

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

TIME: 7:00 P.M.

MINUTES TAKEN BY: Vonda Cook

TOWN EMPLOYEES PRESENT: Vonda Cook

COMMISSION MEMBERS PRESENT: Chairman Dave Rose, Gary Cook, Taras Lojik, Bart Berry, Jason Davis

VISITORS PRESENT:

Dan Cary, Councilman David Gustin, Ron and Brenda Steel, Robert and Autumn Blackner, Cara Lyon, Mayor Howard Anderson

AGENDA ITEM #1 – OPEN MEETING – ROLL CALL, PLEDGE OF ALLEGIANCE, PRAYER/THOUGHT

Chairman Rose said all members of the Commission were present except for Jason Davis. Commissioner Davis arrived shortly thereafter. The Pledge of Allegiance was led by Commissioner Berry and the prayer was offered by Mayor Anderson.

AGENDA ITEM #2 – APPROVE MEETING MINUTES

Chairman Rose said there was a discrepancy in the meeting minutes for 12 September 2017 and they needed time to research and correct them.

Chairman Rose made a motion to postpone approval for the September meeting minutes to the next meeting. Commissioner Lojik seconded it. Motion passed with Commissioner Cook, Berry, Lojik and Chairman Rose voting yes and Commissioner Davis abstained.

AGENDA ITEM #3 – DISCUSSION AND VOTE TO APPROVE RON STEEL RESIDENTIAL BUILDING PERMIT APPLICATION

Chairman Rose said there was a utility easement on the west side of Ron's property. The Town has an ordinance which requires a setback of 10 feet from any easement. He said they want to address that requirement later on in the meeting. The Commission discussed whether the easement was sufficient for equipment to get in or if the Town needs to keep the "10 ft. from an easement" setback requirement. They will discuss it more in agenda item #7.

Bart made a motion approving the building permit for the Steels with a second by Commissioner Lojik but it was pointed out that maybe there needed to be a contingency added. Bart rescinded that motion. Chairman Rose made a motion to approve the building permit for the Steel's with a contingency that the easement would be addressed later on in the meeting. Mayor Anderson pointed out that the easement did not affect the house. He said it was the outbuilding permit that needed a contingency.

Chairman Rose then made a motion to approve the residential building permit #1253 for Ron Steel with no contingencies. Commissioner Berry seconded it. Motion passed unanimously.

AGENDA ITEM #4 – DISCUSSION AND VOTE TO APPROVE RON STEEL OUTBUILDING PERMIT

Chairman Rose said the setbacks are ok. He had Ron expand on the explanation of use on the checklist and Ron complied. Ron pointed out that he measured his setbacks from the eaves of the house and not from the foundation. This gives him added footage above the required 10 ft. setback. An informal

discussion followed with all those present. Ron thinks the easement is adequate in and of itself without requiring an additional 10 ft. setback. There was no other issue with the permit except for the easement question.

Gary made a motion to approve Ron Steel's building permit #1258 for an outbuilding with the contingency that they approve the utility easement. Chairman Rose seconded it. Motion passed unanimously.

AGENDA ITEM #5 – DISCUSSION AND VOTE TO APPROVE IFA WATER CONNECTION – DAN CARY

Mr. Cary said he works with Scott McLachlan and has dealt with the IFA from the beginning. He said the buyers want to do hydraulic repair. He said Scott McLachlan wants to sell the IFA and get it open. Mayor Anderson said he [Scott] had the water rights and the change was being initiated by Jim Riley. He said Jim brought 3 water rights together to get the required amount of 1.45 a.f. of water and had started the process for a change of use. Councilman Gustin asked if the sum of the 3 water rights equaled 1½ a.f. Mayor Anderson said yes. It was noted that the actual sum of the combined water rights was 1.54 a.f.

Taras asked why it was marked yes and no on "existing well in town". Mayor Anderson said some of the water rights are from wells in town and some are from outside of town.

Taras made a motion to approve the application for the culinary water exchange #001 culinary water exchange for IFA building from Scott McLachlan to the Town of Cedar Fort. Vonda said it should be #002 not #001.

Taras then made a motion to approve the culinary water exchange application #002 from Scott McLachlan to the Town of Cedar for the IFA building. Commissioner Berry seconded it. Motion passed unanimously.

Mayor Anderson asked Ron Steel if he had filled out an application for his water connection. He said no. Vonda said she would get him an application. She asked if the application needed to be approved. There was some discussion on how to proceed.

