving that are extra," which you don't need to do, I would suggest you strike any discussion in this about that basin, because we really don't know enough information. We don't have enough values in mind to really know what a fair trade-off would be for the units they're getting. So we'd all be just guessing. I don't think any of us are prepared to have that discussion tonight.

Jett: I struggle with the concept of government taking of people's property. Taking's taking without adequate compensation. I realize I don't know all the trades and the gives and takes involved in this thing here, but just a concept of saying, "Well, we're going to take this much of your property. You're going to give it to us," or, "Hey, your property's, you know, de facto non-usable." But I think what Randall's saying is, if we strike it, that can be a subject for a later discussion.

### *Public Hearing Opened*

Ann Clark: I'm standing here today because whether it's an RDO or not, it's a zone change. And again, everybody says, "Quit holding up the general plan as of the Holy Grail," but it is how we plan the city. The RDO gives the advantage to the developer, to make certain changes on density and everything else. If you go down to Cross Hollow Road where we have so much high-density housing now, really, I think what this is, is a, a money grab. And I'll tell you why. Because so much of that is unusable land, I get it. The people that own that want to get some money out of that. So they're going to go with high-density housing. You make more money. But I want you to really think before you approve this of the overview of this. We go to church on Cody. Every Sunday, they park on both sides of Cody. If you're coming out of that parking lot, it is so incredibly hard to see. Looking at the other high density on Cross Hollow, all of the parking goes along the street. I think what we're creating is so much high density here. There's never enough parking. And now you're going to have Cody backed up so much. I they'll back up all the way because they're going to use those spaces. All this high-density housing doesn't ever have enough parking. And the city never really fully addresses that. I think that all should be single-family. It was zoned single-family. Leave it single-family. We have enough high density down there. I've heard, "Well, people don't want to live by high density." But if you go further down Cross Hollow, you'll see all the homes that were there. They're across from the arena and all those horrible, terrible apartments. People are living there. So I don't think that's an argument. I think what we need to do is stick with the plan we have. Realize, more than anything, we are creating so much high-density housing. It's going to be like a corridor that we drive through of high-density housing. And it's just jarring to your view. But honestly, if you're going to do a traffic study, you better do a parking study because all we get is parking, and it's going to be all in front of the church, and it's going to be terrible.

Rob Obrien: I wanted to share some information with you that I just learned in the last few days. I contacted GoCivil, and I asked them to send me all the information on that. So I got that information emailed. I believe that good decisions are based on good information. What I'd like to share with you is data, not opinion. We've been a customer of an insurance company. I won't mention them by name, but they've insured us for 39 years we're in good hands. The notice that we received was that our house is potentially at risk for fire. They sent someone out, took pictures, and said, "This tree and this tree no longer meet code, and unless you address it, you are at risk of losing your insurance on your home." I called people that I thought know, and that was the chief of the fire department, Mike Phillips. He came to the home and spent three hours sitting with me. He told me that this entire area that's on discussion tonight has been subject to litigation fostered by the fire in Paradise, California, and the fires in California in the last two years. If I understood Mike correctly, the way that he reads it, the county is responsible to provide fire protection for the residents. If insurance companies won't provide fire insurance, the way that was interpreted by Mike - and he's not an attorney either - that responsibility falls on the county. So that's being debated and litigated in California currently. When I was sitting and talking to Mike, we were talking about the general plan and 310 houses. So I said, "If my home is at risk, and I may not be able to get insurance,

what does that mean for my fellow residents on Carmel Estates Drive?" I said, "Is that only an issue from the good hands people?" He said, "No. It's likely from all of the insurance companies." We're lucky to have another expert from an insurance company and the residents with us tonight. And I won't identify them because they may not choose to come forward. But I consulted with that expert, and they confirmed that their company is doing the same thing. So it's apparent that the insurance companies want to mitigate their risk and see if they can get out of writing fire insurance. The reason that's important, when Chief Phillips and I were talking, we were talking about, at that time, the general plan and 310 houses. And we were kind of joking. "Well, we see it's R-1, but we know from past experience, often, we'll start a plan, and it's R1 and before they start excavating, it's already been rezoned to R3." Well, I heard tonight, "It's already R3." We were talking about 310. Now we're talking about 454 homes. Here's what I would ask. In your traffic study, would you look into what it would take to get adequate fire protection? I know the city has already acquired property on Westview for a fire station. If we can get that fire station built, the response time to this area is going to be significantly quicker than the response time from Enoch. We can get a fire truck from New Harmony to this area faster than we can.

