

PLACE:

Cedar Fort Town Hall
50 East Center Street
Cedar Fort Utah

MINUTES TAKEN BY:

Vonda Cook

VISITORS PRESENT:

Chris Joyal, John Jacob, Town Councilman Dave Gustin, Town Councilwoman Ellen Cibula, Lori Adams, Cody Cook, Cal Cook, Steve Berry, Ronald Steel, Marie Cook, Larry Cook, Mayor Anderson, Town Councilman Richard Stark, Wyatt Cook, W Glade Berry, Bart D. Berry

CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE, PRAYER/THOUGHT

Barry called the meeting to order at 8:43 p.m.

ROLL CALL: Commission Chairman Barry Miller, Commissioners Dave Rose and Gary Cook

PLEDGE OF ALLEGIANCE: Chairman Miller

PRAYER: Gary Cook

REVIEW AND APPROVE MEETING MINUTES:

Chairman Miller made a motion to approve the meeting minutes for 14 March 2017 at presented. Commissioner Cook seconded it. Motion passed unanimously.

AGENDA ITEM #1 – VOTE TO APPROVE LAND USE ORDINANCES – ZONING

Commissioner Cook made a motion to approve Land Use Ordinance, Zoning and Setbacks as presented. Commissioner Rose seconded. Motion passed unanimously.

AGENDA ITEM #2 – VOTE TO APPROVE LAND USE ORDINANCES – SUBDIVISION

Commissioner Cook said they had put in a waiting period and he asked how the final version was written up. Chairman Miller said they had decided to have a 3 year waiting period and if it [subdividing] comes in unapproved it is penalized with 5 years and they also added the grace period to fix anybody that is not compliant to this new ordinance. They will have from May 1 to October 31 to get approved lots and they will still be required to abide by the time limit but if they have already been over 3 years then they will be approved.

Chairman Miller said that if anyone wanted to make more comments, they can send them to the town before the next public hearing. He also said that what they passed tonight would be on the State website for viewing. Bart said they should go by requirements only.

Lori Adams asked if the Town Council could change what the P&Z recommend. Mayor Anderson said the Town can pass, pass with changes or not pass.

The Commission discussed dropping the minor subdivision altogether and letting everyone go through the major subdivision.

Chairman Miller made a motion to recommend the Land Use Ordinance for Subdivisions to the Town Council as presented. Commissioner Cook seconded it. Motion passed unanimously.

AGENDA ITEM #3 – VOTE TO APPROVE LAND USE ORDINANCES – SENSITIVE AREA OVERLAY

Commissioner Cook said the new sensitive overlay was tailored more to an agricultural town than the one like Park City and the people who want to subdivide have to do the engineering, etc.

Commissioner Rose made a motion to approve the Land Use Ordinance – Sensitive [Area] Overlay as written and move it on to the Town Council. Chairman Miller seconded it. Motion passed unanimously.

AGENDA ITEM #4 – DISCUSSION ON BUILDING PERMIT PROCESS – JOHN JACOB

John Jacob said he was a real estate agent and he said he met with Howard a little over 2 years ago because Falcon Commichaux bought some water rights from him. John said he develops well water. He said after he met with Mayor Anderson, that Falcon divided his land off. He said Falcon had it for a long time and it met the two year situation and when it didn't sell he [John] said that in early January he made an offer to buy the ground with the idea that it was coming up on 2 years and we could divide it again.

John explained that he doesn't live here and so he didn't know about the moratorium and it wasn't very well known. John went on to say that on March 17th it had been more than 2 yrs. since the ground had been divided and part of the contract with Falcon was that Falcon would divide it again before John took possession because Falcon was the one who had had it for two years. John said they went ahead and recorded that and about 3 days later he said he found out about the moratorium.

John said he made an appointment then to come in and meet with Vonda and read the ordinances he could find. He told the Commission that he thought they had done very well and that he appreciated the extra effort they had gone into to put more information in their ordinances. He said he lived in Eagle Mountain and Gary Herbert had made him part of the first city council there and he served for about a year and he said that was enough. He said he knew a little of what they were going through and he said that he wanted them to know that no good deed goes unpunished and that they would have plenty of time to reap their reward.

