

PLANNING COMMISSION MEETING
Tuesday, October 26, 2021 – 6:00 p.m.
Community Recreation Center
10640 N Clubhouse Drive, Cedar Hills, Utah

Present: Jeff Dodge, Chair
Commissioner Jared Anderson
Commissioner Tyler Dahl
Commissioner Donald Dolenc
Commissioner John Dredge
Commissioner Lori Anne Spear
Commissioner Steve Thomas

Absent/Excused: Kathryn Newman

Staff: Chandler Goodwin, City Manager
Jenny Peay, Planning Associate
Colleen Mulvey, City Recorder

PLANNING COMMISSION MEETING

1. Call to Order.

Chair Jeff Dodge called the meeting to order at 6:00 p.m.

2. Public Comment – Time Has Been Set Aside for the Public to Express their Ideas, Concerns, and Comments.

There were no public comments.

SCHEDULED ITEMS AND PUBLIC HEARINGS

3. Approval of The Minutes from the August 31, 2021, and September 28, 2021, Planning Commission Meetings.

MOTION: Commissioner Dredge moved to approve the minutes of the August 31, 2021, and September 28, 2021, Planning Commission Meetings. The motion was seconded by Commissioner Thomas. Vote on motion: Commissioner Anderson-Aye, Commissioner Dodge, Commissioner Dredge-Aye, Commissioner Thomas-Aye, Commission Spear-Aye. The motion passed unanimously.

4. Review/Action on the Concept Plan for the Cedar Townhomes Plat E Phase 5 located in the H-1 Hillside Residential Zone.

City Manager, Chandler Goodwin, explained that the Concept Plan needed to adhere to Cedar Hills standards. However, that was more needed for the Preliminary Plan and Final Plan. The Concept

Plan looked at whether the zoning was appropriate, the use was appropriate, and addressed specific concerns. Mr. Goodwin reported that the application was part of the Cedar Townhomes subdivision which was approved nearly 20 years ago. It was the fifth and final phase of that development. There had been some issues with the previous phases and a few of the driveways had collapsed. As a result, the developer had to come in and fix those issues. A few years ago, the developers approached the City about Phase 5. The City explained that to move forward, the Geotechnical Report would need to be redone and a test kit would need to be done at every building location. Mr. Goodwin reported the developers had done that.

Mr. Goodwin shared an aerial image of the site. He explained that the main concern with the development related to the geotechnical issues that were previously outlined. The other concern pertained to how the final phase of the subdivision would connect to the City's utility system, namely the sewer system. The developer would need to have a 25-foot sewer easement in place. Mr. Goodwin explained there was a surface drain swale. During a rainstorm, the runoff would be captured by the drain swale, and it would flow north towards the ditch and basin. He explained that it would need to be maintained, otherwise there could be flooding issues in the area. Mr. Goodwin shared further details about the storm drain system.

Mr. Goodwin reported that the common area would need to be metered by secondary water meters. The development would be part of the Homeowners Association ("HOA") and the building designs would be similar to the existing designs in the area. He noted that the developer had development rights. The City could not say no to the development, but they could give the developer clear directions about how the development needed to be done. That was the reason the geotechnical study and utility engineering was so important. Mr. Goodwin anticipated that there would be comments shared by members of the public related to the item.

Commissioner Dredge wondered why residents in similar townhouses would have a problem with the development. Mr. Goodwin explained that those residents had some issues with their homes. He had spoken to the HOA President, who expressed concerns that the HOA would be obligated to go back and deal with similar issues for the new homes. Another concern was the fact that the scenic views the residents had enjoyed would now be lost or dramatically impacted.

Commissioner Spear wondered whether the residents were worried about the ditch. Mr. Goodwin explained that there was currently a ditch in place. The intention was to make sure that feature was preserved or relocated. There needed to be enough room to get a vacuum truck to the area to clean the sewer lines. There would be a new utility road that was approximately 20-feet-wide, which would allow work to be done on storm drains and sewer lines. Mr. Goodwin stated there needed to be a drainage slope along that road to ensure that the storm drain drained into the City storm drain system. He noted there would also be a need for a minor detention wall. It would be over four feet and would need to be engineered. He stressed the importance of storm drain maintenance.

Commissioner Dolenc made note of faults and asked that a plat note be added to include language from Page 5 of the geotechnical report. He felt that the information shared in Section 4.2 – Faulting should be added directly to the plat so every potential buyer would be able to consider that prior to purchase. The suggested language stated:

- An active fault is located approximately 0.1 miles to the east. The site would likely experience significant shaking if an earthquake were to occur along this fault segment.

Mr. Goodwin felt that was reasonable and stated that the report could be referenced in the plat. Commissioner Dredge wondered whether that was something that would be added at a later date. Mr. Goodwin explained that a note had been made related to the suggestion and it would be discussed further with the developer. He did not feel the language needed to be added into the motion at the current time. Discussions were had about language for a motion.