Decker: It's a non-factor for this discussion. Let's move on from this.

Rob: Add to your study, if you would, please, What does this new addition add to the fire risks and the impact that residents might have in getting insurance?

Derek DeGroot: This is timely because I actually wanted to come here before I even knew about this. The steepness of Cody appears to cause a very severe gravity issue. And the gravity issue is cars think that they need a lot of momentum going up, and a lot of momentum or the gravity sucks their cars going down. We constantly have excessive speeds on Cody Drive between Cross Hollow Road and up to Cove. I know that speed bumps are prohibitive because of snowplows, but with the study, and even regardless of that, what I'd like to ask is if the city could look at possibly putting stop signs on Cody Drive east and west at Nature View. Nature View traffic has a horrible blind view when they're traveling southbound towards Cody Drive. And I think two more stop signs could alleviate a lot of issues for us.

Mary Watkins: I am one of the property owners that the developer mentioned is going to be most affected right along the top. I don't think any of us love the high-density housing that has popped up all over surrounding Sunset Canyon. Most of those houses are not within the notice boundary. Thankfully, I was, so I'm here. I do not want another high-density housing. I understand that it's not increasing units. I get that. That was a main concern when I read the letter and didn't understand the RDO factor. But at the end of the day, you're still putting high-density housing as my neighbors and creating the traffic for my house and for where I go to church. If you could just watch for the nods as people speak because that first lady that spoke hit the nail on the head with so many things. As far as the traffic study, there should have been a traffic study for so many of those. I'm shocked that there wasn't. It makes sense, though, because it got approved. I just cannot reiterate enough that that needs to happen. And then I had a question. If he were to leave Pod One as R1, would that acreage for the culvert, the drainage, would he still need to do that, or would that look differently if it wasn't high-density housing?

Dallas: It would it would be the same. The requirement is from the city's master plan where they picked that location and said it has to go at that location and be a certain volume. Whether it's R-1, commercial, R-3, R-2, the city's picked that location and said, "We need this volume at this location to serve the drainage needs for this project plus everything upstream."

Jan Gilbert: I have a number of the same concerns that the other people have addressed. But the one concern that I have is the change from R-1 to R-3-M accelerates growth. We're at 3% growth now. About 80% of the people in Cedar City think that that growth is too fast. My logic is this: R1 single-family

house housing would be built out over many years. The R-3-M will happen in 18 months. If you build it, they will come. You look at the Henley Apartments next to the event center, they're up in 18 months, and they're already leasing. R-1 provides single-family housing and a more controlled growth rate. I'm not anti-growth, grow or die, but 3% is rapid growth. And that will create future problems. You can't convince me that you've addressed them all, so just consider that.

Elizabeth Barber: I do know one thing. You are going to run out of water if you do this. And it's not just going to be all the people that move in there, but everybody's going to be running out. You must think about the water.

Bill Okeson: I live up on top of the hill. I just wanted to point out what Dallas said about the large circle on the right that's surrounding. There on the east side of that, there are six homes. And you said you wanted to put 24 dwellings in there. That's totally just going to ruin it. Nearly every single house to the right and to the north, there are multimillion-dollar homes. And you want to put apartments in there.

Kirk Jones: I'm wondering the position of the retention pond. Has that been surveyed? Is that the low spot on that pod? It seems like all along that road, as soon as you get off the hill and going across the road, that entire northern part of that pod is a low spot. Unless it's really carefully engineered, you're going to have people underwater there. The other thing, it's been a widespread problem all over this community is that the infrastructure and the roads are designed for R-1 housing. And then by the time the place is fully developed, lo and behold, it's an R-3. And you go up in Fiddler's Canyon and see the traffic mess up there. You, you see the traffic mess around Walmart. I'm just happy to hear that you're concerned about that now because it is a huge problem. I don't think it's going to be any different here. We've already got the high-density housing that has gone in there along the west part of that road. You've got a problem already. So let's not make it worse.

