

PLACE:

Cedar Fort Town Hall
50 East Center
Cedar Fort Utah

MINUTES TAKEN BY:

Vonda Cook

VISITORS PRESENT:

BD Berry, WG Berry, Clarence Ault, Sharon Cook, Lori Adams, Lynette Groff, Pam Berry, Jed Berry, Colton Berry, Steven Paul, Ashley Cook, Woody Berry, Rial Berry, Justin Lyon, Kathy Richmond, Greg Douglas, Angie Gurney, Chad? , Kaly Richmond, Justin Richmond, Dennis Cook, John Jacob, Weston Ault, Gary Cook, Barry Miller, Calvin Cook, Channel 2 TV news crew (only stayed a few minutes), John Jacob

Mayor Anderson called the Town Council Public Hearing to order at 6:02 p.m.

ROLL CALL:

Mayor Anderson, Councilman Chris Murphy, Councilman Dave Gustin, Councilwoman Ellen Cibula, Councilman Richard Stark came late.

Mayor Anderson said this was a Public Hearing in conjunction with 3 Land Use Ordinances that the notice has been posted on, and they have had a previous public hearing with Planning & Zoning. He said the three ordinances have been posted to the State Website for almost two weeks. Mayor Anderson said unless anyone had any public comment to start with, the Council would go ahead and present a few things. He said they would go through the changes they had made to what P&Z recommended.

Clarence Ault asked why they decided on the 2 year versus 5 year wait period. Mayor Anderson said that is the one area that the Council is making changes to what the P&Z recommended. Mayor Anderson used the projector to show the changes to the ordinance. Lynette Groff asked why they were changing from 2 years to 5 years. Mayor Anderson said the 2 yr wait for minor subdivisions was put in to allow people to split off a piece of land for their children without having to be adhere to the major subdivision rules. He said that hasn't worked and people were using it to sell land and get around the requirements for a major subdivision. Lynette Groff wanted to know where all the houses were that was driving this change. Mayor Anderson said that is not the only criteria they use. Lynette Groff said they were trying to keep people from building houses in Cedar Fort.

Bart Berry said unplanned building is managed in the Master Plan. He said the zoning and streets and requirements are there. He said when they build then they have to meet the requirements. He said curb and gutter wasn't required when he was there and the reason for the 2 years wasn't for families but for anyone who wanted to divide their land. He said the move from ¼ acre to ½ acre lots puts a hardship on people who have water connections for those ¼ acre lots because now they have to go to the trouble of moving those connections. Mayor Anderson said there aren't that many of them. Mayor Anderson said the ordinance doesn't require curb and gutter for any lots above 1 acre.

Steve Paul said he was the attorney for Jed Berry. He said it appears that some serious changes had been made without sufficient time for public to review.

Mayor Anderson said they had had 3 months of dialogue and no one came. Steve Paul said they need to give another 30 days to consider changes. He said the changes have been available since April 12 and that is not enough time for his client to review them. He said the up zoning is a significant change.

Bart Berry said most people weren't aware of the changes. Councilman Murphy said all of the meetings were posted. He noted how many people were here (Public Hearing). Bart Berry said at least 10 people asked him to talk for them. Mayor Anderson said they should have come to the meeting. Mayor Anderson said the Council wasn't there to defend their decisions but to take public comment.

Tori Berry said the letter from Planning and Zoning said the last public hearing started at 7:00 p.m. She said the meeting started at 6:00 p.m. and the public comment was over by 7:00 p.m. She said the public hearing was only posted at the town hall and the store. She said they had no public comment at all. Mayor Anderson said they had public comment from 6:00 p.m. until 9:00 p.m. He said they had an overview of the ordinances at 6:00 p.m. He said after the confusion on the time, those people had 2 hours for public comments. He said all they missed was a cursory overview of what was happening. He went on to say that no one even had any public comments from 8-9 o'clock. He said there were public comment times available. Tori Berry said the only public comment time was from 6-7 p.m. Mayor Anderson said that was not true. He said public comment time was from 6-9 p.m.

Mayor Anderson said they have been asking people to come to the meetings and show the Town what they are doing. He showed an example of two roads not connecting up that were offset and 1/2 a road going to private property. He said once land is divided like this he said it's almost impossible to get things put back the way they should be. He said that is why they are redoing the subdivision ordinance. People asked where the road was. Mayor Anderson said it was north of town by Joe Wilson's house. (The green house north of town close to SR 73)

Glade Berry asked what was wrong with offset roads if it's legal. Mayor Anderson said we can do anything but why would we if, with some forethought and planning, we can avoid those things and have straight roads that line up and service and access all areas not just certain areas.

Lynnette Groff asked what that has to do with the subdividing every 5 years instead of every 2 years. Mayor Anderson said that it one of the main drivers is to get people to come in and get that approved. Lynnette Groff said the only reason there was a time limit in there was because she subdivided and then they put in a time frame after that. Mayor Anderson said that time frame has been in that ordinance ever since it was generated. Lynnette Groff said it wasn't in there when she subdivided her original house off on 10 acres and built a new house.

Bart Berry said they should allow the agriculture subdivision because it allows farmers and family farms to subdivide. Mayor Anderson read the definition from the county ordinance about subdividing. He said if you do something like that it doesn't count.

Calvin Cook asked to go back to the roads. Mayor Anderson went through it again. Calvin Cook asked why each person couldn't just give 28 ft.

