

Minutes of a Planning Commission meeting held at City Hall on Thursday, March 13, 1986, at 7:00 P. M.

Present were City Councilman Sherman Jones, Commission members Lynnette Neff, Wade Garner, Ione Anderson and David Smith. Also present were Mr. & Mrs. Lester Charlesworth, Mr. & Mrs. Myron Olson, Ronald Smith, Dan Olson and Bart Olson with minutes recorded by Ramona Rosenlund. Mr. & Mrs. Ted Kenison entered the meeting at 8:00 P. M.

Meeting was called to order at 7:05 P. M. by Chairman Lynnette Neff and Mr. Garner offered the opening prayer. Minutes of the meeting held January 28, 1986, were approved.

DEFINITION OF "NUISANCE" AS PERTAINS TO SIGNS : Mrs. Neff read the definition the city attorney suggested we use in place of the definition presently in the proposed amendment to the zoning ordinance. Mr. Smith made a motion the attorneys suggested definition be used and Mrs. Anderson seconded the motion. Motion passed unanimously. Section I, #16 will read as follows: A sign endangers life or health, gives offense to the senses, violates the laws of decency or obstructs reasonable and comfortable use of property or that may cause electrical interference.

There was a short discussion of Councilwomen Goudy's request that a moratorium be placed so no signs could be erected until such time as the ordinance pertaining to signs is passed by the city council. She feels it should be changed so as to disallow any non-appurtenant (off-premise) signs on Main Street between 400 East and 400 West streets. Mr. Jones said he recalled the city attorney saying off-premise signs should be allowed and not discriminated against. The members of the Commission felt this type of sign should be allowed but if the City Council decides to request that the proposed ordinance be changed again, it would have to be resubmitted to the Planning Commission for their further recommendations.

Myron Olson - request for annexation : Mr. & Mrs. Olson own a property which fronts on 400 East and the old highway which used to be Main street prior to the freeway being put through town, and they wish to annex this property.

Mrs. Olson asked to have explained to her just what being annexed T-5 entailed. She said they are now County Zone Agricultural and that a few years ago the County changed their zone without notifying them of it. Mrs. Neff read the entire section of the Zoning Ordinance relating to this T-5 zone. Mrs. Olson showed a map of their property which contains 2.21 acres. Mr. Olson said their property goes into 400 East Street about 15 feet. Mrs. Neff indicated they would have to deed this portion to the city.

There was a short discussion regarding the limitations of this zone and Mrs. Neff said it seems the question is if it is annexed T-5 now are they looking down the road to subdividing the land. Mrs. Olson said everyone who is annexed wants to be subdivided. Mr. Jones pointed out that should they desire to change the use of any of the land annexed, they would have to have the zoning changed first. Mrs. Neff said there is an advantage to both the city and the Olsons if they are annexed. The Olsons water bill will be cut in half and the city will gain additional taxes.

Mrs. Olson asked what the difference in property taxes would be and her son, Don Olson said it would probably be around \$4.00 per \$100.00 assessed and that

the reduction in their water bill would offset the increase, if any, in taxes. He also pointed out that now Mrs. Leo Fords property is annexed and if they annex his parents property, it will create an island of Frank Sorensens property, which may be illegal. Mrs. Neff asked if the Sorensens could annex just the property where their home is and thus avoid the island effect and Mr. Olson said the property had been split up within the family and so maybe they could not.

Mrs. Olson said she did not see that being annexed T-5 was such a big advantage and Mrs. Neff they could call for a vote on the proposal to annex T-5 and if it passed, they could decide whether to go the City Council to pursue it further or just drop it. She explained that the Planning Commission must make sure what is requested follows the ordinances and then make recommendations to the City Council.

Mr. Smith made a motion that the Planning Commission recommend acceptance of Mr. & Mrs. Olsons request to be annexed T-5. Mrs. Neff said that because the small property located at 60 North 400 East juts into the Olson property, and would thereby become an island, it would be necessary to notify the Veterans Administration, who owns the property, of the impending annexation. Mrs. Rosenlund was asked to check the State Code to find out just what the requirements were in a situation of this sort and also with the Sorenson situation.

Mr. Garner seconded Mr. Smiths motion and the motion passed unanimously. The Olsons asked to be put on the agenda for the next City Council meeting March 18th and then left the meeting at 7:22 P. M.

BART OLSON ANNEXATION : Mr. Olson said he had received a letter telling him he could be annexed into the city without giving up water shares, but if it was as T-5, he doesn't want that. He was told the letter was in reference to his home in the county and the zone the letter referred to was T-5. He asked the Commission to explain to him how he could get the greenhouses into the city. He said he thinks the city ought to have it in and that the green houses would offer a whole lot more tax income to the city than he would personally.

Mrs. Neff asked why they had not been annexed some time back when they had come to see about it and Mr. Olson said no one in his right mind would require a 100 foot buffer zone as the city was doing. Mr. Garner pointed out that this buffer zone or part of it could be a road and that his lot goes back 150 feet and the buffer zone could be behind there. Mr. Olson said yes, the green house area started 150 feet behind his house and the property he wants into the city as residential but he wants to build another greenhouse there. He went on to say the city would get franchise taxes as well as property taxes if the green houses were in the city.

Mr. Olson said he wanted to annex the north part of his property 150 feet deep residential but does not have enough water shares and can't get them as they are very hard to find and very expensive. There was a general discussion of the water situation in Santaquin, with Mr. Jones saying the city had recently sent him to see the State Engineer to see if the city could get rights for additional water. They asked how the people surrounding the city got their water and he told them some are hooked to the city supply and some have wells. He was told the state knows just how much water they will have during dry years and they will not give the city any more. He was also told they should

thereby gain enough water to supply the additional people who would come in by way of annexation. Mr. Jones told them the city had filed several years for more water and asked when these filings might be approved and was told it might be a hundred years and so they must acquire irrigation water when they could as the only way to get more.