Amy Bennett: I'm really here for the green space. I lived in Hidden Hills Coven and everything was zoned green space. I sold my home and moved there to Carmel Canyon Estates when they rezoned it and they put in 400 houses behind my previous home. It was zoned green space, and then boom, 400-plus homes out there off of Westview. I don't want to see that happen here. I love the green space. Cedar is named Cedar for a reason. The cedar trees, the juniper trees, they're beautiful. I would hate to see more of them go down. I'm really disappointed in the development in Sunset Canyon right now, they really took out a mountain. It's so disappointing to me. It's really changed the landscape. I don't want to see this happen to this beautiful hill. I deal in the currency of human lives. That's what my profession is, so I understand liability, but just put up some signs that says, "These are nature trails hike at your own risk." Let's do as little to it as possible. The second thing I wanted to speak about is, I am very concerned about the traffic. I have lived in Carmel Canyon Estates since 2019. Occasionally, there would be a car that went up Cody Drive. Now, it is a steady stream 24/7. The speed on Cody Drive is so dangerous. Each morning, we are more and more in fear that someone's going to run off the road. If we're going to go with high-density housing and we're going to make changes, could we get more police force? Could we get more roads patrolled? Could we not have Cody be a through traffic? Now it's used as a main street. It's used as an additional 200 North in a residential area. I have concerns, just like the man spoke to, about putting in stop signs, putting in something. We've got to stop the traffic up Cody Drive because it is literally becoming an alternative to using 200 North and using Cross Hollow. I'm really concerned for the safety of the community. If you're going to put high-density housing there and increase it by 250 more, which will probably be college housing, that just means instead of two cars to the home, you're going to look at eight. Denison Doloto: I'm certainly part of the crowd that's interested in the congestion that's going to result from this massive growth of population in that small valley. It's already established there. It's only going to continue. And it's only going to get worse, like we've already heard, about Cody Drive.

As soon as the construction work starts on I-15 at the intersection down by the lighthouse, it's going to get even worse because that's going to be a main thoroughfare to downtown for everybody on this west side. It's going to be hard to handle, and especially if it's a two-lane street in a neighborhood. Stormwater's got to be an incredible concern given that we just talked to Smith's Marketplace about what happens to their excess water flow as it comes off of their parking lot during a really, really terrible rainstorm. It's going to wind up right there at POD 3. That's a little stream that comes down that highway. It's going to be right in their front yard. I'm trust that you guys are considering that in your planning because that's going to be a real thing for the city to deal with or insurance companies. I bring again the dark sky considerations. I wasn't certain if the city has ever looked at that. But it's a really important matter. As that entire valley lights up with 350 new units, I'm concerned that the people who enjoy looking out over the west in the evening at the sunset and as the lights come on, what that's going to look like. Dark sky is an initiative that encourages people to design into their projects, facilities that will limit exposure of light shooting up. It's shrouding your light properly. It's aiming it properly where it's needed. And it makes a big, big difference. And I've noticed that in this community without any recognition to it, it's happening here in some degree. I'm happy to see that. And I hope it continues and that somebody on your staff of the Planning Commission will look more into it. As long as it's on the top of people's heads, it might be super useful to maintain that beauty, which is the night sky. I think we all deserve to continue to see it in the beautiful town of Cedar City. They've got a good start, and they can maintain that with the proper rules and regulations about development. And also, conditional use permits, which the county uses a lot in their planning. I don't know if you guys can use that here. But if it can be, that could be incorporated into the into the elements of the program that they're recommending with the RDO. Putting conditions. And if they don't meet those conditions, they either have to stop or quit the whole thing. CUPs are important.

Ron Hernandez: One of the reasons that we bought the house that we did off of Nature View Drive is because of that green space behind us. And we love it. We don't want to see it destroyed. We do have animals that come up into our backyard because we don't have a fence back there. And we do have deer come into our yard. And we love to see nature. We don't want to see it destroyed. We want it left open. If they do plan on building back there, I'm curious how big those lots are going to be. Do you have any idea?

Dallas: We have a proposed as R-1. Wildflower's zoned R-2, but we're proposing it as R-1. Quarter-acre minimum lot size.

Mark McDonald: Who is actually making these recommendations? Where's the originator? Is anybody?

Randall: The developer comes in and proposes part of this. You've heard our comments with regards to some of it that we agree and disagree with. But the originator is always the developer and their representatives that propose it. Planning Commission then takes all of this, staff obviously gives our opinion. Council will make the final decision.

Theresa McDonald: When we moved back to Utah and bought this property, we were told that the master plan had a nature walk behind our trail behind our house. And it still shows that it's there.

Randall: There still is a master plan trail. But keep in mind, those lines are generalized, so to speak. The idea is we're going to get from A to B, exactly how that trail meanders through the topography or through even a residential subdivision may change.

Mark: Are those quarter-acre lots butt up against our homes? Or is there a space between?

Dallas: The way that it's drawn is the way that we represented on there, which is directly behind the homes.

Mark: You're going to make the owners that don't have fences are going to have to put fences up?

