

Town of Cedar Fort

Planning Commission Monthly Meeting
Nov 12, 2019 at 7:00 p.m.

Town Hall, 50 East Center Street, Cedar Fort



Agenda

1. Call to Order, Roll Call, Pledge of Allegiance, Prayer/Thought. [5 minutes]
2. Vote to Approve Prior Meeting Minutes. [5 minutes]
3. Discussion on Proposed Changes to Ordinance #CFO-400-WS-2019 – Water System. [10 minutes]
4. Discussion on Proposed Changes to Ordinance #CFO-305-BF-2019 – Building Fees. [10 minutes]
5. Discussion on Proposed Changes to Ordinance #CFO-200-PZ-2019 – Land Use (Planning and Zoning). [10 minutes]
6. Discussion on Proposed Zone Map Changes. [30 minutes]
7. Discussion on Proposed Commerce Zone Ordinance. [40 minutes]
8. Vote to Approve Public Hearing on Proposed Changes. [5 minutes]
9. Adjourn Meeting at 8:55 p.m.

THE PUBLIC IS WELCOME TO ATTEND ALL TOWN PLANNING AND ZONING MEETINGS.

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify Cara Lyon, Tel. 801-768-2147, 24 hours prior to this meeting.

Posted this _____ day of September 2019 at _____ AM/PM By: _____

**Town of Cedar Fort
Planning Commission Meeting Minutes
November 12, 2019 at 7:00 p.m.
Town Hall, 50 East Center Street
APPROVED**

Time: 7:04 p.m.

Minutes Taken By: Cara Lyon, Town Clerk

Commission Members Present: Chairman Gary Cook, Commissioner Bart Berry, Commissioner Howard Anderson, Commissioner Chris Murphy and Commissioner Kent Withers

Visitors Present: Glen Wilson, Ellen Cibula, Harmony Withers, Daryl Cook, Vonda Cook, and Mayor David Gustin

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

Chairman Cook called the meeting to order at 7:04 pm and read the roll call.

Commissioner Berry provided an invocation and all in attendance recited the Pledge of Allegiance.

2. PRIOR MEETING MINUTES

Chairman Garry Cook asked if everyone received a copy of the meeting minutes and wanted to know if anyone had corrections for these meetings.

Commissioner Kent Withers asked if these minutes were emailed out.

Clerk Lyon replied Vonda Cook had emailed these minutes out.

Commissioner Anderson moved to approve

Commissioner Murphy seconded the motion.

Commissioner Anderson:	Yea
Commissioner Murphy:	Yea
Commissioner Berry:	Yea
Vice Chairman Withers:	Yea
Chairman Cook:	Yea

Motion passed unanimously.

3. DISCUSSION ON PROPOSED CHANGES TO ORDINANCE #CFO-400-WS-2019-WATER SYSTEM

Chairman Cook asked if anyone had any comments or corrections for the document.

Commissioner Anderson noted “shall be” was listed twice, and one of them needed to be deleted from the document.

Chairman Cook asked if there were any more comments.

4. DISCUSSION ON PROPOSED CHANGES TO ORDINANCE #CFO-305-BF-2019-BUILDING FEES

Chairman Cook introduced the item. He stated buildings less than 120 square feet and shorter than 10 feet tall would not require a building permit if the ordinance was passed. They still had to meet the setback requirements.

Vice Chairman Withers asked about portable sheds and setbacks. He wanted to know why people could not put such small buildings on the property lines.

Chairman Cook reiterated setback requirements had to be met. This allowed fences to be built on property lines.

Mayor Gustin stated currently, everyone needed to obtain a building permit, even for these small portable buildings. This was to ensure there were no fire or safety hazards. This ordinance would make the law less restrictive, as people would not have to apply for a building permit, they just had to follow the setback requirements.

Vice Chairman Withers asked what the minimum setback was.

Mayor Gustin replied there was a minimum setback of 10 feet for one side. He explained the intent of this ordinance was to allow people to buy sheds or doghouses and not have to get a building permit.

Vice Chairman Withers asked if this ordinance would include a concrete slab.

