

Minutes of a Planning and Zoning Commission meeting held on October 30, 1984, at City Hall at 7:00 P. M.

Present were Commission Chairman Lynnette Neff, Commission members Steve Parsons, Ione Anderson and Sherman Jones. Also present was Mrs. Lucille West.

Meeting was called to order at 7:20 P. M. when a quorum was present and prayer was given by Mr. Parsons. Minutes of the meeting held October 9, 1984, were approved.

Mrs. Neff asked Mrs. West to explain what was being requested. Mrs. West said that some time back Mr. Paul Staheli, her son-in-law, representing her brother Reed McMullin, had approached the Commission for annexation of a piece of land just east of the frontage road leading to Payson, but at that time it was thought the property was not contiguous. Mr. Staheli had approached Mr. Charlesworth and Mr. Sorenson who own property between McMullins and the city limits at 400 East but neither of them wanted to be annexed. Mr. Staheli then approached the county to have the property zoned commercial so they could build a business there and was told by the county people the property was contiguous since a large portion of state owned land (the frontage road, the freeway and the interchange) lay between it and the city limits which ends at the interchange of I-15 and State Highway 6-50 West on the South side of the State Highway which also serves as Santaquin City Main Street.

Mr. Staheli had previously brought to the City Hall a copy of the State Code (Utah State Code 10-1-104 (7) which allows the use of State land to make a property contiguous and it states "Contiguous" means abutting directly on the existing boundary of the annexing municipality. "Directly" includes separation by a street, alley, public right-of-way, creek, river or the right-of-way of a railroad or other public service corporation, or by lands owned by the municipality, by some other political subdivision of the state or by the state."

Mrs. Neff read aloud the requirements as set out in the Annexation Ordinance #84-1. These requirements include a request in writing for the annexation to be sent to the Planning Commission. Apparently there is no such letter and Mrs. West said she would so advise Mr. Staheli so he could get it in prior to the City Council meeting where the recommendations for annexation will be considered by them.

Mr. Parsons asked if they planned to build some kind of business on the property and Mrs. West said her brother had a fruit stand in Levan but in about a year when the freeway was finished there, he would need a place to move it to. She said she would like to see a restaurant there also.

Mrs. Neff continued reading from the Annexation Ordinance which states that only when culinary water is available for the growth in the proposed area to be annexed, will it be considered. There was a discussion of where water would come from for this area. Apparently

the nearest water line is by the Hales Subdivision, which is several blocks from the proposed annexation site. Mr. Jones said it would be up to the City Council to work out the requirements they felt were needed to get water to the property, should it be annexed.

Mrs. Neff read from the Ordinance that two shares of Summit Creek Irrigation Company water stock or its equivalent in well water appropriation must be given to the City for each acre or part acre annexed. Mrs. West said there was a well on the property but she did not know how much water could be gotten from it. Also, that they had the necessary shares to give the city in addition to or in lieu of the well, whichever the city wants.

Mr. Jones said they will have to get a copy of the filing of the well and have it to the council meeting where the annexation is to be considered as it will need to be known how much water can be had from the well before the city can make a decision as to whether they will need the well or the shares or a combination of both.

The paragraph of the Ordinance which says the City Council may also require monetary remuneration on some annexations, was read. There followed a discussion of what this meant and Mr. Jones said the City Council may require payment or part payment for getting water lines or streets, etc. to the annexed property or something like this so that is the reason for this paragraph.

Mrs. Neff asked Mrs. West if she understood about the water shares and she said she did. Mr. Parsons asked how much land was in the property and Mrs. West said it was about 8 1/2 acres.

Mrs. Neff asked if there were any other concerns they should discuss and she explained to Mrs. West the Commission only recommends to the City Council and they make the decisions. There were no other questions.

Mr. Jones said he recommends the property be zoned commercial if it is annexed as it may create problems later if it is not. It was thought it might be a continuation of the present commercial zone which goes the length of Main Street and 275 feet east of the Frontage Road for the length of the city limits. It was explained that property has to be annexed before it can be zoned.

Mrs. Neff made a motion that the Commission recommend to the City Council that the property in question be annexed to the City when all the requirements are met as required by Annexation Ordinance #84-1 and then the property be zoned commercial. Mr. Parsons seconded the motion and it passed unanimously.

Mrs. Neff pointed out on the map supplied that the other property requested for annexation is contiguous to the City limits and contains only .30 acre of land. It has a large billboard on it and Mrs. Neff explained they would like to annex it T-5 and just leave it as it is and use the billboard to advertise whatever business might be put on the other property. Mrs. Neff read the requirements of the T-5

annexation which explains that the property must remain as it is now. It was understood that the message on the billboard could be changed without going against the Ordinance requirements for T-5. Mr. Jones said it would have to be considered non-conforming as it is too small and has no buildings or water.

Mr. Jones made a motion to recommend that this small property be annexed T-5. Mrs. Anderson seconded the motion and the vote was unanimous in the affirmative.

Mr. Jones made a motion the meeting be adjourned. Mr. Parsons seconded the motion. Motion passed unanimously. Meeting adjourned at 7:55 P. M.

Lynette Neff
Chairman

Nov 13, 1984
Approved date

Samona Rosenbund
Secretary