Town of Cedar Fort

Planning and Zoning Meeting Minutes
December 11, 2018, 2018 at 7:00 p.m.
Town Hall, 50 East Center Street, Cedar Fort

UNAPPROVED

Minutes Taken By: **Cara Lyon**

Time: **7:00 p.m.**

Town Employees Present: **Cara Lyon – Town Clerk/Recorder**

Commissioners Present: **Chairman Rose, Vice Chairman Cook, Commissioner Berry, and Commissioner Murphy,**

Visitor's Present: **David Busk**

1. CALL TO ORDER; ROLL CALL; PLEDGE OF ALLEGIANCE; PRAYER/THOUGHT

Chairman Rose called the meeting to order at 7:01 PM and read the roll call.

David Busk provided an invocation and all in attendance recited the Pledge of Allegiance.

2. PRIOR MEETING MINUTES (MARCH MEETING AND PUBLIC HEARING)

The Commission reviewed the minutes from the Planning and Zoning meeting that was held on August 21, 2018. However, the minutes couldn't be reviewed until Vice Chairman Cook attended the meeting. They then proceeded with the revision of minutes from the meeting held on October 16, 2018.

Commissioner Berry moved to approve the minutes for Planning and Zoning meeting held on October 16, 2018.

Commissioner Murphy seconded the motion.

Chairman Rose Yea
Commissioner Berry Yea
Commissioner Murphy Yea
Motion Passed

Planning Commission Meeting minutes for October 16, 2018 were approved.

3. DISCUSSION ON NEW FENCING ORDINANCE

The Commission agreed that there was nothing to discuss regarding fencing ordinance except the wording.

4. DISCUSSION OF NEW RV ORDINANCE

The Commission agreed that there was nothing to discuss regarding RV ordinance.

5. DISCUSSION ON VVRP CONDITIONAL USE PERMIT

Chairman Rose stated that a public hearing needs to be held regarding the VVRP conditional use permit.

Commissioner Berry voiced his concern about the 2-inch water line.

Chairman Rose asked Mayor Gustin to explain this issue.

Mayor Gustin stated that the applicant indicated a desire to help Cedar Fort by using their water, rather than using Eagle Mountain's waterline that is going south of his property.

Commissioner Berry asked regarding the option to use the well.

Mayor Gustin stated that using the well is a good idea, but at this point he doesn't want to make any promises regarding water usage.

Vie Chariman Cook stated that the previous company wasn't supposed to make a pit, but just take off the top, otherwise they would have flooding.

Commissioner Berry indicated that the pit regulations were stipulated by the state.

Mayor Gustin stated that Mr. Banks is required by the state to clean leftovers from the previous lease owner.

Commissioner Murphy asked regarding the dust issue.

Mayor Gustin replied that Mr. Banks is not concerned about that, but if it becomes an issue, he will follow the town's regulations.

Commissioner Berry stated that dealing with dust is a state requirement.

Mayor Gustin and Commissioner Berry further discussed the water requirement and agreed that the town can't make any promises until additional details are provided.

Commissioner Murphy asked how many days the commission has before the public hearing.

Chairman Rose replied that the next public hearing will hopefully be held on January 3, 2018 at 7:00 p.m.

The Commission further discussed the public hearing date and agreed that this meeting will be held on January 3, 2018.

6. DISCUSSION ON CFO-202-SD-2017, SECTION 1.7, 1.7.2 – MINOR SUBDIVISION 5-YEAR WAITING PERIOD

Chairman Rose stated that he received many inquiries regarding the 5-year waiting period policy for the minor subdivision**.**

Vice Chairman Cook stated that David Church advised that 5-year waiting period policy couldn't be overturned on the court in the case an applicant sued the town. Fairfield's attorney confirmed this.

Commissioner Berry gave an example of Cleveland and Enoch, which are towns similar in size to Cedar Fort. Both towns had slightly different ordinances, but there was no time-limit requirement.

Vice Chairman Cook gave an example of Tooele and read their minor subdivision ordinance.

Commissioner Berry stated that all town ordinances must be met regardless of how many subdivisions are being built.

Vice Chairman Cook continued to discuss Tooele and their phase system. However, even with the phase system residents must have their front plan. He feels that the town needs to discontinue the 5-year waiting period policy.

Chairman Rose discussed Fairfield where an applicant had to accept the 55-foot requirement. People that live down the field should do at least one improvement on the road. The sewer is not required for a minor subdivision, but it is required for a major subdivision. He thinks that the 5-year waiting period is limiting the people to do what they want with their properties.

Mr. Busk stated that 80% of property of the town is served by an irrigation company. Water is the main issue, because there's no building without water. Most people want to divide their properties,

so they can give them to their children. Many people who live outside of the town are upset with the ordinance.

