

Town of Cedar Fort

Planning and Zoning Meeting Minutes February 12, 2019, 2019 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 and Vonda Cook

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

Chairman Rose called the meeting to order at 7:03 PM and read the roll call.

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

2. PRIOR MEETING MINUTES

Commissioners reviewed the minutes.

Chairman Rose asked if anyone has any comments regarding the minutes.

No comments were made.

Vice Chairman Cook motioned to approve the minutes for the Planning Commission Meeting held on January 8, 2019.

Commissioner Murphy seconded the motion.

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

The motion passed unanimously.

Planning and Zoning Commission Meeting minutes for January 8, 2018 were approved.

Commissioner Berry motioned to resend the approval on the minutes for Planning and Zoning Meeting held on January 8, 2019 was approved.

Chairman Rose: Yea
Vice Chairman Cook: Yea
Commissioner Murphy: Yea
Commissioner Berry: Yea
The motion passed unanimously.

Planning and Zoning Commission Meeting minutes will be reprinted with Commissioner Berry's changes to it.

Commissioner Murphy motioned to approve the minutes for Planning and Zoning Public Hearing Meeting held on January 8, 2019.

Chairman Rose: Yea
Vice Chairman Cook: Yea
Commissioner Murphy: Yea
Commissioner Berry: Yea The motion passed unanimously.

Planning and Zoning Commission Public Hearing Meeting minutes for January 8, 2018 were approved.

3. DISCUSSION AND VOTE ON REQUEST FOR MINOR SUBDIVISION APPROVAL FOR DAVID BUSK; PROPERTY SOLD TO DANSIE FAMILY AND HEATON FAMILY

Chairman Rose stated that the Planning and Zoning Commission received a request for the minor subdivision for David Busk on the property sold to the Dansie Family and Heaton family.

Vice Chairman Cook asked if David Busk is acting as an agent for the Heaton Family.

Mr. Busk confirmed that he is.

Chairman Rose explained that Mr. Busk originally divided the property. At the time when Zane Dansie applied for his permit, no one looked if the subdivision request was submitted. The permit was approved.

Mr. Busk stated that the property was divided through and estate.

Chairman Rose stated that the moratorium was put in place during the application process.

Commissioner Berry stated that Section 1.7.4 is applicable. He wasn't able to get the meeting minutes he requested, because the Mayor is holding them up. He thinks that the issue is straightforward, and the Planning Commission should approve the application and move forward.

Commissioner Murphy disagreed with Commissioner Berry. It is unfortunate that the Planning Commission and landowners didn't do their due diligence. Approving the application is not a good precedent. The ordinances should be followed. If someone made a mistake, that doesn't mean that the law doesn't apply.

Commissioner Berry stated that the Town made an oversight. He reiterated that he wants to see the meeting minutes. This is a single piece of property that was divided, and it doesn't set a precedent because it just fixes the oversight.

Commissioner Murphy added that the landowners also made an oversight. He asked if the dividing was recorded with the country.

Commissioner Berry replied that it was.

Commissioner Murphy stated that the land was zoned for a specific acreage, and the building permit wasn't automatically approved for the whole land.

Commissioner Berry stated that the approval was a mistake on multiple levels, but it can be fixed.

Commissioner Murphy explained that the Town can't continue to overlook the way ordinances are written.

Commissioner Berry stated that the Town is following the ordinance, because the ordinance states that the application stays unapproved until reviewed by the Planning and Zoning Commission.

Chairman Rose inquired if the Dansies' occupancy permit should be revoked, since their property was sitting on an unapproved subdivision.

Commissioner Berry stated that the ordinance was written in a way that makes the approval possible.

Vice Chairman Cook stated that the loopholes are not built in the ordinance. That's why moratorium was put in place.

Commissioner Murphy stated that the application for the subdivision doesn't meet the ordinance, because it hasn't met the 5-year waiting period.

Vice Chairman Cook stated that the application needs to be passed to the Town so they can make a decision.

Commissioner Murphy stated that with the application approval; the Town is opening itself to potential malicious scenarios with the subdivision application.

Commissioner Berry motioned to approve Application 009 for the subdivision with parcel numbers 0128 and 0129.

Vice Chairman Cook seconded the motion.

Chairman Rose: Yea

Vice Chairman Cook: Yea
Commissioner Murphy: Nay
Commissioner Berry: Yea
The motion passed

Application 009 for the subdivision with parcel numbers 0128 and 0129 was approved.

4. DISCUSSION ON SUBDIVISION ORDINANCE

Chairman Rose introduced the agenda item.

Vice Chairman Cook explained that several people have made comments that they don't like the 5-year waiting period for minor subdivision. Enoch does not have a 5-year waiting period. He thinks that the ordinance is more lenient than in other towns. Some towns don't have a minor subdivision at all. Lehi and Eagle Mountain have lot splits instead of minor subdivisions. Payson and Salem have similar ordinances. Payson requires a preliminary plot plan. The State has several policies in their code that the Town is not following. The Town should follow the State code. Fairfield doesn't have a minor subdivision ordinance. Several towns require applicants to use city water.

Mr. Busk asked what happens when the land is divided by trusts and wills.

Vice Chairman Cook replied that people should follow the Town ordinances before they divide them.

Commissioner Berry stated that some land can qualify under agricultural waiver, and then later apply for the building permit.

Vice Chairman Cook stated that the State code states that the agriculture has to be profitable.

Charlie Heaton, resident of Cedar Fort, asked if he has to divide the plot in two 5-acre plots.

Vice Chairman Cook replied that Mr. Heaton doesn't have to do that, unless he has frontage.

Commissioner Berry stated that it looks like Vice Chairman Cook took many ordinances out of Enoch City. He suggested that the Town needs to research building ordinances.

Vice Chairman Cook stated that building ordinances should be separate from the subdivision ordinances.

Commissioner Murphy asked if the idea of the ordinance was that the land can't be divided for building purposes that wasn't on the existing deeded road to the Town.

Vice Chairman Cook stated that there's an exemption for the agricultural land. The exemptions come from the Utah Code. Duchesne requires irrigation and culinary water connections. Variances are very specific and relate to the ground; they are not given on the basis of hardship. Record of survey is also one of the requirements.

Commissioner Berry stated that he likes the paragraph that doesn't require addition of infrastructure beyond what's found in the surrounding properties.

Vice Chairman Cook stated that four pages apply to the subdivision ordinance. It covers private property disputes.

Mr. Busk explained the overlaps on his property.

Commissioner Murphy stated that any change of deed needs to be rectified before it can be recorded before the county.

Vice Chairman Cook explained that before getting a building permit a survey has to be done and the applicant has to notify their neighbor.

Commissioner Berry asked Vice Chairman Cook regarding Section 17.8.2.

Vice Chairman Cook replied that the applicant's building needs to be in line with the Town requirements.

Commissioner Berry stated that the Town doesn't need 56 feet roads.

Chairman Rose stated that the Planning Commission should have a working meeting with the Town Council.

Commissioner Berry stated that all ordinances and meeting minutes are published on Enoch City's website.

Vice Chairman Cook stated that he was impressed with Enoch City's website. Many little towns in Duchesne County are using its ordinances.

Chairman Rose asked Mr. Busk to bring original signed forms.

5. ADJOURN MEETING

Commissioner Berry motioned to adjourn the meeting.

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

The motion passed.

The meeting was adjourned at 8:14 PM.