MOTION: Commissioner Dolenc moved to APPROVE the Concept Plan for the Cedar Townhomes Plat E Phase 5. The motion was seconded by Commissioner Thomas. Vote on motion: Commissioner Anderson-Aye, Commissioner Dodge, Commissioner Dredge-Aye, Commissioner Thomas-Aye, Commission Spear-Aye. The motion passed unanimously.

5. Review/Action on the Concept Plan for the Subdivision Proposed by Jesse Mecham located in the H-1 Hillside Residential Zone.

Mr. Goodwin stated that the parcel is 24.5 acres in size and is located south of the existing Lakeshore Trails Subdivision. It was located in the H-1 Hillside Residential Zone, but it qualified to be developed under the Planned Residential Development Zone due to its size. That zone allowed the developer to cluster the homes on one side rather than disperse them throughout the project area. It also allowed for the preservation of open space. Mr. Goodwin reported that 14 lots were proposed. He noted that hillside lots are tricky because the street slopes need to be considered. The turn radius was also of great concern and had been brought up with the engineer. Mr. Goodwin discussed the trail and noted that it would be largely preserved. However, one of the sections of the trail had Class B Pipe installed, where it was possible to put a road over it and have traffic go over the pipe regularly.

There was a lot of private development that could still happen on the hillside. Mr. Goodwin explained the intention was to avoid mistakes that had happened in the past. He shared an image with the Planning Commission and stated that from the intersection upwards, there were too many homes for there to be no other outlet off of the street. As development occurred, there needed to be a way to properly access streets. Staff had requested that a future road be shown and one of the lots would need to shrink so that the road could come through. Mr. Goodwin noted it was a fairly straightforward development on the hillside. At the conceptual stage, the Commission would look at whether the proposal met the underlying zone and would explore initial concerns. Commissioner Dredge wondered whether a geotechnical report would be requested for the area, which Mr. Goodwin confirmed.

Commissioner Dolenc noted that he had some concerns that would likely be addressed during the Preliminary Plan. He pointed out that there was a jog in Canyon Road and wondered whether an additional right-of-way would be required there. Mr. Goodwin explained that staff was still trying to figure that out. Commissioner Dolenc stated he also had a concern related to the intersection offset between Lakeshore Drive and Cedar Hills Drive. Mr. Goodwin reported that there should

be a full intersection at Cedar Hills Drive. Discussions were had about possible future signal placement.

Chair Dodge believed the Concept Plan approval would state that conceptually, the site could be developed. Mr. Goodwin explained that it would allow the developer to move forward with full sets of civil engineering plans. Approval of the Concept Plan would give the developer added security to move ahead with the geotechnical study. Chair Dodge assumed that a lot of the concerns would be addressed in more detail during the next phase. Mr. Goodwin confirmed this. Staff would work with the City Engineer, the developer, and the developer's engineer to address concerns related to the radius and slopes.

The developer, Jesse Mecham, addressed the Planning Commission. He explained the grades were taken as is and had not been changed. However, the engineer was confident that the grades could be taken care of appropriately. His main concern was the road by Lot 10. He didn't want to invest more into the project if it would not meet approval standards. Mr. Goodwin stated that the point of the road was to avoid blocking off future development. He shared an example with those present. There were a number of ways that it could be done. Mr. Goodwin did not believe the current developer would be responsible for building that road as it would not be fair for Mr. Mecham to build the access road for another development. He explained that there were different ways to tackle that particular issue.

Chair Dodge stated that in order for the current development to move forward, there needed to be something that allowed for future access. Mr. Goodwin believed that the Concept Plan was fine, and he did not have any issues with it. It was important to make sure future development was not blocked. Chair Dodge noted that the discussion would likely come up again during the next phase. The Commission discussed a possible easement or stub. Mr. Mecham commented that there had been conversations about a stub, but he thought that was for the sewers rather than the future road. Mr. Goodwin felt that further discussions were needed.

Commissioner Spear believed the intention was to protect the rights of the landowners to the east and south of the proposed area. Mr. Goodwin confirmed this. Further discussions were had about the road. Though he felt it was unlikely there would be a road through the area, it was important not to remove that option and to consider future development.

MOTION: Commissioner Dredge moved to APPROVE the concept plan for the Mecham Subdivision located in the H-1 Hillside Residential Zone. The motion was seconded by Commissioner Spear. Vote on motion: Commissioner Anderson-Aye, Commissioner Dodge, Commissioner Dredge-Aye, Commissioner Thomas-Aye, Commission Spear-Aye. The motion passed unanimously.