Commissioner Murphy stated that the purpose of 5-year waiting period is not growth management but providing continuity and preventing the problems that can come as a result of increased splitting of the property. He indicated that even though residents are not limited by the town, they are not applying for subdivisions.

Commissioner Berry asked how residents can divide 40-acre pieces.

Commissioner Murphy replied that they can apply immediately and start the process. The town is not preventing the residents to divide their properties and give them to their children.

Vice Chairman Cook stated that splitting a 40-acre field requires a major subdivision application.

Commissioner Berry asked what's the value of the 5-year waiting period.

Commissioner Murphy replied that the value of the ordinance is in preventing the residents of building a major subdivision under a minor subdivision ordinance. He again repeated that the residents are not limited to use their land.

Chairman Rose didn't agree with Commissioner Murphy.

Commissioner Cook provided an example of a non-buildable lot.

Commissioner Murphy stated that since no one applied for the minor subdivision, there's no purpose in changing the ordinance for the problem that doesn't exist.

Mr. Busk described the situation between Zane Dansie and the Heaton family.

Mayor Gustin provided additional information regarding the issue. He stated that the issue was not with the town, but with the applicants because they didn't apply during the grace period. This problem was completely avoidable from the applicants' side. The current 5-year waiting period ordinance allows to build at least two homes immediately.

Vice Chairman Cook discussed the situation between Mr. Dansie and the Heaton family, but Chairman Rose stated that this is the topic for a different discussion.

Commissioner Berry read the ordinance.

Chairman Rose stated that this issue should be discussed at some other point after the discussion about the 5-year waiting period ordinance. He requested a removal of the 5-year waiting period that will be addressed at public hearing.

Vice Chairman Cook recommended that there's no purpose in removing the ordinance when no one even applied for it.

Mayor Gustin stated that all prior motions for public hearing need to be made as a point of order.

Chairman Rose disagreed.

Mayor Gustin clarified that if Commissioner Murphy wants to have a public hearing to add an item and someone else wants to have it removed then that's a waste of public hearing and waste of time. He explained a difference between a public comment and a public hearing.

Vice Chairman Cook read the Planning Commission bylaws regarding voting on different matters.

Mr. Busk agreed with Mayor Gustin regarding making motions.

Commissioner Murphy moved to put the new fencing ordinance on the agenda for the public meeting on January 3, 2018.

Vice Chairman Cook seconded the motion.

Chairman Rose	Yea
Vice Chairman Cook	Yea
Commissioner Berry	Yea
Commissioner Murphy	Yea

Motion Passed

The new fencing ordinance discussion was put on the agenda for the public meeting on January 3, 2018.

Vice Chairman Cook moved to put the RV ordinance on the agenda for the public meeting on January 3, 2018.

Commissioner Murphy seconded the motion.

Chairman Rose	Yea
Vice Chairman Cook	Yea
Commissioner Berry	Yea
Commissioner Murphy	Yea

Motion Passed

The RV ordinance discussion was put on the agenda for the public meeting on January 3, 2018.

Commissioner Berry moved to put VVRP ordinance discussion on the agenda for the public meeting on January 3, 2018.

Commissioner Murphy seconded the motion.

Chairman Rose	Yea

Vice Chairman Cook Yea
Commissioner Berry Yea
Commissioner Murphy Yea
Motion Passed

The VVRP ordinance discussion was put on the agenda for the public meeting on January 3, 2018.

Commissioner Berry moved to put discussion on CFO-202-SD-2017, section 1.7, 1.7.2 – minor subdivision 5-year waiting period on the agenda for the public meeting on January 3, 2018.

Chairman Rose seconded the motion.

Chairman Rose Yea
Vice Chairman Cook Nay
Commissioner Berry Yea
Commissioner Murphy Nay
Motion Tied

Chairman Rose stated that he is against the 5-year waiting period.

Commissioner Murphy stated that he is open to new ideas regarding this issue. He doesn't want to put this item for the public hearing because currently there are no alternatives.

Commissioner Berry stated that residents have to complete infrastructure requirements if they want to build.

The Commission agreed that they need some new ideas before they discuss potential removing of the 5-year waiting period ordinance.

Commissioner Berry moved to approve the meeting minutes for Planning and Zoning meeting held on August 21, 2018.

Chairman Rose seconded the motion.

Chairman Rose Yea
Vice Chairman Cook Yea
Commissioner Berry Yea
Commissioner Murphy Abstain
Motion Passed

The Commission approved the minutes for Planning and Zoning Meeting held on August 21, 2018.

7. ADJOURN MEETING

Commissioner Berry moved to adjourn the meeting.

Commissioner Murphy seconded the motion.

Chairman Rose	Yea
Vice Chairman Cook	Yea
Commissioner Berry	Yea
Commissioner Murphy	Yea

Motion Passed

The meeting was adjourned at 8:32 PM.