Dallas: This line right here represents what's currently on the master plan as a master planned trail, which is the 16-foot-wide asphalt trail. Where it's shown currently, it's shown directly behind the houses that are there. Depending on the outcome of the RDO, proposed to relocate that trail based on topography and some other factors. When the city puts together a general plan, they draw straight lines like this over aerial imageries without taking into account engineering design because it's a generalized layout. There's significant hurdles with the topography out here as far as that. The city will require us to have a trail, but where it actually gets put in, I doubt it will be a straight line directly behind the houses. That's based on the city's master plan.

Mark: When we purchased our property and paid an upcharge for the fact that our properties were at the back and all of our houses are designed with floor plans to be that way, to have that view. If you knew that beforehand that you were not going to have that view, you wouldn't have built the house that way. Right now, all of our windows and everything are on the back of the house. It was zoned R-1 in 2018. Dallas: That's still R-1 right there where you're looking at.

Mark: But regardless, we were told when we bought the property that the city will not allow any building behind us down the hill. And when we had to apply for our business license, we had to find out who owned this property currently, Sherry Jones Trust, so we had to send them a letter and all that stuff. So obviously, it's been sold, and somebody else owns it now?

Dallas: Jones is still on that. They still own it.

Adrian Kadera: I live on Nature View Drive. My concern is that nature path. That was news to me. When I bought the property, Barry Church had given me a map showing houses behind my home that was going to be developed at some point. We were planning to purchase the lot behind our home to save our view. All of us on that street. What is the plan for that path, I guess? Is it going to be moved or is it going to be paved?

Dallas: This is a general line the city has on their plan that says, "Hey, we expect an active transportation trail, which is generally a 16-foot-wide asphalt, 20-foot corridor to go through there." I don't think that it can get built in that configuration. We met with the board that oversees and prepares the general plans, and we'll have to reroute it in some form or fashion. The discussion that we had with the transportation committee was to look at potentially having portions of it where you try to get to point A and point B, but whether that goes there or whether it comes through the neighborhood or whether it ties in between this development, that's all to be determined. When we get into an actual engineering design, we need to make it work so that it can fit certain design criteria.

Ryan Gregerson: I'm the developer. Without the RDO or if the RDO is not approved, another developer can come in there and put townhomes right behind your property on Nature View Drive and build from there west. What does that do? That directs more traffic towards Nature View Drive. That directs more traffic through Wildflower, and that directs more traffic to Cody Drive. Without the RDO, you'll have townhomes there and more buildings from there west without the open space. You will have more traffic without the RDO. With the RDO, it's very limited what's being built up there. So instead of duplexes up there, you're getting houses just like what's built up there, and you'll have a reduction in your traffic up there. It's all going to drop down to Cross Hollow Drive. You'll have 100, a whole bunch of homes up there where we have open space now, that is going to drop down into Cody Drive. It's not really going to change much with respects to the traffic, but where the traffic allocated to. It's allocating away from Nature View Drive, away from Cody Drive, and putting it down into Cross Hollow Drive. That's very clear. When we talk about middle class here in Cedar City, it's sad what's happened to the middle class here in Cedar City. I agree with everyone here. We all should have quarter-acre lots. But who can afford quarter-acre lots right now? The type of people we're talking about that have to live in high density, that

don't want to live in high density. They'd love to live in a quarter-acre house just like I have. But who are going to be living there, people like firemen, people like, school teachers, people like superintendents. That's what high density is. Now, are we overbuilding high density? No. How do we know that? Because I wouldn't be building it if there was no demand there for it. I'd be building quarter-acre lots. There is a demand for high density, and it is for great people that serve our community like school teachers, superintendents, firefighters, policemen, city employees.

John Anderson: Seven years ago, when I bought it, I was told by the realtor. That this area back here was going to be open space because it was state school property and that there was no plans. Six months later, I get a letter saying, We're going to develop it. The whole thing about this whole property back here, that planning was absolutely disgrace. That development was so messed up. The road was off. They said the road would be low. Then they ran into lava, and they said, "Oh, we can have it high." Now it's above my fence. The car's going by. Everything they did. There's no landscape plans. You guys plan this, and no one checks. I always hear city council complaining. Look it up seven years ago, it was absolutely horrible. When this came, this letter from Go Civil Engineering. It's dated April the 9th. In their letter inviting me to come here, it says 30-day notice and a registered letter. This is not registered. Here's evidence. Not certified that it was intended.

Jett: Ordinance does not dictate they have to be certified. They just have to be registered.

Randall: I'm wondering if the form being used has not been updated to match the ordinance. It could be certified or a certificate of mailing.

