

Minutes of a regularly scheduled Planning and Zoning Commission meeting held Saturday, September 12, 1981, at City Hall at 7:00 A. M.

Present were Fred Tasker, Newell Checketts, Steven Porter, Sherman Jones, City Attorney Richard Johnson, Mayor Robert Steele, Don Olson, Bart Olson, Walter Callaway, Dan Olson, Sam Sellers, city recorder, and Ramona Rosenlund, acting as clerk.

Meeting was called to order by Fred Tasker who also offered the prayer. Minutes of the meeting held July 11, 1981, were read by Mr. Tasker. Motion for approval was made by Mr. Porter and seconded by Mr. Checketts and passed unanimously. Minutes of the meeting held August 22, 1981, were read by Mrs. Rosenlund and after two corrections (Page 1, 3rd paragraph "if there was time at the meeting" was added and Page 2, 2nd paragraph "over the cost of remodeling" was added) motion to approve with corrections was made by Mr. Checketts and seconded by Mr. Porter. Motion passed unanimously.

Mr. Tasker told the group they were to consider requests for annexation from the full list which was posted. The mayor said the next city council meeting was to be September 16, and before they met to consider the annexation requests, he wanted the Planning & Zoning Commission to go over the list and give the city council their feelings about each one.

Mr. Tasker said they would go down the list which had been prepared in the order in which the requests had been received with the exception of the last two. There was no record found concerning them but it was remembered by Mr. Tasker that at one time they had requested annexation. The Planning Commission used to keep their own minutes and apparently it was never written down that Lyle Kay and Gene Jones had ever come before the commission. A list of requests as they were submitted is attached. As each request was discussed, it was explained where it was located in relation to the city limits.

#1: Michael Hiskey - Mr. Hiskey requested annexation July 25, 1978, but since the property is not contiguous, it can not be annexed. Mr. Tasker made the recommendation that the city council not consider this property for annexation as it is not contiguous and Mr. Checketts seconded this recommendation.

2: William Snell/Robert Boardman - This request is dated April 12, 1978, and is for seven acres. The property is contiguous. There was no ^{one} present in connection with this request and so it was removed from the list *because of the following discussion.*

There followed a discussion of the requirements for storage

and the number of building lots still within the present city limits yet to be developed. Also, the new water/sewer study was referred to and Mr. Jones pointed out that the figures of the study were being revised somewhat which would change the water picture. Mr. Tasker said there were a number of irate people who felt nothing should be annexed without assurance that the new hookups would pay for the increased need for storage, etc. It was pointed out that if any of the C-E (Critical Environment) zone were to be considered for annexation, the Division of Wildlife Resources wanted to meet with the city prior to it being considered. It was also pointed out that any request which was not in line with the annexation ordinance could be resubmitted to the planning commission at a later date if the owners so desired. It was mentioned that those areas above the freeway are in a low ^{water} pressure zone and so may not get adequate fire protection.

3: Allen and Rex Olson - Mr. Richard Johnson, the city attorney was asked of the present status of this situation and he replied that it was a real problem and in his opinion the Peterson annexation was illegal and the council has to decide if they have sufficient basis to void the annexation. They can then require that the Olson's and Peterson's get together and deed to the city the required right-of-way for the road between them and decide as to whether it is going to be used and come to some agreement as to the small strip of land between them. If they can work those problems out as a condition of annexation, he thinks that would be a good parcel for the city to take and everything would be resolved. From his discussions with the Olson's and the Peterson's, it is impossible and the city should not take the responsibility for resolving the problem as it would just create more problems. The mayor commented that he would like to see the problem resolved before he goes out of office in about 5 months. If it is not resolved, he feels the city should follow the attorney's advise and void the annexation. Mr. Tasker stated that the Planning and Zoning commission made the recommendation when Olson's came before them that only the south frontage be annexed back far enough for the lot depth rather than the full three acres deep because of problems it might cause and Mr. Jones said he thought the council agreed with this.

Mr. Checketts recommended that they go along with the mayor's suggestion and let the two parties involved solve the problems with the road, etc. and hold the request for annexation until the end of November and it would be granted at that time if everything is in order. Mr. Johnson said they should let Peterson's know they had to work with Olson's on this and the city would not be involved until such time as all details and agreements are worked out.

4: Robert Hales - This 12 acres comes under the same county zoning as the Snell/Boardmen property. Mr. Tasker said he thought since it is about the same elevation, etc. it should not be seriously considered for annexation at this time. It was pointed out by Mr. Jones that it should not even be considered as the request is not in writing and Mr. Checketts agreed that this should be taken from the list.