Mr. Olson said that in Payson and some other towns you get irrigation water with property but here you can't get the water. Mr. Jones said that in the old days irrigation water was used for nearly every home in the city, now more homes have been put in and the water sold off and it is now used mostly in the county. The Planning and Zoning Commission did a study a while back and determined that homes are in about 50% of the city. If the city fills up with homes on all lots now vacant, we would be short of water. The old city council back a few years, stopped any annexation but now we feel we can allow annexations if we get water with them. Mr. Olson said he did not question the city's need for water but he thought they had plenty in the well. Mr. Jones said they might be able to drill another well but when the water the city has been allocated is used, there is no more. Mr. Olson said he agreed it was wise to look ahead to future needs.

Mr. Jones said Mr. Olson had already given the city two shares of water at the time he was given a water hookup to his home in the county and these two shares can count toward one acre annexed. Mr. Olson said he did not have enough water to bring in all the building lots he wanted annexed. Mr. Garner suggested he be annexed T-5 and then when he was a part of the city, he could request a variance for the buffer zone he does not want to have. Mr. Olson said what if the variance request was turned down, then he could not build anymore greenhouses. He said he lacks one share of irrigation water to annex his home and the proposed building lots east of it to the end of his property.

Mrs. Neff said she recommended that he annex what he could of the lots residential and then he would be a citizen of the town and could then bring pressure to bear on the City Council to have the requirement for a buffer zone changed. Mr. Smith said he felt the buffer zone was a good thing in some cases. Mrs. Neff said perhaps the ordinance should be changed to be more specific and state what kinds of industry needed a buffer zone. Mr. Jones said what if they did away with the buffer zone because greenhouses do not create noise, dust, etc., and down the road they go out of business and a foundry comes in. Mrs. Neff said she felt the city was getting big enough that this could happen and they needed to look to the future.

Mr. Garner said he thought the green house business was more commercial than industrial so maybe they didn't need a buffer zone. Mr. Jones pointed out that if they were commercial they would need to give water shares for the annexation as a commercial zone allows homes in it and they need water. He explained that the city water being used for the greenhouses is provided to them by special agreement with the city which states the water is to be used only for greenhouses. Mr. Olson asked if that agreement would have to be changed if they annex. Mr. Jones said this agreement does not grant Olsons a water right and it would have to be renegotiated.

Mrs. Neff said the city needs to look at the zoning ordinance because it may keep out people who could be good for the city.

Mr. Garner asked where the trailer is that is used for an office and Mr. Olson said it is 100 feet behind what he wants to annex residential. He said he

would not even consider annexing if they need the buffer zone. However, he will try to come up with enough water to annex the front residential. He also said he needs a recommendation on the greenhouse property as it is just going around in a circle. Mrs. Neff said she can be at the council meeting and Mr. Jones is a member of the city council so they will be at the meeting if he wants to ask that the ordinance be changed. Mr. Jones explained that the Planning Commission will have to make the recommended changes after the city council requests that they look at a change. He suggested the ordinance be reviewed to see if it can be changed to allow certain things in an industrial zone without 100 feet for a buffer.

Mrs. Neff read from ordinance the requirements for annexation. Mr. Olson asked what effect the ditch in front of the Alexander subdivision would have on him if he should annex his north lots property. Mr. Jones said the city probably will have to make him pay some on it. The property owners in the Alexander subdivision paid half and the city paid the other half and so new homes that benefit from it will have to pay. Mr. Garner said he thought his seems unfair. Mr. Olson said he wants to know now what it will cost him. Mrs. Neff said the city records will show what was paid and how it was worked. Mrs. Kenison said they owned a house in the Alexander subdivision at that time and they paid \$420.00 plus her husband worked a number of hours. Mr. Jones said now they only want money as the work is done. Mr. Olson said the ditch was piped because the owners on that side of the street wanted it. Mr. Jones said the subdivider was supposed to pay all off-site improvements which include the ditch and the water lines and whoever buys and builds across the street, will have to pay a share in order to hook into the existing lines as the ordinance has to be obeyed.

Mrs. Neff said Mr. Olson should determine what these costs will be and then add that amount to the cost of the lots when they are sold and thus collect this cost. Mr. Jones suggested Mr. Olson come to the mayor's work session on March 25th to hash out his problems. Mr. Olson said he could have all his information ready and would do that.

Mrs. Kenison asked why they could not annex into an agricultural zone and not have to give up water shares and was told that all the other zones allow agriculture and they require water shares.

Mrs. Neff asked if the size of the property Olson's wanted to annex and zone residential was 775.51 feet frontage and 150 feet depth and Mr. Olson said yes. She asked if he understood all the stipulations of the annexation ordinance as it pertained to residential and he said he did. Mr. Smith made a motion that the Planning Commission recommend to the City Council that they approve the annexation of the Olson property for building lots with the stipulations on paying for the water line and ditch piping. Mrs. Neff seconded the motion. Mr. Garner abstained from voting as he has a personal interest in the Olson property. The motion passed with four votes for the motion.

Mr. Smith made a motion to adjourn the meeting. Mr. Jones read from the Utah State Code pertaining to creating islands by annexing property. There was a short discussion about the ditch and water line on the Alexander subdivision with Mr. Jones saying there is no difference between them as far as requiring the Olsons to pay a share for each house that may be built in his subdivision, which is what Olson's property would be if it is annexed into the city so he can sell lots.

Mrs. Neff seconded the adjournment motion and the meeting adjourned at 9:00 P.
M.

Sumette H. Neff
Chairman

March 25, 1986
Date approved

Ramona Rosenlund
Secretary