He said the point he wanted to make was that he could see now where there were a lot of answers to questions he had after he read the ordinances. He gave an example saying that the only information on the two years was what happened if you did a minor subdivision before 2 years, but not what happened if you waited the two years.

He said now the town is changing to 3 years and he said he had a call on his phone from a real estate agent wanting to know if this ground was available because he [John] had it listed before and the agent has someone who wants to live in our little community. John said the ordinance only said you had to come to P&Z for information. He said that on the zoning ordinances passed in May, it only says you have to pay \$200.00+ to do a minor subdivision and it doesn't say anything about coming to the P&Z to do a minor subdivision. He said he can see why they are doing what they are doing.

He also made the comment that if they change the frontage from 80 ft. to 150 ft. he can't get 3 lots, now he can only get 2 lots. He said it will make it almost impossible for people to build on one acre lots anywhere in town.

Commissioner Cook said they had made their recommendations to the Town Council and they have the final say. He told John he could send the Town a letter and voice his concerns but they can't give him an answer until they see what the Town does.

Chairman Miller said it may pay for him to wait and do a major subdivision. John said then he would have to do curb and gutter and that didn't make sense out here. Chairman Miller agreed.

John said the first split was done March 17 2015 and he made an offer on the 5th of January and Falcon deeded them 2 pieces of property with the idea that they could make 3 lots over the course of 2 years. John said the 120 ft. frontage works for him but the 150 ft. doesn't.

John said the ordinance doesn't say anything about a minor subdivision. He asked what the rules were. He said from conversing with Howard he thought he could divide it as long you didn't do more than one division. Barry said it sounded like that was from the State agriculture subdivision. John said it was taken out. Barry said no it was still in there. Barry said everything is still in there. He said the Town has dropped the ball and given approval when they (people) came in to build. Barry said the reason they did the moratorium was because they had too many questions.

John asked who was on the Town council there tonight. He suggested to them that they have the public hearing a week before they have the meeting to make a decision so they can get everyone's ideas. Mayor Anderson said they have had 5 work sessions where people were begged to come in and tell the Town what they wanted. John said he didn't know about them. Mayor Anderson said if you come to the store or any of our public offerings it was posted.

Chairman Miller said the reason they have come to this point is that the 90 days is almost up. John said that was as long as you can do a moratorium. Barry said they could have made it longer but they thought they could get it done in 90 days. John said they had done a great job and he's not complaining. He said he has found out that he didn't do things right.

Councilman Gustin said the reason the Town is trying to get rid of the 2 year deal or make it longer is because that was in there to help land owners pass their land down to their children without having to require improvements and, as a developer, which he told John that he qualified for-he was trying to develop land lots under the 2 year rule and that is exactly what the Town was trying to avoid.

John said it wasn't only to pass on to their children; it was to retire on their property. He said he grew up in Lehi. He said his Dad had sheep and he was in the mountains here and he knows Jeanine Cook and she's a very good friend of his. Councilman Gustin said he could have all the friends he wanted but the understanding is that developers are trying to use it (the 2 year rule) to skirt the improvement requirements and that's why something has to change. He said when sub dividers come into town and start selling off lots then the Town wants to see improvements such as roads, water, etc.

John said first, he was not sure he divided it [the Commichaux property] right. He said he thought he had divided it right and number two, is the frontage, and he said it went from being able to help a person who has lived here for twenty years where he couldn't sell it. He said he bought it because he could see where it would make sense to do so. He said people can't afford big lots, especially young people, and he was trying to make it so young people could afford to buy a lot and still afford to build a house on it so he made it so Falcon could get his money and people could move in on one acre and be able to afford it.

Chris Joyal said he was in the same boat. He said he would be doing the same thing. John said only one lot is split. He said the other is 254 ft. and you need 150 ft. frontage so it's only one lot instead of being able to make two. He said 150 ft. is excessive. Dave Rose agreed that it was excessive.

Chris Joyal told John to convince them [P& Z] and John said he was afraid that being a developer would do the opposite. He said they [P&Z] are working for the people of Cedar Fort.

Chairman Miller told them to make their plea to the town.

ADJOURN PUBLIC MEETING

Chairman Miller made a motion to adjourn. Commissioner Cook seconded it. Motion passed unanimously.

Meeting adjourned at 9:28 p.m.