

CEDAR CITY PLANNING COMMISSION
MINUTES – June 16, 2026

The Cedar City Planning Commission held a meeting on Tuesday, June 16, 2026, at 5:15 p.m., in the City Council Chambers, 10 North Main, Cedar City, Utah.

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

Members absent: John Webster

Staff in attendance: Kent Fugal – City Engineer, Donald Boudreau – City Planner, Eve Bolhuis – Executive Assistant

Others in attendance: Ann Clark

- Pledge of Allegiance –led by Jace Burgess.

I. REGULAR ITEMS

Approval of Minutes – dated May 19, 2026
(Approval)

Jim Lunt motions to approve the minutes from the May 19th, 2026, meeting; Wayne Decker seconds; all in favor for a unanimous vote.

<u>Item/Requested Motion</u>	<u>Location/project</u>	<u>Applicant/Presenter</u>
1. Public Hearing Development/Deferral Agreement (Recommendation)	2411 W. 580 N.	Bentley Hugie

Don: Apparently, the applicant is not here, but if you guys would like to move forward without the applicant, can you point to that little building, Kent? This is Horse Alley. 580 N, they're essentially rehabbing that building. The buildings quite far gone. They're going to use it for some storage and other miscellaneous things, but in conjunction with a permit that triggers frontage improvements. So, that would be your curb and gutter; there's no sidewalk, I don't think, in Horse Alley that is required. So, the applicant is requesting a deferral. Could you bring up the deferral, Kent? There have been a number of other deferrals out there. The property, I think directly to the east, has a deferral. There are a couple down the street.

Burgess: If there are no sidewalks, what do you need to do?

Don: Curb and gutter and improve the street.

Burgess: Is there curb and gutter on that whole street?

Don: No

Davis: No, there's not.

Lunt: Does that street empty into the prison?

Don: It does, on the west side.

Kent: In theory

Jett: It does, but it's gated off, and the sheriff doesn't want to open it, because he says it's not a good road, that's his words to me.

Don: It is their second access, though.

Kent: I think it's a required second access for them. So, there may be a political struggle there at some point.

Jett: Is each cell considered a lot? We're only allowed 80 units with one entrance and one exit.

Don: That's county land.

Jett: They feed onto city land.

Davis: That's not an agenda item.

Kent: With only the access coming from 850 N, the other one that comes around from the north side, there's already a lot of land uses along that road with only the one-way in, and then you add the jail, it puts us well beyond being able to serve with a single access. Hence, the connection to Horse Alley. If the Sheriff wants to block that off, that could end up being in dispute at some point here.

Burgess: Even all the new things on 580 North that have had building permits in the last couple of years, nothing has curb and gutter, right?

Kent: Right, there have been a number of deferral agreements processed there. This is intended to be one more. This is something that staff is supportive of having the deferral. We agree that putting in the full improvements right now probably doesn't make a lot of sense. But at such point the city were to go in with a project, then all of these deferral agreements would have the responsibility of paying their share of those improvements, right? Or if someone came in and redeveloped a chunk of it or something, and was putting it in, and now they're adjacent to other improvements that are going in, they would be required to put it in. So, there are a couple of triggers there for them to eventually need to do the improvements, that may never happen, right?

Jett: Full disclosure, I do own a lot that fronts the alley out there.

Lunt: Do you have curb and gutter?

Jett: Nope, I have a deferment.

Kent: So, these have been somewhat routine on that particular roadway.

Davis: It sounds like it.

Davis: So, this is a public hearing, we will now open the public hearing for comments.

Public Hearing Open

Decker: I just have one question on that. With my tiny little development on Cole Creek, I put in curb and gutter and sidewalk. And then it sat for some time, and then the city decided they wanted to really groom that street up, which I think everybody agrees with. So, the city put in a lot of curb, gutter, and sidewalk that individuals didn't pay for. What happens when all of a sudden we want curb, gutter, and sidewalk in horse alley? And the owners say, no, I don't think

so.

Kent: Those who have these agreements would be required.

Jett: That's part of these development agreements; the city has the right to put it in.

Wayne: I know they have the right, but in reality, would that happen?

Kent: Possibly, yeah.

Burgess: It would probably be like a date and anybody who has a deferral that's actually on paper would have to pay. Anybody who had it from before that would probably not, correct?

Decker: It comes back to the same arguments with development agreements: are they enforceable?

Davis: They are.

Decker: I think anybody who has character would do what they're expected to do, right? But there are one or two people on this planet that don't have character.

Davis: There's no good way to fully enforce that. With the deferral agreement, they wouldn't be allowed to further improve their property. Like he said, it would be triggered if the city does come.....

Decker: In this situation, I'm fine with the deferment, but I just wonder in reality, if they say, "Okay, we're ready to develop this."

Kent: Yeah, so deferral agreements can be difficult to enforce when the trigger is met.

Don: Extremely

Kent: When we don't get voluntary compliance, the only choice that we have is to take one of our citizens to court, right?

Decker: That's not going to happen.

Kent: In my last city, I have seen these followed up on, and people pony up and we get them done. I don't know what our track record around here is on these. Some of them, I think, have happened, but it's tough if they don't voluntarily comply.

Decker: Like I say, I think the vast majority would have character and would do it, but you know it's almost impossible to enforce, I think.

Kent: Yeah, I mean, you could certainly go the legal route, and if there were a good enough reason, I think council maybe would.