6. Review/Action on the Concept Plan for the Jens Monson Lane Subdivision located in the R-1-15,000 Zone.

Mr. Goodwin stated that the proposed development was for a two-lot subdivision with an existing home. Since the property was located in the R-1-15,000 Zone, there was plenty of space to divide the property. The only real issue to consider related to the frontage improvements. Staff wanted to see the curb, gutter, sidewalk, and asphalt done along the frontage of 4000 West. However, there was still a question about how the City envisioned Jens Monson Lane. Mr. Goodwin shared images with the Planning Commission and explained that there was currently no sidewalk, curb, or gutter along the lane.

Mr. Goodwin reported that there was an active ditch that the Pleasant Grove Irrigation Company owned. He also noted that the City Code required certain frontage improvements. The street was narrow, but the right-of-way was much wider at 40-feet. That left enough space for a 5-foot sidewalk, curb, and gutter on the south side as well as 30-feet of asphalt. At a minimum, it was important to see that the curb and gutter were improved along that lane. Discussions were had about the location of the home and the driveway.

Chair Dodge wondered if it would be difficult to handle future improvements on the road if certain frontage improvements were done with the subdivision. For instance, he wanted to know if the City would need to eventually rip out what was put in. Mr. Goodwin explained that at minimum, it was important to leave enough space so that a sidewalk, curb, and gutter could be added by the City if desired. Chair Dodge felt that frontage improvements on 4000 West made sense but was unsure about frontage improvements for the lane.

Commissioner Dolenc understood the logic of not doing the frontage improvements on Jens Monson Lane. However, he noted that it was required by City Code. He wondered whether there was a mechanism for a fee in lieu of those improvements. Mr. Goodwin stated he would rather not have the City hold a bond for several years. Commissioner Thomas made note of a power line in the area. Mr. Goodwin explained that in some cases, sidewalks were moved to navigate around power lines. He believed it would be expensive to move the power lines and stated that the future sidewalk would likely be placed around the lines. Those details would be fleshed out with the preliminary drawings once there were engineered site plans.

Commissioner Thomas believed that any improvements on Jens Monson Lane would likely be torn out in the future, but it was important that the right-of-way was properly recorded. Mr. Goodwin stated that the right-of-way needed to be cleaned up. Commissioner Dahl noted that there did not appear to be sidewalks on 4000 West. Mr. Goodwin explained there were no sidewalks on the east side of the road. He added that 4000 West changed jurisdictions a number of times. If the road was ever redone, it would need to be done through a joint operation and would likely be a large Public Works project.

Commissioner Anderson pointed out that a variance would not be possible for the frontage requirements. He felt it would set a dangerous precedent to acknowledge the City Code, but not follow through with those requirements. If someone wanted to develop, they were subject to the

current Code and rules. Mr. Goodwin agreed with those statements. Chair Dodge did not want to set a dangerous precedent and wondered whether the item should be tabled.

Commissioner Thomas wondered if it would be expensive to add in all of the frontage improvements. Mr. Goodwin stated that in some cases, it was extremely expensive. With the current application, moving the power line would be costly. Additionally, the curb, gutter, and asphalt were also expensive. Commissioner Thomas noted that the only reason this needed to be done was that the applicant wanted to subdivide the lot. Mr. Goodwin reported that in some cities, home improvements over certain square footage required frontage improvements. He understood the argument that some members of the Planning Commission had made and believed it did not make sense to put something in that would likely be ripped out in the future.

Chair Dodge wanted to know if there would be an issue approving the Concept Plan during the current Planning Commission Meeting. Mr. Goodwin did not believe there would be a problem. The concept of subdividing the lot met City Code and he was comfortable with the Concept Plan being approved. However, the Planning Commission was having an issue determining the best way to move forward with the frontage improvements. There would be more room for debate and discussion during the Preliminary Plan phase of the development. Mr. Goodwin stated he could work with the City Attorney to look into precedent and whether there were other avenues available to the City. For example, accepting a fee in lieu of the frontage improvements or looking at code that would need to be adopted in parallel with the application.

The developer, Brian Fugal shared context related to the subdivision application. He explained that the lane was originally a driveway for the historical building that sat on the property. What was being discussed by the Planning Commission was essentially turning a driveway into a standard City road. He noted this was a unique case and wondered whether there was historical reasoning that could be applied. Mr. Fugal stated he was in the process of certifying the house as a historical building. Preserving the lane was important in order to maintain the historical nature of the area. The owner, Kay Fugal explained that she was raised in the house. The Utah State Historical Society was in the process of nominating the house as a historical site. She shared information related to the history of the home and the driveway.

