

PLACE: Cedar Fort Town Hall, 50 East Center, Cedar Fort Utah

TIME: 7:00 P.M.

MINUTES TAKEN BY: Vonda Cook

P&Z MEMBERS PRESENT:

Chairman Dave Rose, Commissioners Gary Cook, Jason Davis, Bart Berry

VISITORS PRESENT:

Kevin Christensen, Falcon Commichaux, Janiece Commichaux, Mayor Howard Anderson, Wyatt Cook, Councilwoman Ellen Cibula, Lori Adams

AGENDA ITEM #1 - OPEN MEETING

Chairman Rose called the meeting to order at 7:06 p.m. All members were present except for Taurus Lojik. The Pledge of Allegiance was led by Commissioner Davis and the prayer was offered by Mayor Anderson

AGENDA ITEM #2 - APPROVE MEETING MINUTES

Commissioner Berry noted that Doug Chesleys name needed to be added to the visitors list for 11 July. Chairman Rose made a motion to approve the minutes for the regular meeting on 11 July 2017 as presented with the addition of Doug Chesleys' name being added to the visitors list. Commissioner Davis seconded it. Motion passed unanimously.

Chairman Rose made a motion to approve the minutes for the public hearing on 25 July as presented. Commissioner Berry seconded it. Motion passed with 3 yeses and 1 abstention. Chairman Rose, Commissioner Cook and Berry voted yes and Commissioner Davis abstained.

AGENDA ITEM #3 - DISCUSSION/REVIEW ON ARTICLE V – CONDUCT OF COMMISSION MEMBERS IN TOCF PLANNING COMMISSION BYLAWS

Chairman Rose read 5.1 & 5.2 in the P&Z Bylaws. He said it was a review of some of the things the commissioners can and cannot do.

Chairman Rose read 5.1 which states that no member of the Commission shall represent applicants or petitioners on matters on which the Commission is to make determinations or recommendations.

Chairman Rose asked if anyone had any comment. No one did. Chairman Rose said that basically says members of the Commission can't represent anyone coming to build/buy property in Cedar Fort.

Chairman Rose read 5.2. Chairman Rose said this section says that if you have a conflict of interest, a member can't discuss the case and needs to withdraw. He asked if there were any questions or comments. There were none.

Chairman Rose read 5.3. He explained that Commission members cannot talk to the public [about the subject in question] before a public hearing. They can get information from other members but they can't express any bias or prejudice. Commissioner Berry said you can get information from the county, etc.

Chairman Rose read 5.4. Chairman Rose said that if something is carried over [from one meeting to the next] to vote on then the commission member [who was not at the meeting] would have to review the meeting minutes and get familiar with what had been discussed before they could vote on the matter.

AGENDA ITEM #4 - VOTE TO APPROVE KEVIN CHRISTENSEN RESIDENTIAL BUILDING PERMIT

Chairman Rose asked Kevin to introduce himself. Kevin told a little about his family and said he had bought the Scott Ellis property. He said the home they want to build will be about 3500 sq. ft. Mayor Anderson asked him if he got his water from Scott Ellis. He said yes. He said he has 1.5 acre feet of water. Kevin corrected the setback issue of 30' frontage from the property line to the front of his house. He corrected both sets of plans and initialed them.

Commissioner Davis made a motion to approve Kevin Christensen's building permit # 1252 with the corrections made tonight, 8 August, 2017. Commissioner Berry seconded it. Motion passed unanimously.

AGENDA ITEM #5 – VOTE TO APPROVE FALCON COMMICHAUX SUBDIVIDING

Falcon said he was under the presumption that the property that he divided is, according to the Town, in violation of the town ordinances. Falcon said he divided the property 25 February 2015 and, in looking at the May 2006 revision, on what affected his property, he believes it was already covered, but he would just as soon be sure he was covered and that's why he was at the meeting. The Commission reviewed his application.

Falcon said the plat shows the division and he has a fence on that line. Commissioner Berry said it shows a right of way between Falcon and Mike Adams. Janiece said that is not a right of way and they own that property. Falcon said the real estate agent made a mistake and he ended up with a 28 ft. "finger". He said he didn't want to find that the property is unbuildable when he wants to sell. The Commission reviewed Falcons application and supporting documents.

Falcon said that John Jacobs had backed out of buying the land because of an agreement concerning time restraints.

Commissioner Davis made a motion to approve Falcon Commichaoux' minor subdivision for serial #59-038-0184 & 59-038-0185 within the grace period allotted as P&Z and Town Council have permitted under the current ordinances. Commissioner Berry seconded it. Motion passed unanimously.

AGENDA ITEM #6 - VOTE TO APPROVE LAND USE ORDINANCE CHANGE

Commissioner Rose said the Commission needed to vote on the ordinance since they had the public hearing [25 July, 2017]. Mayor Anderson said they hadn't received any letters as far as he was aware of. Mayor Anderson asked if anyone had any comments on the map of the road [100 West from 200 N. to the rodeo grounds] that he sent to everyone. Commissioner Berry asked Mayor Anderson if he got a center [of the road]. Mayor Anderson said yes. Commissioner Berry then said something about a survey (couldn't understand the recording). Mayor Anderson said it was not surveyed but it came from GIS coordinates. He then explained how they did it and the map now shows how much property each property owner would have to give if they want to build along that part of the road. Commissioner Berry said it was really good. The rest of the Commission agreed.