Councilman Gustin said they needed to approve the water application subject to the completed application. There was more discussion on whether P&Z needed to approve the water application separately from the building permit. It was decided that they did need to approve it separately.

Chairman Rose made a motion to approve Ron Steels water application pending the completion of the application for water right, application #003 and the change application is #A 40248. Commissioner Lojik seconded it. Motion passed unanimously.

AGENDA ITEM #6 – DISCUSSION AND VOTE TO APPROVE GARY COOK AGRICULTURAL BUILDING PERMIT APPLICATION

Gary said he wants to build hay shed. It will have a roof and no sides. The dimensions are 20'x40' and it will be 15 ft. tall. The Commission reviewed the plan. He said there is a power line there so there is probably an easement. Gary said that depending upon the easement, the shed may end up being smaller but it will not be bigger.

Commissioner Davis made a motion to approve Gary and Vonda Cook's application #1263 for an AG building. Commissioner Berry seconded it. Motion passed with Chairman Rose and Commissioners Lojik, Davis and Berry voting yes and Commissioner Cook abstained.

AGENDA ITEM #7 – DISCUSSION ON EASEMENT REQUIREMENT AND MISCELLANEOUS BUILDING PERMIT INTERPRETATION

The Council discussed the requirement for a building to be 10 ft. from an easement. The easement requirement is in the ordinance [Building Fees] and not just in the checklist. Ron said that you cannot build within an easement and he said the easement in question on his property is already 10 ft. wide [5 ft. of his property and 5 ft. on the property next to him.] He said there is no reason for the town to add an extra 10 ft. to that. Mayor Anderson said it is in the ordinance that the Town has to add the 10 ft. so the Commission has to abide by the ordinance or change it.

More discussion followed. Gary said Rod Stringer told him if you build on an easement they can make you tear your building down. Ron said as long as you don't build on the easement, you are ok. Councilman Gustin pointed out that if you read further in the ordinance it gives an alternative to the 10 ft. which is to get a letter from the easement holder stating they are ok with you building right next to their easement.

Mayor Anderson told Ron he can get a letter or wait for the process [to change it]. Councilman Gustin said the P&Z Commission have to follow the ordinance. Ron said he would get a letter from the utility co.

Councilman Gustin asked if they needed a public hearing to make a change. There was some discussion on whether it was a land use issue or not and whether it should be under the building fees ordinance or moved to the land use ordinance. Commissioner Berry said he thought it should be taken out altogether. Commissioner Cook said they could take it out and then add it back in to the land use ordinance.

Councilman Gustin said one good reason for leaving the 10 ft. requirement in the ordinance is that if the Town is ever required to put in a sewer system or anything then they would have somewhere to run the lines if they needed it.

Ron said it didn't make sense to get a letter asking if you can build on your own property. The Commission decided to table the issue for further discussion and possible change.

The Commission then discussed the interpretation of the miscellaneous checklist. One point that was discussed was whether a miscellaneous building over 200 sq. ft. needs and inspection. Councilman Gustin said they need a permit so as not to impede safety, even though they are temporary. Robert Blackner disagreed. Chairman Rose asked the Commission when they thought they should start requiring inspections.

Vonda said the checklist requirements are in conflict with the International Building Code [which the town has adopted by ordinance], which requires all buildings over 200 sq. ft. to have inspections. She said in order to bypass the Code, we have to state specifically what part of the Code we are overriding

and do it by ordinance. There was more discussion on the matter. The issue was not resolved. They will address it at a later date.

AGENDA ITEM #8 – DISCUSSION AND VOTE TO APPROVE BUILDING PERMITS FOR ROBERT AND AUTUMN BLACKNER

Robert said he is building a 12'x16' shed and it will be 11 ft. tall. Chairman Rose said the setbacks were ok. He said Robert is also building a 16'x24' deck on the west side of his house.

Mayor Anderson said the ordinance doesn't address decks so no permit is needed. There was more discussion as to whether decks should be addressed in the ordinance.

Bart made a motion to approve building permit #1264 for the Blackner building, a 12'x16' shed, under the miscellaneous fees for \$40.00. Chairman Rose seconded it. Motion passed unanimously. There was no permit issued for the deck because they didn't need one.

AGENDA ITEM #9 – ADJOURN PUBLIC MEETING

Bart made a motion to adjourn the meeting. Commissioner Davis seconded it. Motion passed unanimously.

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