Mayor Gustin replied the ordinance explained the definition. They would be allowed to have a concrete slab under it, but it could not be attached. No foundation could be put down. It could not require footings.

Commissioner Anderson stated their issue was where setbacks are required. A person was not to build this type of structure without the room for the setbacks.

Commissioner Murphy stated he had issue with setbacks. In many other towns a person could easily build close to the property line without such big setback laws. He did not see how fire safety was really an issue in a backyard.

Mayor Gustin explained it is not about the structure, but the structure itself could spread fires.

Commissioner Berry did not think the setback made much of a difference when it came to fire safety.

Mayor Gustin stated the proposal would go to Town Council and would be voted on for approval.

Vice Chairman Withers commented he liked everything up to the setbacks. He wondered if they could eliminate the setback requirements.

Mayor Gustin stated the Planning Commission could make a proposal and go forth with the public hearing. Many other towns had worse setback laws.

Commissioner Anderson commented that if they dropped setbacks, both the person building the structure and their neighbor would be allowed to build on their property line.

Mayor Gustin stated other cities such as Provo had three foot setbacks. If a person built on the property line, the roof would drain onto the other property.

Vice Chairman Withers replied he would be happy to see the setbacks reduced or eliminated.

Mayor Gustin asked if Mr. Withers was only talking about small portable buildings.

Vice Chairman Withers replied he thought structures under 120 feet should not have setbacks, or they should be small.

Chairman Cook commented they could discuss what they believed was appropriate to recommend to Town Council

Commissioner Murphy felt what was presented was reasonable for portable buildings. Anything put up on the property line would do the same thing as these small buildings, and so he thought setbacks were not necessary.

Commissioner Anderson believed setbacks were necessary.

Chairman Cook explained 14.15, parcels within multiple zones. He stated if half of the parcel was on one zone and the half was on the other, they could pick which zone they wanted.

Vice Chairman Withers stated they needed to know where their zones were at. He did not believe the residents should be the ones choosing their zone. There was an issue that builders were building parcels in more than one zone.

Mayor Gustin commented he knew council member who reviewed building permits. The builders do not follow existing parcels. He was at Utah County meeting and found that many parcels cross

boundaries. Land was supposed to be developed based on the more restrictive zone, but this had not been enforced.

Vice Chairman Withers replied they needed to file an application for zoning change if they wanted to be in a zone with less restrictive standards.

Councilwoman Cibula stated she had to go through standards for a tough shed for a resident. She had to follow the rules for the more restrictive zone. She believed it was convoluted.

Vice Chairman Withers agreed.

Chairman Cook replied all property lines did not add up.

Vice Chairman Withers wanted to see more continuity in zoning.

Commissioner Anderson wanted think back in history as to why the zoning was set up the way it was. There was zoning boundaries that cut blocks in half.

Mayor Gustin agreed zoning change could help. They could use tools to change the 50 percent of the parcel for zoning. As a small town not equipped to do the zoning change and if there was less than 50 percent of the property in that zone, they should not look at changing to that zone.

Vice Chairm Withers wanted to know which rules to add to make it like what Mayor Gustin had stated.

Mayor Gustin replied they ignore the other zone and this would help with nonconforming issues.

Vice Chairman Withers thought band aid for now, but not complete answer

Commissioner Berry thought 50% of the property was way too high. He thought 25% was more adequate.

Commissioner Anderson agreed with the 25%.

Chairman Cook believed they needed to realign boundaries. He then explained the definition of a temporary structure.

Commissioner Anderson commented they had to take the word out of its own definition to make it official, so he wanted to replace the word structure with construction.

Chairman Cook explained a requirement of this ordinance would be for structures not exceeding 8 feet.

Vice Chairman Withers asked why it was 8 feet.

Mayor Gustin explained there was only allowed to be a 6-foot fence on properties currently. They noted that the 8 feet, would allow fencing above 6 feet, anywhere but the front yard, because this could prevent deer from entering yards.

