

Town of Cedar Fort
Planning Commission Public Hearing Meeting Minutes
Tuesday, May 31, 2022, at 7:00 p.m.
Town Hall, 50 East Center Street, Cedar Fort



Agenda

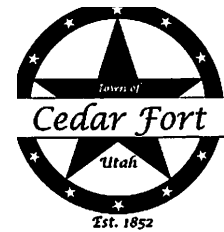
- 1. Discussion on Growth and Development**
- 2. Adjourn**

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 May 2022 at _____ AM/PM By: _____

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Planning Commission Public Hearing Meeting Minutes
Tuesday, May 31, 2022, at 7:00 p.m.
Town Hall, 50 East Center Street, Cedar Fort**



APPROVED

Time: 7:03 p.m.

Minutes Taken By: Cara Lyon, Town Clerk

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

Visitors Present: Clarence Ault, Darrell Cook, Dan Allinson, Vauna Allinson, Travis McKinney, Brad Thomson, Laurel Thomson, Glen Ashley, Braden Shupe, Roger Haynes, Laura Caroon, Woody Berry, Todd Berry, Sherry Berry, Bill Elton, Wes Elton, and James Hacking

Visitors Present Zoom: Weston, Ashley Cook, Sheila McKinney, Mary Cook, Vonda, Lori Adams, Colette Carlson, David

Discussion on Growth and Development

Chairman Anderson explained there are three proposed changes they would like to propose:

1. Retail Overlay

Along SR-73 re-labeling from commercial/residential to a retail overlay the full length of town. The proposal that the planning commission would like to put forward to the public and council is this be converted to a retail overlay.

In other words, if your parcel is right in front of the half-acre zoning, it would revert to residential zones the same as the zone that is directly behind them. Then the purpose of the overlay, which is that same 300 feet from that center lane of the highway on both sides of the road, the full length, would be to allow retail, a conversion of either all or part of that parcel within the 300 feet through an application to a retail function. It would not be residential anymore. It would be retail. That would only happen after an application is filed and by us and approved by the council. Then it becomes a retail parcel. Then that retail parcel can be used for retail operations. The main function of the new zone would be residential, and the secondary use would be the overlay being made to be a retail function.

Brad Thompson explained he lives in the zone the planning commission is proposing to change so he has a few questions. Are you trying to make it so that you can't have a commercial operation of some sort or industrial or something like that? He provided some examples because he has thought about this. For instance, if he grew a bunch of fruit on and put up a fruit stand out in front, is this retail?

Chairman Anderson expressed to answer your concern specifically, the way it is now is not a whole different. They don't allow those same kinds of things. As the new proposal, we're just focusing on it to be retail businesses and we're focusing it to separate businesses from the residences so that they're not commingled on parcels.

2. Right to Farm

Chairman Anderson explained the second item they want to discuss Right to Farm. Essentially, it is, our attempt to allow agriculture to remain in the town so if someone in the town has an agricultural venture or livestock venture. The Right to Farm clause is intended to allow farming agricultural process to continue and the mitigation is really on the developer or the two of them in conjunction. Mainly, it's to put a fence up between the two of you and allow the developer to fully develop it but allow the farmer to continue farming.

Glenn Ashley expressed his parcel that is across the street from the mayor and explained they spray for flies and remove the manure. Now is that infringing on something?

Vice Chairman Murphy provided Mr. Ashley an explanation on this is what the Right to Farm protects. It basically says you're moving into a rural community that values its farming and if you move into our community, and you don't like the fact that there's a farming operation going on adjacent to your parcel, that's too bad. The Right to Farm ordinance protects. Obviously, there are nuisance ordinances that control some of that, the farmer can't pile his manure up, push a fence over or any of those kinds of things. You have the right to farm in our community and that can't be infringed just because someone moved in that doesn't appreciate it or like it.

Ashley Cook first expressed her thanks for bringing up this ordinance. She feels like it's something that our town has needed for a long time. She is wondering if the planning commission will need to look at the nuisance ordinance that's already in place because if she remembers right, there may be some conflicting verbiage with the Right to Farm ordinance. The animal nuisance ordinance has verbiage about animal noise that may need to be removed or changed if the Right to Farm ordinance stays with no changes.

Chairman Anderson indicated that it does and thanked Mrs. Cook for the good points.

3. Road Development Requirements

Chairman Anderson explained they would like to clarify what it would take for a development that requires a road access to happen. The road width is 56 feet, we've received feedback from Mountainland Association of Governments (MAG). In speaking with Bob Allen who is a representative with MAG expressed that most towns use what they call the "Half plus 10."

Option 1. Both parcel owners deed 12 feet to 28 feet and both of them do the 12 feet of paving and it's done.

Option 2. Parcel owner A goes in 10 feet, but parcel owner B doing the developing puts his 12 feet of asphalt on his part, plus 10 feet. So, parcel owner B has his 22 feet and the other guy has only given up 10 feet who's not developing but he might in a couple of years. He's saying, "I'll do that." Then when

parcel owner A decides he/she wants to develop, then all he/she must do is put in the two more feet and deed the other six feet because he already had done 10 plus two paving and then that's 28 feet.

Option 3. Half plus 10 on your side and then if the second guy doesn't want to do anything to develop but then, in a year or so, he comes in, "Oh, I've got a road in here and I'm want to develop mine." No, he must pay half or what the planning commission lists in the Town Ordinance. "If you develop your land, now that this guy's put the road in, then you will need to help him pay half the cost of the roadway that you just put in."

Vice Chairman Murphy expressed clarification for the public that the Town does have master road plan. This is generally done if you have a place where a planned road or even let's say there's an existing road on one side but its dead ends at some property and then maybe even picks up on the other side or if you happen to have a property line between those two.

It's like Chairman Anderson explained, if any of this is happening inside of a parcel, then we refer to the subdivision ordinance. There are many parcels in town where the road does this all over the place and it jogs and there's property lines that come clear out in the middle of the street. We have many problems with our roads and we're trying to avoid that going forward to help avoid these instances.

4. Adjourn

Councilman Cook moved to Adjourn.

Vice Chairman seconded.

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

The motion passed to Adjourn

The meeting was adjourned 9:45 p.m.