Glade Berry said he left 56 ft. for the road because not everyone wants to participate. He wanted to know what was wrong with a jog in the road.

Clarence suggested, referring to the 5 year plan, the Town give it another 30-60 days to go over this before making a decision.

Calvin Cook asked why each neighbor can't give 28 ft. Mayor Anderson said you end up with a bunch of 28 ft. roads around town. He said then it becomes a safety issue. Councilman Murphy also pointed out the fact that the corners may not match up. He said 28 ft. is a significant jog.

Mayor Anderson said when a subdividing happens in this current reading, you have 2 buildable lots. You wait 5 years and you can split them again. Bart Berry said it should be requirement driven. Clarence Ault said it is not reasonable. Mayor Anderson said if you don't want to wait you can go by the requirements for a major subdivision and curb and gutter is not required on lots bigger than one acre.

John Jacob said if you do a major subdivision you have to have 4 a.f. of water. Mayor Anderson said that has always been in the ordinance and they didn't change it. John Jacob said area 54 doesn't have a lot of water and he said the 4 a.f. is not possible. Mayor Anderson corrected him saying we are in 54 West. Mayor Anderson said the Town is not unwilling to look at the issue but they did not have time to address this issue in this time frame.

Mayor Anderson addressed the issue of up zoning. He said the biggest driver of the change was the issue of septic systems. He explained that the County required, for our type of soil which is #4, a minimum lot size of 20,000 sq. ft. if you are on a public water supply and 1.75 acres if you have a well. He said other issues with ¼ acre lots were drainage and fire protection.

Steve Paul said they need to verify that on their end. He said all pieces of ground were not the same and they need more analysis. Mayor Anderson said the soil type drives the length of the drain field.

Jed Berry said someone is not going to build a 5-6 bedroom home on a ¼ acre lot and it's not going to get as much use. Mayor Anderson said the health department said these minimum requirements are outdated and most homes now have 4, 5 or 6 bedrooms.

Steve Berry said there are other types of septic systems you can put in. He said there are compact ones you can use for smaller lots.

Dennis Cook asked what they were doing at the cemetery. Mayor Anderson told him that this was a public hearing about Land Use. Kaley Richmond asked about the cemetery. Councilman Murphy said the public hearing was not to discuss the cemetery. Kathy Richmond said they needed to know about the cemetery. Mayor Anderson said they could talk about it between meetings, at the end of the next meeting or they could get on the agenda for the next town council meeting and discuss it then.

John Jacob asked if you come in for a minor subdivision, then you can't do anything for 5 years. Councilman Gustin said that after you do a minor subdivision and after it has been approved and recorded, both parcels are buildable. He said it won't be approved for building unless that parcel hasn't been subdivided for the 5 previous years. John Jacob asked if the ground was minor subdivided 2 years ago and now it is brought to the P&Z to be divided, and because it would have been a legal property after 2 years, then does he do a minor subdivision, and can he build on one of those lots and wait 5 years for the other. Councilman Gustin said if you have an approved minor subdivision the resulting lots are buildable or you can wait 5 years or you can operate under the major subdivision ordinances so you can build on the resulting parcel and still subdivide after a home has been built on it if you still comply

with the zoning, etc. 5 years later. John Jacob said they had answered his question. Mayor Anderson said there is a grace period for subdivisions that haven't been approved and the Council strongly encourages people to get those subdivisions approved.

Clarence Ault suggested they come up with something in the ordinance that allowed them to come up with some other option for a septic system on a particular lot according to that lot size and soil that would apply to the laws and regulation for septic systems.

Mayor Anderson said the rules he is talking about are the States rules and are the minimum and he stated that if the Town encounters conditions that are worse than this, then they jeopardize the ability to not contaminate. Clarence Ault said there other places that use other options. Mayor Anderson said down the road, the town would have to have the staff to keep track of this. He said it could be a zoning nightmare.

Councilman Murphy said the County and State had jurisdiction over the Town and these are the rules they gave the Town. He said they gave the Town no caveats saying we could use any other type of system. He said this is what they have given us.

Steve Paul said other comments reinforce the need for more time to understand the proposal. He wants 30 days for people to talk to their neighbors.

Lynnette Groff asked the Council who in Town liked their idea. Mayor Anderson said a few people came to their meetings and gave their input, but there were very few of them. Steve Paul said that 2 weeks was all the people were given to see the changes. He said they need more time.

Gary Cook said he is on Planning & Zoning. He said the people he had talked to in town were more for what the Town is doing with the ½ acre and even the adjustments than those who had come up to him and said that they were against the changes. He said just because there are more people at the meeting that disagree, he said he didn't think that was a fair representation of how the Town felt.

Mayor Anderson called for any more comments.

Clarence Ault said he agreed with what Gary said, he said if people wanted to agree they should have been here to this meeting. He said it seemed like the people who disagreed were here and if they had something to complain about, they should have been coming to the meetings.

Lynnette Groff said they wouldn't have gotten it the way they wanted it anyway. She said the Council has had other input and they are still doing what they want even when the majority of the town doesn't want it. Mayor Anderson said to be careful using the word majority because the majority may not be here [at the meeting].

Councilman Murphy made a motion to adjourn. Councilwoman Cibula seconded it. Motion passed unanimously. Meeting adjourned at 7:40 p.m.