Ms. Fugal explained that the Utah State Historical Society had visited her home and suggested that she ask Cedar Hills to designate it as a historic area. Commissioner Spear wondered whether the City could do that. Mr. Goodwin stated the City had never designated anything as historic. The home was built in 1890. If it was recognized by the Utah State Historical Society as a historic site, he was not sure that those protections would be applied to the lane. He could only find one street on the Utah County Historic Registry sites that had been designated as having historical value. Getting the actual lane designated as a historical site would be difficult. Jens Monson Lane had morphed from a driveway to a City street over the years, which was not uncommon. Mr. Goodwin explained he had encouraged Ms. Fugal to get the home designated as a historical site, but unless the lane was also designated as a historical site, he did not believe it would change the frontage requirements.

Ms. Fugal stated this was her third time in 20 years coming before the Planning Commission. She reported that the road is on an angle and has no water runoff issues, as there was a ditch on one

side. There are also large trees on one side of the road. In 2002, the Planning Commission said it would be best not to do anything to the road for water runoff reasons. Ms. Fugal explained that a large sewer line went along the south part of the property and Cedar Hills had previously recognized that there would be four lots in the area. She asked that the Planning Commission look back at previous Planning Commission Meeting Minutes related to the property for additional context. Mr. Goodwin explained that he had those Meeting Minutes and would share them with the Commission.

Commissioner Thomas felt that if the property was historical and a certain character needed to be maintained, then it would make sense to leave the property as it was. If something was approved and added to the property, then it needed to meet the current City Code. The Planning Commission could not arbitrarily grant variances. Mr. Goodwin stated that in one of the previous meeting minutes related to the property, the Planning Commission recommended that the City Council consider not requiring frontage. Commissioner Thomas did not feel the Council had enough information to decide on the matter currently.

Mr. Goodwin explained that the homeowner was on the verge of spending a lot of money on the development process. With that expenditure in mind, it would be beneficial for the Commission to share direction related to the frontage improvements. What was approved by the Planning Commission would not necessarily be approved by the City Council. Chair Dodge noted that it was difficult to state that the intention was to preserve the historical value of the lane and the home when there were discussions about adding an additional lot.

Mr. Goodwin reported that he would look for additional information related to frontage improvements associated with historical properties. Commissioner Dredge did not have an issue with the concept of subdividing the lot and felt it was a good time to do so. However, he felt that it may be better to table the item at the current time. Commissioner Thomas believed that the Commission needed to understand the prior Planning Commission decisions related to the property before moving forward. Commissioner Anderson pointed out that the previous applications were void and this was a new process. It was possible to look back at what was done previously for additional context, but those decisions were non-binding.

There was discussion regarding the benefits of tabling the item. Commissioner Anderson explained that it would save the property owner the cost of moving forward with the engineering plans at the current time. He would differ from the applicant about whether or not they felt ready to move forward. Chair Dodge noted that if the Planning Commission approved the Concept Plan, the applicant could proceed knowing that they may need to handle those frontage requirements. It was noted that the City Code was binding and there did not seem to be a reason to grant a variance. Commissioner Dolenc was interested to hear more about possible options. Mr. Goodwin noted that any changes to Title 11 of the City Code would go before City Council.

Commissioner Spear wondered how long it would take for the home to be designated as historical. Ms. Fugal explained that it depended on the Utah State Historical Society. Commissioner Anderson did not see how that designation would change the issue since the building was separate from the road. Commissioner Thomas added that any new home would need to meet the current Building Code and current zoning requirements. Mr. Goodwin explained that if the home was

designated as a historical site, it would not impact the discussion on the frontage. He noted that there were no historical monuments in Cedar Hills, and this was new territory. Further discussions were had about the historical site designation process.

Ms. Fugal suggested that the Planning Commission look at the past Meeting Minutes related to the property. Mr. Fugal wondered whether a change could be made to the City Code. Mr. Goodwin explained that it was possible, but he would not recommend that change to the City Council unless the use of that Code was the exception rather than the rule. By rule, the City wanted there to be sidewalks, curbs, and gutters in place. The primary role of the City was to create a safe environment and that was the reason for the frontage requirements. Mr. Goodwin was willing to look at what other cities had done to address similar problems and share some of the potential options with the Commission. Commissioners determined appropriate language for the motion related to the Fugal Subdivision application.

MOTION: Commissioner Dolenc moved to approve the concept plan for the Fugal Subdivision located in the R-1-15,000 Zone, with the clear understanding that this approval does not prejudice the City to require improvements on Jens Monson Lane. The motion was seconded by Commissioner Dredge. Vote on motion: Commissioner Anderson-Aye, Commissioner Dodge, Commissioner Dredge-Aye, Commissioner Thomas-Aye, Commission Spear-Aye. The motion passed unanimously.

ADJOURNMENT

7. Adjourn.

MOTION: Commissioner Thomas moved to adjourn. Commissioner Spear seconded the motion. The motion passed with the unanimous consent of the Commission.

This meeting adjourned at 7:32 p.m.

Approved:
November 23, 2021

/s/ Colleen A. Mulvey, MMC
City Recorder