5. DISCUSSION ON PROPOSED CHANGES TO ORDINANCE #CFO-200-PZ-2019-LAND USE (PLANNING AND ZONING)

Mayor Gustin stated there was a rumor in town that the Town Council has accepted irrigation shares for a culinary water hook up. He hoped valley stayed with crops.

Chairman Cook asked about the water and the developers

Commissioner Berry stated the developers were bringing the water with them. The Town had to decide if they wanted this, or the developers would bring the water to another town. He believed they needed to act and not acting would be the wrong move.

Chairman Cook asked where they were getting the water from and how they expected to get the water to their Town.

Mayor Gustin stated the closest 8-inch water line was at the rec center and gravel pits wanted water there and wanted to pay water line. The Town needed to have water rights in order to harvest the water. This was more of a concern than how they were piping it in.

Chairman Cook commented spring water going into the well was coming out rusty brown. He wanted to know if this was the water, they would be piping in.

Mayor Gustin replied he had spoken with Dave Busk over the irrigation company well and it had high pressure. He explained water used for crops could have this sediment in it, but it was not okay to drink this rusty brown water. They needed to explore their options and utilize the spring water. Their options were limited without compliance from the company.

Chairman Cook was worried about draining their spring and sending it elsewhere.

Vice Chairman Withers commented there was a parcel entitlement process to put water lines in. The Town needed to find a way to provide water for infrastructures that were currently without.

Mayor Gustin stated Eagle Mountain had water piped in from Vineyard where Geneva was. He needed to find solutions to get water to the people who needed it. Their concern was not in the pipes, as the contractors would do it, it was in making sure they could supply the water.

Commissioner Berry commented they opened and are pumping the old church well across from Dean's.

Commissioner Murphy stated the Town needed to be prepared for zoning for this project.

Vice Chairman Withers replied zoning from a developer standpoint was just small portion of their job as they move stuff around and apply for a different zone.

Daryll Cook stated irrigation company did not plan on changing zoning, as it would cost more. His understanding was the Town did not have a lot of water.

Vice Chairman Withers asked about zoning.

Mr. Daryll Cook stated Eagle Mountain raised their taxes 200 percent to cover an infrastructure. He did not feel he as a citizen should have to pay for the infrastructure to help the company.

Mayor Gustin replied he did not want to see anyone's property tax raise because of the zones. He stated he would contact people to make sure taxes did not go up until it became an industrial use. The use determined whether people would pay taxes for, not the zoning.

Vice Chairman Withers did not notice it on his tax notices.

Commissioner Berry commented he had property in Eagle Mountain that was in an industrial zone, but it was agricultural.

Mr. Daryll Cook stated they transferred property to Cedar Fort and the fire protection for Eagle Mountain went up 200 percent. He did not see how he needed more fire protection in a town than a city.

Chairman Cook stated his brother had 20 acres on the Ridge. He had received a notice he would be taken off the green belt. They had to be mindful of this land.

Vice Chairman Withers stated the designation of commercial or light industrial was what determined the tax money. They needed to prepare for the future. The zoning could affect taxes as well.

Mr. Daryll Cook commented he had half an acre and they tried charging him 500% of his previous taxes and 5-year rollback

Vice Chairman Withers stated he did not think what they were doing was going to affect taxes.

Mayor Gustin commented the County was doubling their percentage of taxes and were trying to change the Green Belt requirements. Green Belt was a federal program and they were not allowed to change these guidelines. They were doubling taxes to take more money.

Chairman Cook replied all commissioners wanted to see the changes, but he just did not know how they could see these changes happen. There was much that needed to be looked at.

Vice Chairman Withers stated about 15 years ago, a developer did not start building in Cedar Fort, because the Town was not equipped to process zoning changes. If they did not want to live in an industrial zone, they needed to shape their community and be prepared.

Mayor Gustin explained some of this was beyond the scope of the commissioners. He assured them the Town had hired an assistant so they could start handling more. He commented he was looking into purchasing a 2.5-acre piece that was an office space in Draper and the property tax was \$82,000 a year. They had to take figures like this into consideration.

Vice Chairman Withers was worried about losing a peninsula because people wanted to annex and get a different City or Town name.

Commissioner Anderson did not know if people would not want to move to Cedar Fort because of how high the taxes were.