There followed a discussion of the impact fees and how they are arrived at and the Mayor suggested that perhaps when large areas are considered for annexation the expected impact fee could be put aside for building a new headhouse.

5: Ed DeGraffenried - This is an area of 50 acres and was turned down by the Planning and Zoning Commission on May 15, 1980. Mr. Tasker said the state recommends an agricultural zone A-40 and A-20. The A-40 requires 40 acres for each ^{home} and the A-20 requires 20 acres for each home, and provides for continual activity of an agricultural nature and maintains the greenbelt status for open spaces. Mr. Tasker said he thought this area could be kept as agricultural but as a residential area would not be too good. Mr. Callaway said he felt the best way to extend the city was to the north and east. He did not think we should tell Mr. DeGraffenried he would never be annexed but right now it would be impossible to bring in 50 acres residential. Mr. Tasker suggested that possibly he might be annexed later as agricultural and the Mayor suggested that maybe he could be zoned T-R-5. Mr. Johnson asked if Mr. DeGraffenried had indicated what he wanted to do if he ^{was} ~~was~~ annexed and Mr. Tasker replied he had told them everyone else was making money in real estate and the orchard business was not doing well. It was pointed out he did not submit a written request and so could not be considered. Mr. Tasker said they would have to create an agricultural zone before anyone could be zoned that way.

6: Gordon Heelis - Mr. Heelis withdrew his request when he found he would be required to give water shares to be annexed. This was on September 13, 1980.

The next eight names on the list were all submitted in conjunction with the industrial park annexation which was turned down by the city council and so none of these should be kept on the list.

There was a discussion on the Grant/Robert Nielson property. Mr. Tasker said they had come before the commission on a number of occasions prior to the industrial park request and each time were turned down because of the water situation as he did not have the necessary irrigation water to give. Mr. Tasker felt this is a desirable location if there is to be any annexation this would be a good way to go. ~~fees~~. There was a question of why the city wants water shares and Mr. Jones explained that if this water can be put into an

irrigation pipe system it would free all the culinary water which is being used for lawns and gardens for additional home use. He also explained the city has a right for 7 second feet only of culinary water and if the 500 homes were built within the city limits in the next few months we would have only enough water for them and so should not annex more than we can supply water to. Mr. Callaway said he thinks Santaquin will grow rapidly if the I.P.P. goes through and if the price is right any property will be for sale.

15: Floyd Martin - Mr. Martin's representative Mr. Bryce Taylor withdrew the request when they were advised by Planning and Zoning they would not recommend annexation at this time.

16: Olson's Greenhouse Gardens - Mr. Don Olson said he did not understand where they stood in relation to their request and he was referred to the minutes of the meeting held July 11, 1981, when they came before the Planning and Zoning commission with their request, which minutes were read at the beginning of this meeting. Mr. Olson stated that when they met with the City Council, Councilman Fred Thompson told them the city would make an agricultural zone by the 16th of September so they could be annexed. Since Mr. Thompson failed to notify the Planning Commission they were to work on creating an agricultural zone, this has not been done. Mr. Olson said the plan they had when they left the city council meeting is different than what they presented to the planning commission, the reason being that the city council wanted to have the greenhouse area agricultural and not commercial and the front residential and all of the 12 acres to be brought in at the same time. This is 775 feet frontage on 500 South Street with eight homes counting the one already there. He also said they were aware that with the third lot they become a subdivider.

There was a short discussion about water and the Olson's indicated they had the necessary shares for the 2 acres to be brought in residential and that the city council had indicated there was no problem with distribution as there is a 6" line down the road and a 4" line to the greenhouses. It was pointed out that if seven more homes were built there it would draw water from some other area of town and create a problem somewhere else. Mr. Tasker asked what the situation was with the Alexander subdivision across the road from Olson's. Mayor Steele said the waterline was already in existence to Smith's and the responsibility for taking it to the bottom corner was Alexanders and it is all in. Also there is no agreement with Alexanders about anyone else hooking into the line.

Mr. Olson said they have one person who wants to buy possibly three building lots. They live in California now and want to come here for retirement which might be within

three years. This person asked them to see what they could do about annexing into the city.

