

**PLACE:**

Cedar Fort Town Hall, 50 East Center, Cedar Fort Utah 84013

**TIME:** 7:00 p.m.

**MINUTES TAKEN BY:** Vonda Cook

**P&Z COMMISSION MEMBERS PRESENT:**

Dave Rose – Chairman, Gary Cook, Taras Lojik, Jason Davis, Bart Berry

**VISITORS PRESENT:**

Tim Hunt, Tyna Anderson, Ron Steel, Kelly Berry, Mayor Howard Anderson, Calvin Cook [did not sign in]  
Present but did not sign in – Calvin Cook, Doug Chesley

**CALL TO ORDER**

Chairman Rose called the meeting to order at 7:06 p.m. All members of P&Z were present except Commissioner Davis. Bart led the Pledge of Allegiance and Gary offered the prayer.

**REVIEW/APPROVE MEETING MINUTES**

Chairman Rose made a motion to approve the meeting minutes for 9 May 2017 as presented. Commissioner Cook seconded it. Chairman Rose, Commissioner Cook and Commissioner Lojik voted yes. Bart abstained – he was not a commissioner at the time.

The meeting minutes for 13 June could not be approved because there was not a quorum present that was at the last meeting.

**AGENDA ITEM #1 – DAVE ROSE MOVES FROM VICE CHAIRMAN TO CHAIRMAN**

Dave announced that with the ending of former Chairman Barry Miller’s term, he was now the Commission Chairman.

**AGENDA ITEM #2 – SWEARING IN FOR NEW/RENEWED P&Z COMMISSION POSITIONS**

**Jason Davis – Active Commission from Alternate Member (term expires June 2021  
Replacing Paul Peterson)**

**Bart Berry – Active Commission from Alternate Member (term expires June 2022-  
replacing Barry Miller)**

Vonda administered the Oath of Office to Bart Berry.

**AGENDA ITEM #3 – REVIEW AND VOTE TO APPROVE LAND USE ORDINANCE CHANGES – ZONING**

**Note: If changes are approved, a Public Hearing will be scheduled to formally  
review the changes.**

Chairman Rose made a motion to move Agenda Item #3 down to #6 on the agenda. Commissioner Berry seconded it. Motion passed unanimously.

Jason Davis arrived. Vonda Administered the Oath of Office to Commissioner Davis.

Chairman Rose made a motion to approve the meeting minutes for 13 June 2017 as presented. Commissioner Cook seconded it. Motion passed with Commissioners Cook, Davis and Berry voting yes and Commissioner Lojik and Chairman Rose abstaining.

**AGENDA ITEM #4 – DISCUSSION AND VOTE ON MARK ANDERSON SUBDIVIDING APPLICATION**

Tyna said they had purchased property from the Berry's and now, they would like to get the subdividing of their property approved [under the grace period for subdividing]. She said her property is 100 ft. north of where it shows. Commissioner Berry said there is a discrepancy of 100 ft. He said the county made a mistake. Tyna said on one map it looks like it was divided into 3 pieces but it's not. Commissioner Cook said under the ordinance it should be covered without any problem. The Commission reviewed the application and the map.

Commissioner Cook made a motion to approve Tyna Anderson's subdividing of 6 acres on West Canyon road, parcel #58-0449-0085, in Zone RA5. Commissioner Lojik seconded it. Motion passed with Chairman Rose and Commissioners Lojik, Cook and Davis voting yes and Commissioner Berry abstained.

**AGENDA ITEM #5 – DISCUSSION AND VOTE ON GARY COOK SUBDIVIDING APPLICATION**

Commissioner Cook said the property was in the Francis and Donna Cook Family Trust. It would divide about 1 ½ acre off for the telecommunication towers that are already there, approve one parcel that was split off about 6 years ago, and another small parcel that would be split off and deeded to the town for the continuation of a future road. The Commission reviewed the application and the map.

Commissioner Berry made a motion to approve the Gary and Vonda Cook subdividing, parcel #59-038-0175 and 59-038-0161. Commissioner Cook said the number on the second subdividing should be 59-038-0173 instead of 59-038-0161. Commissioner Berry then made the correction in his motion from parcel #59-038-0161 to parcel #59-038-0173. Commissioner Davis seconded it. Motion passed with Chairman Rose and Commissioners Lojik, Davis and Berry voting yes and Commissioner Cook abstained.

Commissioner Cook said that the second subdividing that he would like to have approved was divided off when he built his home in 2006. Chairman Rose made a motion to approve the subdividing application #004 for parcel #59-038-0161. Commissioner Lojik seconded it. Motion passed with Chairman Rose and Commissioners Lojik, Davis and Berry voting yes. Commissioner Cook abstained.

**AGENDA ITEM #6 – DISCUSSION AND VOTE ON DOUG CHESLEY OUTBUILDING PERMIT APPLICATION**

The Commission reviewed Doug Chesley's outbuilding application. All setback requirements were met. The plan included electrical hook up.

Commissioner Davis made a motion to approve Doug Chesley's outbuilding permit #1256. Commissioner Berry seconded it. Motion passed unanimously. Kelly Berry arrived.