Mayor Gustin explained different tax rebate programs and how much many businesses received back. He mentioned businesses that were sexually oriented in their nature would not be able to make it in their Town.

6. DISCUSSION ON PROPOSED ZONE MAP CHANGES

Chairman Cook mentioned that White Industrial Building up Pole Canyon was commercial residential. They needed to focus on the Pole Line road with industrial and light industrial.

Vice Chairman Withers asked about the map. He wanted to know if they were at a point where they could designate industrial zones and light industrial zones.

Commissioner Murphy discussed the Commercial Zone Map. Lots of cross talk and inaudible talking.

Vice Chairman Withers explained he was just trying to define the industrial and light industrial zones. He thought a CR zone mixed use area needed to be clearly defined. Home business was a potential use. He wanted to see a clear line for commercial or mixed use.

Commissioner Berry commented the Planning Commission with state of Utah he had them zone it off the Highway

Vice Chairman Withers did not like the language. He wanted to clarify that there were mixed use zones. He was not opposed to commercial zones. He did not like the shape of the zone.

Commissioner Berry commented they could develop zones as the need arises. They could rezone if a person requested it.

Chairman Cook believed there was permitted use areas in residential and commercial. This would cover the need of different uses in each zone.

Vice Chairman Withers commented that the description was outdated and they could change the general description. It was easy to change general descriptions of zones.

Chairman Cook stated there was commercial zone and light industrial. He thought it would be helpful to have little bits of zone scattered, rather than having large stretches of each. He wanted them to read through industrial, light industrial, etc., He wanted to know if they were okay with the descriptions currently

Vice Chairman Withers thought there was minor corrections that needed to be made, but minor in all.

Chairman Cook explained they mirrored their document to that of Eagle Mountain.

Vice Chairman Withers comment their document should list everything about each zone under its name.

Chairman Cook commented they could tweak the document over time. He wanted to go with the chart.

Vice Chairman Withers agreed. He liked the chart as well. He thought they could look at descriptions from different cities to decide what they liked the most. This would be the most efficient and best way to do this.

Commissioner Berry agreed with Vice Chairman Withers. He thought looking at different cities would give them a better idea.

Chairman Cook commented he did not like Lehi's description. He liked Eagle Mountain descriptions better.

Vice Chairman Withers asked if he could bring his favorites from other cities to the next meeting.

Commissioner Berry stated they needed a public hearing to formalize the map.

Chairman Cook mentioned they needed to have a plan and presentation for the public hearing of the descriptions.

Vice Chairman Withers replied that would be a work session.

Commissioner Berry explained a public hearing would be needed to formalize the map and then continue the process.

Vice Chairman Withers mentioned if they left out a permitted use, a person could apply for a permitted use and it could be added to the description.

7. DISCUSSION ON PROPOSED COMMERCE ZONE ORDINANCE

Nothing was discussed on this agenda item. If so, it was discussed in Agenda item 6

8. VOTE TO APPROVE PUBLIC HEARING ON PROPOSED CHANGES

Commissioner Berry asked if they were ready to vote on a date for a public hearing.

Chairman Cook was worried about using Eagle Mountains descriptions.

Vice Chairman Withers thought they could shoot for having the public hearing for the first meeting in January.

Commissioner Anderson moved to approve have the public hearing on January 14, 2020 to change ordinances CFO-400, CFO-305, CFO-200, discuss the proposed map and commerce zone ordinances.

Chairman Garry Cook seconded it.

Commissioner Anderson:	Yea
Commissioner Murphy:	Yea
Commissioner Berry:	Yea
Vice Chairman Withers:	Yea
Chairman Cook:	Yea

Motion passed unanimously.

9. ADJOURN MEETING

Commissioner Murphy moved to adjourn the meeting.

Commissioner Anderson seconded the motion.

Commissioner Anderson:	Yea
Commissioner Murphy:	Yea
Commissioner Berry:	Yea
Vice Chairman Withers:	Yea
Chairman Cook:	Yea

Motion passed unanimously

The meeting was adjourned at 9:04 PM.