John: I went out there and stopped those guys from raising it up, and they read their meters wrong or their laser pointer. They had the road about two feet higher than my wall. My wall's not even engineered. We had to go back there and make them dig it out. Then they had the water plan. Guess what was supposed to be right behind our house? That trail. You guys go up there right now, it's no trail. They left it out. Nobody follows anything. Then at the end the road just stops because they said one day they're going to put it through. And there's a cul-de-sac made out of dirt. After I mentioned it two, three days later somebody brought in gravel because they were afraid about that so-called illegal cul-de-sac at the end. It's still not done. The very lowest house, they had to pump the sewer out. They had to pump the sewer back up to our house.

### *Public Hearing Closed*

Amy Bennett: When you have to put in the water drainage right behind Carmel Estates, what does that do to the landscaping and the nature preservation putting in that water drainage?

Dallas: I was going to just respond to a couple of these if I could before the commission has more questions. This is proposed to be an eight-acre foot. The problem with this location is that it's not in a canyon but a steep slope. In order to get that volume, there's a lot of dirt and a lot of manufacturing that slope to generate that volume, where we have to lay that back a lot. I think that was a two-acre to try to get that footprint and get that volume. I think I would have had a nine-foot dike right before the R-3. We had come through and proposed, there's kind of a natural valley before it concentrates and looking at having the dike there. But that would be a master plan. For the requirements needed to amend the master plan, that got pushed off. But what that doesn't show is that we'd have to lay those slopes back significantly greater than that to try to achieve that volume. That would be that would be a big undertaking.

Don: This is a good discussion, there is a lot to look at in detail, see if it makes sense.

Burgess: All of the lots that border commercial right now is really hard. Explain to me why R-1 lots

would be behind commercial anyway. It's just hard for most people wanting to buy a single-family lot. They're usually not looking to be behind a commercial building. There is kind of a feathering of zoning. I do wish we could find a way, and I don't know if it's physically possible, to continue on that master plan road from the bottom of Nature View down get to Cross Hollow. But with the with the slope, I don't think you even can.

Dallas: We did an actual preliminary design with Topo, and it's like 12% of the road.

Burgess: That's my number one thing I wish could happen. But honestly, I don't think it's even feasible, but that would alleviate so much of the traffic going towards Cody. I'm a little confused because most of the people that have been here have been from Carmel Estates or from Nature View side. To me, this only benefits them. I feel like this drawing is preferable to single-family as far as they can possibly go or development as far as they can go.

Dallas: I think the commission understands, I just want to make sure that the public does, this is zoned R-2, developed as R-1. These two roads right here are proposed to be developed to the same lot size, dimension, area as what currently exists there. When we talk about this green-shaded area, that represents what we're proposing to the city in the development agreement of what would be dedicated as open space if the city will accept it as open space and preserve it. And that area in the development agreement ranges from 30 acres to 49 acres is the upper. The total project is 77 acres. We're talking about turning over, if the city accepts it, either a range of 38% to 63% of the total area as open space for nature preservation and the existing dirt trails. The master plan trail will get incorporated in some form or fashion through the project.

Jett: First, let me say thank you for coming. This is wonderful. People getting involved. We come up with a better product with more people involved. And I'm sure the developer is listening to everything that's being said tonight. Not everybody gets what they want. I understand what he said about density. I understand the people's concerns. But we do need affordable housing. And R-1 isn't cutting it for a lot of people. There has to be some way for our kids, our grandkids, our friends and family to be able to find some opportunities for living. I don't want to see our whole town turn into townhomes and condominiums. But at the same time, I don't want to see good people not be able to come here, and provide some of the services that we need for educating, or protecting or maintaining our roads and so forth, not have the opportunities to live here.

Decker: For the record, I would be an aye if it wasn't for the high-density housing. And I'm very concerned about the traffic. And Ryan, I think the world of you, but that's where I'm standing on this.

**Jett motions for a positive recommendation to the RDO and Development Agreement with the changes of striking out subsection 3-A-ii; Burgess seconds; Lunt and Davis yea, Decker and Hitz nay.**

## **II. CITY ITEMS**

### **5. PUBLIC HEARING**

Engineering Standard Revision  
(Recommendation)

Section 5 (Standard Details)  
Concrete Curb and Gutter, and Driveways

Kent Fugal

*Public Hearing Opened*

*Public Hearing Closed*

**Jett motions to table agenda item 5 until the May 5<sup>th</sup> meeting; Davis seconds; all in favor for a unanimous vote.**

The meeting was adjourned at 8:12 p.m.

  
Amber Ray, Planner