There was a discussion as to whether there will be enough water in storage for those homes and potential homes within the already existing city limits if more residential area were annexed. Also, a discussion as to where a moritorium would be placed if the time came when there was not enough water to allow any more building. Should it be within what is now the city or on new areas that might be annexed. Mr. Tasker said he felt they must protect the rights of the people who are already in the city and if seven lots are developed here there might be seven already in the city which cannot be developed. Mr. Callaway said he felt this same way. The city is obligated to furnish water to anyone who requests it within the city limits.

Mr. Porter said the Olson's mentioned that if they were annexed the city would derive additional revenue from their business which is now going to the county. He asked if any one knew just how much this would be and if it would offset the undesirability of have them annexed. Mr. Porter said he felt it was a strong business, not speculative. Mr. Jones said the revenue would be from property taxes on the greenhouse buildings and Bart Olson said they would also receive taxes from the utility companies.

It was again pointed out that it is impossible to annex any of the Olson property Agricultural as there is not yet an agricultural zone. Mr. Don Olson said he wanted an answer either yes or no and Mr. Jones asked if he was willing to wait for the answer until such time as an agricultural zone has been adopted by the city. Mr. Olson said this decision was going to effect their business and they needed to know so they would know what they were going to do with their business to make sure it was stable. He said he felt they had put forth an adequate effort and they were being put off. It was again explained about the lack of communication because of Mr. Thompson's moving to California.

Mr. Jones pointed out that when Bart was given a water hookup for his home, it was agreed that if he ever requested annexation the two shares of Summit Creek water he gave for the hookup would apply against one acre to be annexed residential. There was a discussion on this agreement and it was checked and found to read, "Mr. Olson will deed to the city two shares of Summitt Creek water. Said shares may also be used to satisfy future annexation requirements, not to exceed one acre, if Mr. Olson shall desire such annexation". So, it was felt the city was bound to annex at least one acre because of the agreement.

Mr. Olson asked what the meeting on the 16th of this month was for and what good it would do them to come. Mayor

Steele said he felt they would be mostly turning down annexations. He does not feel they are in a position to let any annexation in because of the situation with the water study and he had directed the attorney not to show up at this meeting as it would not be necessary for him to be there, but he would like to have the recommendation of the Planning commission. Mr. Tasker said he felt the recommendation of the commission would be that if any annexation were to be done it should be in the direction of Grant Nielson and the Olson property as that area is where the new school would likely be and where the new church will be and feel that is the way the city is prepared to go at this time, at least until the new headhouse is put in. Mr. Johnson said that if the property were annexed, the city could withhold a building permit if they so desired.

Mayor Steele said that in discussing annexations with Mr. Johnson, the city attorney, that it is in the best interest of the city to annex but in the future to tack on the builder a special improvement district or special assessment of so much per home for a contribution toward a new headhouse. This is a possibility the city can pursue. We cannot make a stipulation, according to the attorney, that if someone is going to be annexed into the city, they provide us with a headhouse but there is a way of doing it after they are in the city and go to develop as these additional homes create a stress that necessitates a new headhouse.

Mr. Jones pointed out that the biggest problem might be that in some areas our water lines are not adequate. The city is pretty well committed to the Rex Olsen annexation if they meet the requirements but any other request he would say no to or have a condition that we withhold water because we do not have adequate lines to take care of the residents already there but in the area of the Don/Bart Olson request the lines are adequate, and water is available, especially if we can increase the well. Also, there might be some areas up above town that we could take care of but each has to be looked at.

Mr. Tasker asked if the planning commission was to make an agricultural zone. The mayor replied yes they were to do so and the attorney's recommendation was that as they look at annexation we will get into legal problems if we say we cannot annex because we don't have the headhouse water but we will go ahead and annex you and so he had recommended that we do not use that as a determination of annexation. That the determination be mostly based upon the beneficial impact to the city, not water or lack of it, and we will be in a much better legal position. There followed a discussion of the duration of a moratorium. It was thought this could only be put on for a period of six months but Mr. Sellers said the attorney indicated it could be for the

duration of the problem it was to cover.

Mr. Tasker requested that those who were stricken from list of requests for annexation be notified in writing of this, so that if they were interested they could do it properly. It was asked if the planning commission had a check list to determine if all requirements for requesting annexation were met. It was pointed out that it is included in Section 2 of the ordinance although it is not a check list as such.

It was brought out that it was necessary to have a public hearing before a zone could be established and so the part of the property Olson's were requesting for agricultural could not be annexed until that was done. Mr. Sellers said there was a public hearing set up for October 7, and if the zone was worked out by that time, perhaps it could be taken care of then. Mr. Olson said they wanted to build another building on this property and wanted to start right away and so wanted to know where to go for a building permit. He was told by the mayor to go to the county as it would likely be a month or more before the change could be filed with the county.

