

PLACE:

Cedar Fort Town Hall  
50 East Center St.  
Cedar Fort Utah

MINUTES TAKEN BY:

Vonda Cook

VISITORS PRESENT:

W Glade Berry, John Jacob, Mark Anderson, Tyna Anderson, Glenn Ashley, Jed Berry, Pam Berry, Colton Berry, Lori Adams, Justin Lyon, Clarence Ault

CALL TO ORDER:

Mayor Anderson called the meeting to order at 7:10 p.m.

ROLL CALL:

Mayor Anderson, Councilman Chris Murphy, Councilman Dave Gustin and Councilwoman Ellen Cibula were present. Richard Stark came later.

Mayor Anderson said this was a special work session to discuss the subdivision ordinance only. He said the changes that were passed by P&Z were posted on the public website. He said the issue is the wait time on the minor subdivision.

Mayor Anderson said the subdivision definition was taken right out of the county code. He said the P&Z approved version says a minor subdivision creates one buildable lot and a second future potential buildable lot with a three year waiting period

He said the whole idea is for everyone to come to the Town and get their subdividing approved so the Town can have an overall view of what's going on.

Clarence Ault felt like the five year waiting period was too long and it would devalue people's property. Councilwoman Cibula said it was because people were taking advantage of it.

Councilman Gustin was unhappy with some of the changes that P&Z made. Mayor Anderson said P&Z is what drives the process. Mayor Anderson said the Council can now accept, reject or change what was recommended by the PZ.

Calvin asked what the changes were. Councilman Gustin said he only knew of a few. He said one was the preapproval and post approval idea. Calvin said he thought P&Z came quite a ways by going from five years to three years.

Vonda said that all of the work sessions that were posted were P&Z meetings and it is up to P&Z to recommend changes.

Clarence asked what kind of road you have. Mayor Anderson said they have to match the kind of road you are adjoining to with a minimum of a gravel base. Justin Lyon asked if you could have a private road. Mayor Anderson said no. Justin asked if you could have a Cul de Sac. Councilman Gustin no.

John Jacob complained about having only 180 days to get a subdivision done and the Town only allowing 5 homes to be built a year. Councilman Gustin said you can do it in phases. John Jacob said the Town's other rules make it so you can't do a subdivision.

Glade said he's doing a minor subdivision out by his house and the Town won't give him anything. Mayor Anderson said the idea is for the developer to foot the bill for improvements. Glade said he had.

Councilman Murphy told Glade that when he sold lots he made money, the Town didn't. He said that's how it's equitable. He said the developer should furnish everything because they make the money. He said the Town wants input because they don't want hodge podge development. He said the Town needs to do that because that's fair to everybody.

John Jacob said the changes the Town is putting in are good for everybody. He said they are needed especially for people who don't understand the rules about minor and major subdivisions because it's not in the ordinance and he said it is also not in the ordinances that you have to come to the Council.

Mayor Anderson told John Jacob that we did have someone who is not from here who followed the ordinance and subdivided in the right way.

John Jacob still insisted that it wasn't in the ordinance. Councilwoman Cibula read the ordinance verbatim that stated that a person has to come before the P&Z and Town Council to subdivide land. Mayor Anderson said it has always been in there.

Jed Berry was concerned about how the Town was going to get anything done if they only meet once a month.

Clarence said he doesn't want Cedar Fort to grow but growth brings revenue. Councilman Murphy said building homes is not a money maker. He said the taxes we receive are negligible to what it costs the Town over all.

The Council returned to reviewing the minor subdivision changes. They discussed whether to take out the minor subdivision altogether or keep the minor subdivision and tweak it.

The Council discussed changing the requirement for a warranty deed to requiring a fee simple deed instead. They also discussed when the waiting period should start and the length of the waiting period.

John Jacob said that according to the subdivision ordinance for major subdivisions you have to have 4 a.f. of water per acre of ground. Mayor Anderson said they would have to discuss this at a later date.

The Council discussed the grace period.

Justin and Glen left.

John Jacob said he bought his property, not knowing that the moratorium applied to subdivisions and he didn't know that it had to come before the planning commission. He then brought up the water again and the frontage requirements for a lot. John Jacob asked if they could make the grace period start with May instead of January 26th. He said his two were the only ones that would be affected and he said he literally didn't know about the moratorium.

The Council then discussed which lot on a minor subdivision would be the buildable lot.

Councilman Stark asked if someone wants to build, do they need to apply the new ordinances as far as the infrastructure, etc. The answer was yes. There is no grace period for building.

John Jacob asked if he could have frontage on the south side of his property. Councilman Gustin explained to him that he couldn't use that side because he doesn't have frontage because the road doesn't abut the property. Councilman Murphy said BLM has frontage but he doesn't.

The Council discussed the 2-3 year versus the 5 year waiting period to decide which one would be a better deterrent against abuse of the minor subdivision rule. Lori said do away with the minor subdivisions.

Councilman Murphy suggested they make one lot buildable at the time of subdividing then shorten the waiting period, or make both lots buildable at the time of subdividing then stretch the time out.

Councilman Gustin said that if both lots are buildable that eliminates keeping track of which one is buildable and which one isn't. They discussed putting the penalty back in.

Glade said that you can divide into 5 acre lots and keep it agriculture and there shouldn't be any restrictions on those that just divide 20 or 40 acres. He said that is from the State.

There was more discussion about the 5 year waiting period idea.

Glade asked if there was a waiting period on major subdivisions. Councilman Murphy said no. He said there was no waiting on a minor subdivision if you follow the requirements of a major subdivision.

John Jacob asked if you had to put curb and gutter in a minor subdivision. Councilman Murphy said not unless you do a minor as a major to bypass the waiting period. John Jacob objected.

The Council went back to discussing the approval process. Councilman Gustin said they have to stop approving building permits on unapproved lots and then people will start putting in their applications.

John Jacob said the Town is making it impossible for him to build. The Council gave some alternative ways he could build and divide the land, but Mr. Jacob didn't like any of them.

Councilwoman Cibula made a motion to adjourn the meeting. Councilman Gustin seconded it. Motion passed unanimously. Meeting adjourned at 10:00 p.m.