**AGENDA ITEM #3 – MOVED FROM #3 POSITION BY A MOTION**

Bart gave a history of the road from minutes taken from a P&Z meeting held 2008 where someone wanted to develop and they requested the road be widened to 56 ft. He said Lynnette stated that the road was 32 ft. wide but he said that was wrong and he knew, from a map, that it is 35 ft. wide from David and Christine Busk's' up to the rodeo grounds. He said Lynnette deeded 15 ft. and so you already have 50 ft. He went on to say that Steve Jukes said he deeded property to make that road 56 ft. so there is a deed somewhere. He continued by saying that if Barry added 6 ft. and if Doug Chesley did the

same you would have a 56 ft. road. He said the only problem is down by Sharon's' [Cook] and there is never going to be anymore building there. He said the road could go 56 ft. up to where Rial wanted. He said he thinks they should just fix that now from Busk's up. He said nothing needs to be changed.

Doug Chesley asked if the fence would have to be moved. Commissioner Cook said Groff's put that fence in when they moved up there. Bart said it would have to be moved because it is not on the property line.

Chairman Rose asked if that solved Mayor Andersons' issue. Commissioner Berry said it was doable. Commissioner Cook said there is still a bottleneck at the bottom of that road. He suggested they let Mayor Anderson read the proposed exception.

Mayor Anderson put the proposed exception on the screen for all to see. The exception includes 100 West from 200 North to the rodeo grounds. It says that the road is historically narrow and if anyone wants to develop beyond the rodeo grounds after July 2017, then they have to make the whole road 56 ft. for that entire roadway section. He said it should be up to the sub divider to fix the road problem. He continued by saying that if anyone builds on that road, they have to provide 28 ft. of roadway. Calvin said it was the towns' problem, not the developer's problem. Mayor Anderson disagreed.

Commissioner Cook said he agreed with Mayor Anderson that the developer should be the one to make agreements with the landowners to make the road 56 ft. wide. Commissioner Berry said Barry Miller, Steve Jukes [McInnes is new owner] and Doug Chesley should give their 15 ft. Mayor Anderson asked Commissioner Berry if he was suggesting the Town do a taking. Commissioner Berry said it should have been dealt with. He asked how a developer was going to fix it. Mayor Anderson said they give money and buy it.

Chairman Rose and Mayor Anderson both noted that the way the road is now is a safety issue and no one wants more traffic on it the way it is now. Commissioner Berry said you could just pass an ordinance and make it a 56' road. Kelly wanted to know why they would wait maybe 10-15 years for a developer to widen the road if it is a safety hazard now. Commissioner Cook said it won't get any worse if they don't build a lot of houses on it.

Chairman Rose said the options were to talk to the landowners, do a taking or let developers do it. Mr. Chesley said his lot is 400 ft. wide and if he gives 15 ft. along there he will not have 10 acre lots any more. Mayor Anderson said if people build on this road they have to give their half. He said another option would be for the Town to save their road money for the next 2 years to do it.

Commissioner Berry ask if this will stop Lynnette from building. Mayor Anderson said this allows Lynnette to build. Commissioner Cook agreed that this lets Lynnette build. He said if someone builds in the fields you are going to have the same problem.

Chairman Rose proposed a motion to approve the land use ordinance change. He said there will still need to be a public hearing on it. He said it's the only temporary solution we have right now as far as he could see. Chairman Rose proposal that they approve the land use ordinance change. Commissioner Cook seconded it. Commissioners Cook, Lojik and Davis and Chairman Rose voted yes and Commissioner Berry votes no. Motion passed.

Chairman Rose said he needed to leave and he turned the meeting over to Commissioner Cook.

**AGENDA ITEM #7 – DISCUSSION ON RON STEEL BUILDING PERMIT APPLICATION**

Mr. Steel was inquiring about getting his building permit. He said the State advised him not to sign his water over to the town until his building permit was approved but the town is requesting the water be signed over before he can get his building permit. The Commission discussed the matter with Mr. Steel. Mr. Steel said he would be willing to sign at the same time as the Town but not before. Other options were discussed but no decision was made.

Mr. Steel wanted to know what kind of survey the town wanted. Mayor Anderson said it was defined as property corners and elevations. He also asked about a ditch that “comes from nowhere and goes to nowhere”. Commissioner Cook said any changes to the ditch would have to go through the irrigation company.

Mr. Steel also wanted to know if he could bore under the road for his electrical power if he needs to. Mayor Anderson said he could but he needed to get a permit to do so.

Mr. Steel said he was doing his garage at the same time as he does his house. Commissioner Cook told him to separate them out on separate applications, etc. Mr. Cook also reminded him about flooding that comes down through that area.

**AGENDA ITEM #8 – DISCUSSION ON TIM HUNT PROPERTY QUESTIONS**

Mr. Hunt said he was looking at buying 80 acres of property in the fields east of town. He said most of his questions about the road had been answered by the discussions that they had during the meeting. He said he understood that he would need a 56” road into his property. He said he would also like to put a cupola on top of his house for ventilation. He said it would make his house over the maximum height of 30’. He said he would need a variance. Commissioner Cook said that could be a problem. He said the Town tries to go by its ordinances, but everyone that comes in has a problem and it’s hard to make the ordinance work for everyone.

**ADJOURN PUBLIC MEETING**

Commissioner Lojik made a motion to adjourn the meeting. Commissioner Davis seconded it. Motion passed unanimously. Meeting adjourned at 8:38 p.m.