

Town of Cedar Fort
Planning Commission Regular Meeting Minutes
Tuesday, June 08, 2021, 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***
- 2. Public Comment**
- 3. Discussion and Vote on Proposed Accessory Dwelling Unit Ordinance and Application**
- 4. Adjourn**

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

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations for this meeting should notify the Town Clerk (Cara Lyon 801-768-2147 or clerk@cedarfort.town) at least 24 hours prior to this meeting.

Posted this ____ day of June 2021 at ____ AM/PM By: _____

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Planning Commission Regular Meeting Minutes
Tuesday, June 08, 2021, at 7:00 p.m.
Town Hall, 50 East Center Street, Cedar Fort



APPROVED

Time: 7:10 p.m.

Minutes Taken By: Cara Lyon, Town Clerk

Town Employees Present: Cara Lyon, Town Clerk

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

Planning Commission Members Absent: Commissioner Greg Cutburth

Visitors Present: Vonda Cook

1. Call to Order; Roll Call; Pledge of Allegiance; Prayer/Thought*

Vice Chairman Murphy led the Pledge of Allegiance. Chairman Anderson provided invocation.

2. Public Comment

No Public Comment.

3. Discussion and Vote on Proposed Accessory Dwelling Unit Ordinance and Application

Commissioner Cook mentioned his opinion, with what's going to be going on in the valley and future we probably have to start a little bit small and then see what happens in the next year or two. What his suggestion would be is to use the internal accessory dwelling unit, use the definition as they have used it here in the State Code. In that, it says internal accessory dwelling unit. It means an accessory dwelling unit created within a primary dwelling, so it's going to be created within the footprint of the primary dwelling as described in subsection 1, A1, as defined, the internal accessory dwelling unit, and for the purpose of offering a long-term rental and 30 consecutive days or longer, and then it gives the definition of a primary dwelling unit, which is up above here within a primary dwelling unit. The definition of a primary dwelling unit means a single-family dwelling that is detached, is occupied as a primary residence of the owner of record. In other words, if he's already living in a town house, or in a condo, or in a duplex, then he doesn't qualify for that because it's not a detached primary dwelling, and I think that's, at least, the way I interpret that.

David Gustin read the current definition of dwelling and dwelling unit are as follows from CFO-200-PZ-2021: dwelling is a building which regularly or intermittently is occupied by a person lodging therein at night, whether a person is actually present, but does not include a commercial facility used for lodging, or healthcare, or assisted elderly care. A dwelling unit is one or more rooms in a structure

designed for or occupied by one family for living or seating purposes and having one kitchen or a set of cooking facilities.

Commissioner Berry explained the whole reason they specifically defined that as an internal dwelling, accessory dwelling unit, and they've created that, and I agree with what Commissioner Cook says. It's two separate issues.

Chairman Anderson expressed what he is saying is those houses that exist now that don't have the capabilities of putting an ADU within the existing house could add on a room in the back, and that would qualify as the ADU without being detached, because detached throws it into a whole different category, the 100 foot away category. We already say that in terms of no satellite dwellings, and that's what it is. Detached is a satellite dwelling.

Vice Chairman Murphy doesn't feel we need to go to interior accessory dwelling unit. We'll just say, "An accessory dwelling unit is this. It's inside your house, in your basement if you make an addition if it's attached by common wall and a foundation or whatever that is, but those definitions will then preclude that, "Okay, I can't build something separate or detached," and as Chairman Anderson says, that's already in the ordinance that there are no satellite dwellings.

Commissioner Cook mentioned he is concerned is if we just allow somebody to even come into the community, and buy a home, and then rent it out to a bunch of people to make their payments for them, and we end up with something like we had over here. That's why I guess I'm thinking the state lets us limit it to four, or three, or whatever it is. We limit it to that. That way, at least if there are problems created for this, we can come back and say, "Hey, you're over the limit and try to lessen the problem a little bit. It just gives us something to help control rather than just letting them do whatever and park six or eight cars in the street, and fill up the streets, and fill up the town with people.

Vice Chairman Murphy is asking who is going to enforce this? To your point, no it's not going to get enforced unless someone complains. Fine, put it at four because people are going to do it anyway, and I guess if one person moves in there and raises a bunch of cane and creates problems that we have to enforce. We want people to comply with the ordinance. That's the point, but at the end of the day, people aren't. Unless someone comes in and creates a problem, that's really the only time it's going to get forced because we don't have the money to send someone around and watch and see how many people walk into a house and how many come out in the morning.

Chairman Anderson discussed the application and changes to say, "Owner-occupied accessory dwelling application, applicant certification for owner occupancy occupied residence, and I hereby certify that I will be residing within the primary ADU," Provide a floor plan, site plan, if applicable, then a fee.

Vice Chairman Murphy discussed that there are some municipalities that just try to make it easier when you go to do something like that. Your permit is basically you still have to apply for the permit. You still have to provide plans, and you have to get inspections, and you do all that stuff, but it's all paid for. You basically incorporated that into your fee structure when you first built your house. When you do something like that anyway, of finishing off a basement, and you're going to do an ADU or whatever in it, there are very few inspections. Anyway, it's not like when you build your house originally, you have all those inspections along the way. You're not going to incur a huge cost to have your building inspector and go back two times. I think, depending on what the ordinances say, but really, you're going to have one four-way inspection and one final inspection.

Chairman Anderson updated the application, including taking out the definition of internal accessory dwelling unit. I've limited that to number of individuals as four, taken out the requirement for notarized letter in the application, and that's all on that, and then on the application self, the owner-occupied, and the two headings, and a little note that can provide for notary signature under the applicant's signature.

Vice Chairman Murphy made a motion to approve accessory dwelling unit section to be added into the zoning ordinance, and the application is we've discussed with the changes noted.

Commissioner Cook seconded.

Commissioner Berry: Yea

Commissioner Cook: Yea

Vice Chairman Murphy: Yea

Chairman Anderson: Yea

The motion passed

4. Adjourn

Vice Chairman Murphy moved to adjourn meeting.

Commission Berry seconded.

Commissioner Berry: Yea

Commissioner Cook: Yea

Vice Chairman Murphy: Yea

Chairman Anderson: Yea

The motion passed to Adjourn.

The meeting was adjourned 8:15 p.m.