Don Olson asked if they should leave the mylar map with the city and when it was shown, it did not have a line showing the residential separated from the agricultural area. Mr. Olson said the residential would go back 150 feet. It was suggested that it be marked as "proposed residential" and proposed agricultural" and also show the deminsions of each area, and this would do until such time as the new zone was legal. Don said there would be a roadway going down the middle which they did not particularly want agricultural, but would just as soon have it commercial. He was told it would have to show on the map where the roadway is. Mayor Steele told them that when they became a subdivider, they would have to come back to the zoning commission and give them a subdivision plot showing the road and they would be required to improve it and give it to the city, provide for fire hydrants and other requirements in the subdivision ordinance. It was pointed out that according to the master plan the road would have to be a minimum of 56 feet wide. It was explained that all aspects of a subdivision must be approved including roads prior to its becoming a subdivision.

Fred Tasker was nominated for chairman of the commission by Steve Porter and the nomination was seconded by Newell Checketts. Mr. Tasker said he would accept this until the end of his term. Mr. Tasker then nominated Mr. Checketts to serve as vice chairman, nomination was seconded by Mr. Porter. Mr. Checketts said he would accept this to expire with the end of Mr. Tasker's term. Mayor Steele said he would be the designee in Fred Thompson's place to act as liasion between the city council and the planning

Commission. Someone from the planning commission was asked to attend the city council meeting on September 16, and Mr. Porter said he would do this.

Mr. Jones suggested that when the water/sewer study was complete there should be a joint meeting of the planning commission and the city council so all could be made familiar with its contents, and then be able to decide just which way we could go. Mayor Steele said he wanted the planning commission to take advantage of the city attorney. He suggested that as questions for the attorney came up they could be written down and Mrs. Rosenlund could call him during the day and have the answers to refer to.

Mr. Sellers said that the annexation ordinance would have to be changed to include any requirements for an agricultural zone. He thought this might be done at the same public hearing as the one to create the agricultural zone.

17: Gene Jones and 18: Lyle Kay were stricken from the list as there were no records available pertaining to their requests for annexation.

A motion to adjourn this meeting and set the next meeting for September 30, 1981, at 7:00 to 8:30 P.M. and to use this meeting for making an agricultural zone was made by Mr. Porter and seconded by Mr. Tasker. Motion passed unanimously.

Meeting adjourned at 9:04 A. M.

Sept 30, 1981
Approved

Ramona Rosenlund
Acting Clerk

STATUS OF REQUESTS FOR ANNEXATION

Aug. 20, 1981

| <u>Date of request</u> | <u>Name of Person Requesting</u> | <u>Disposition or Remarks</u> |
|------------------------|--|---|
| 4/12/1978 | Michael Hiskey | Requested 25 acres. <u>Is not contiguous</u> to the city so could not be granted. |
| 7/25/78 ✓ | William L. Snell & Robert L. Boardman | Former Ray Knight home. Requested 7 acres be annexed. Can find no disposition but is not annexed. |
| 5/7/80 ✓ | Allan Olsen/Rex Olsen | Approximately 3 acres. Problem with Gaylen Peterson annexation which leaves a road problem with which Mr. Johnson is familiar. |
| 5/15/80 ✓ | Robert Hales | Requested 12 acres. Was turned down by Planning and Zoning Commission. |
| 5/15/80 ✓ | Ed DeGraffenried | 50 Acres requested. Was turned down by Planning/Zoning Commission |
| 8/18/80 | Gordon Heelis | <u>Request was withdrawn</u> by Mr. Heelis on 9/13/80. |
| 8/29/80 | George H. Allen | Request was in relation to proposed industrial park which was not approved. <u>Property is not contiguous</u> , so could not be annexed without the full industrial area. |
| 1/14/81 ✓ | Robert G. Nielson 1932 Ave | Requested in connection with the industrial park. The property is contiguous. |
| 1/28/81 | Eva Helen Dodds | Requested as part of the industrial park. <u>Property</u> may be contiguous so might be annexed without the full industrial area. |
| 8.29-80 | | |

August 20, 1981

| <u>Date of Request</u> | <u>Name of person requesting</u> | <u>Disposition or Remarks</u> |
|------------------------|----------------------------------|--|
| Unknown✓ | Gene Jones | According to Mr. Tasker of the Planning/Zoning Commission there was a request for annexation but no records have been found. |
| Unknown | Lyle Kay | Same as above. |