Decker: Sounds good, thank you.

Kent: What I had on the screen a minute ago we discovered was an old draft. So, what's on the screen now is the current proposal for what those trigger events would be. Right?

Don: So, that the original document that was in your packet and on the screen is what we received from the applicant, and then this is the city's suggestions here. So, those triggers would be when any adjacent property is developed or when the design of 580 N receives city approval. i.e., when we know what we're finally going to do out there. Right?

Davis: Any other questions or comments? So, seeing that there are no other comments, we'll go ahead and close the public hearing and entertain a motion.

Public Hearing Closed

(Document showing on screen – screen shot)

3. CITIZEN acknowledges their obligation to install private landscaping per ordinance and all required public improvements including but not limited curb, gutter, sidewalk, street, street light, water, sewer, and drainage and landscaping improvements along 580 N for the entire frontage of the property. CITIZEN agrees to install such improvements at their own expense at such time as any trigger event occurs. Such improvements must be installed or bonded for within an approved subdivision by CITIZEN within 30 days of any trigger event.
4. TRIGGER EVENTS. The following events shall be considered trigger events.
 - a. When any adjacent property to the East or West side of 2411 W. is also required to install frontage improvements.
 - ~~b. When 580N is connected continuously with 850N and 850N can be utilized for normal entry/exit to the property located on 580N.~~
 - b. The When the design of 580 North receivingreceives City approval.

Jett motions to make a positive recommendation for the deferral agreement based on what is presented on the screen. Lunt seconds; all in favor for a unanimous vote.

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| 2. Public Hearing | Temple View Commons Phase 1 | Weston Marcus/Platt & Platt |
| Amended Plat | Lots 18 and 19 | |
| (Staff Decision) | Apx. 1650 N. 3075 W | |

Davis: We have another public hearing. This is for an amended plat, and it's a staff decision. This is Temple View Commons, Phase One, lots 18 and 19. We don't have anybody here for this, but we'll still open the public hearing.

Public Hearing Open

Kent: Do you mind if I just jump in and let people know what is proposed? What might be helpful is if I jump over here. So, all of these twin home lots out here, you see the way each of these others is divided.

Jett: Can you help me out? This is along Lund Hwy?

Kent: Lund Hwy and the fire station is right here.

Jett: Oh, the corner there.

Kent: So, what they have here is that all of the other lots are split in this long dimension like that. There is like 86 feet of width, I think, on each of these lots that they're splitting in two for the twin homes. The ones that are this end portion. The way they originally platted these, they split them the other direction, so these homes would end up facing out to the west onto this other street rather than facing south here

and north here. They want to switch that up now. You know, get rid of these lines and add in this line here, splitting them. That's what they want to do, now this lot is wider, it's 11 feet wider than the others. I'm not sure if that 11 ft is enough to make up the difference in the setback required from the street versus a side yard setback. So, I don't know whether that's wide enough. They certainly won't be wide enough if they put the line straight down the middle, which is what it appears they're doing. They probably need to come 43 ft off of this lot and preserve as much as they can to meet the setback from the street. But that is an issue that we as staff can work through with them on. It's a staff decision; it's here because we need to hold the public hearing.

Jett: So, I have some properties that the line's going the wrong way, and the opinion of staff in the past has been they said, "We don't care which way the line's going as long as the lot meets the size requirements. That's all we care about. And they contacted the state, no, the county recorder's office, I believe it was. The county recorders say we don't care, you can turn it any way you want. Because it gets, once it gets done, it gets its own legal description. No matter if you do it this way or you do it this way.

Kent: The issue here is just that when you look at a setback from the street, which is greater than a setback from a side lot line. It leaves some questions as to whether they could really build what they want on these and meet the setback. So that's something that we'll talk to the applicant about and make sure that they are positioning that line where it'll actually work to build what they want to build. Beyond that, Don, correct me if I'm wrong, but from a zoning standpoint, it really doesn't make a difference to us.

Don: No, I think you covered it, Kent. To your point, Tom, we did have that discussion. A lot of those older plats and well even a lot of the recent ones with twin homes had a note that said it could be reversed, right? I don't recall if that note was on this plat, but the biggest concern is whether there is enough width on that corner side to even get home in there and the utilities that are already in the ground. So, those are things we'll have to figure out and make sure things work. They may have to shift that line, especially on that corner side yard.

Kent: Don brings up a good point when he mentioned the utilities, because those utilities are the way they're stubbed in now. If you were to split it the other way, the only way to get utilities over to this lot here is to cross that other lot. Otherwise, we'd have to allow them to cut into a brand new street to run new utilities in there and cut into the brand new street out on the other side to disconnect those service lines that would no longer be used. We're not really interested in having that road all cut up. So, whether this will make it to the finish line doing what they want to do or not, maybe it will, maybe it won't, but the utilities are going to be a big part of that discussion.

Jett: Are these public streets in here?

Kent: Yes

Jett: In a PUD? I guess that's not a PUD, it's townhomes.

Don: It's a standard subdivision.

Davis: I opened the public hearing a little early, but still, we don't have any commentators, so we'll go ahead and close the public hearing, and we will leave it to the staff decision. Is that everything?

Public Hearing Closed

The meeting was adjourned at 5:40 p.m.

Eve Bolhuis

Eve Bolhuis, Executive Assistant