Chairman Rose began reading through the proposed changes. Commissioner Berry said he would like to make a comment if he was making a motion. Chairman Rose said he was just reviewing the changes. Commissioner Berry said that even with all the discussion, he thought the variance request and the issue

on that piece of property could be resolved by working with Barry [Miller.] Commissioner Berry stated that he hasn't changed his position on that.

Mayor Anderson said that now it takes it a step further and tells what each owner has to give. Commissioner Berry said there was a 56' road planned on the North end that goes from east to west from the rodeo grounds down to Hwy 73. Chairman Rose said that idea fell apart. Commissioner Berry said it's still planned to be there. He said in 2008 the intent was to make it an egress and not widen the road and he said now Mayor Anderson says it's a safety issue. Mayor Anderson said it's a safety issue only if there is expanded development. Chairman Rose said there may other landowners that want to build up there besides Rial [Berry] and this takes care of the problem.

Chairman Rose continued reviewing the changes. On page 10 – General- they took out "interior". Mayor Anderson said it was a carryover and should have been removed earlier. Chairman Rose said the next change was in the next paragraph. He read the paragraph and Mayor Anderson said they will have to do a correction because it should read "fee simple absolute" instead of absolute fee simple. It will read "fee simple absolute" throughout the ordinance. The last change was an exception note that was added at the bottom of page 11 that singles out 100 West from 200 North to the rodeo grounds and gives the requirements for building on the road and making it a 56' road and will avoid anyone having to go to a variance committee every time someone wants to build along that road. The exception will also give requirements to build above the rodeo grounds. Commissioner Berry said part of the fidelity he was talking about was the map Mayor Anderson had done.

Mayor Anderson asked if they should add the map to the ordinance or give a reference number to the map. Commissioner Berry said to put it on the roads map. Chairman Rose thought they would be good with a reference. Councilman Berry said that was good work.

Commissioner Rose made a motion to approve the changes to the Cedar Fort Ordinance CFO-200-PZ - 2017a. The changes have been discussed along with adding the map reference [reference to the map] into the ordinance so that any future development can see that map. Commissioner Cook seconded it. Motion passed with 3 yeses – Chairman Rose, Commissioner Davis and Cook, and 1 no – Commissioner Berry. Commissioner Berry said the ordinance needs more work before they change it.

AGENDA ITEM #7 – DISCUSSION ON IDENTIFYING AND CLASSIFYING STREETS AND RIGHT OF WAY

Chairman Rose said they need to get an idea of how the town wants to go forward on this. Commissioner Berry said Barry Miller made a list in May of roads that need to be worked on. Mayor Anderson said there are places in town where property owners own to the middle of the road. He said they might want to do some research to see what happens and the Town Council just needs a proposal from P&Z on how the town should proceed. If the Town takes it, they have to pay for it.

Commissioner Berry said he had been looking at some other towns. He said Fairfield is a good example because their paved roads go to the middle of the road and they've never changed theirs. He asked the Commission if they really needed to change it. Vonda said Fairfield does have a problem with it and is in the process of rectifying it now. Commissioner Cook said they have one big problem already. The Council discussed how to proceed. Mayor Anderson said maybe the Town should look to Fairfield and see what they are doing. Commissioner Berry said you just go from the fence line back. He said the Town should decide what they want to do and how they want to describe them.

Chairman Rose said they should make a goal to work through them. Mayor Anderson said there is a reference about trails that P&Z may want to look at.

AGENDA ITEM #8 - DISCUSSION ON PUBLIC MEETING MINUTES FROM UTAH LEAGUE OF CITIES AND TOWNS - PAGE 84

Chairman Rose read the requirements for minutes from guidelines published by the Utah League of Cities and Towns and referenced from the Utah State Code 52-4-203. He said they need to get control of their meetings. He said he listened to the recording and he can see what Vonda goes through when there are secondary discussions going on and then people wonder why their comments weren't in the minutes and it's because they weren't recognized by the chair. He said he wants people to state their name, speak clearly and cut down on sidebar discussions.

Chairman Rose also noted that the minutes are not a complete record of everything that is said in a meeting and is a summary only. Commissioner Berry added that if a member wants information put in the minutes it should be put in.

Vonda said it only has to go in if it is pertinent to the agenda item. Chairman Rose agreed and also added that it has to be presented in the meeting and you can't add things to it later. Mayor Anderson said it would have to be presented at the next meeting. Commissioner Berry said about 1 ½ years ago Mayor Anderson sent him to get a document for something and when he got back to the meeting they had already passed that agenda item. Commissioner Rose said it was still the same meeting.

Chairman Rose continued to read explaining that the Town has to make the records of the meetings publicly available. He said they need to make sure people state their names so we know who is speaking on the tape and be recognized by the chair before they speak.

AGENDA ITEM #9 – DISCUSSION ON CHANTELLE CLEVERLY – WATER

Chantelle was not present. Mayor Anderson said she was Chantelle Barratto. Wyatt said she wants to build up by the rec center. Chairman Rose said they bought property from the Mohlers.

AGENDA ITEM #10 – ADJOURN PUBLIC MEETING

Commissioner Berry made a motion to adjourn the meeting. Chairman Rose seconded it. Motion passed unanimously. 8:18 p.m.