

307-105

Minutes of a Planning Commission meeting held on March 24, 1987, in City Hall, 68 East Main Street, at 7:00 P. M.

Present were Chairman Lynnette Neff, commission members Kevin Steadman, Ione Anderson, Grant Pay and David Smith. Also present were Duane Allred, Dorothy Robertson and her daughter Pamela Larson. Councilman Sherman Jones entered the meeting at 7:45 P. M. Minutes were recorded by Ramona Rosenlund.

Mrs. Neff asked Mr. Steadman to conduct the meeting as she had just come from the dentist and could not speak very well. Mr. Steadman called the meeting to order at 7:10 P. M. Prayer was offered by Mrs. Anderson.

Dorothy Robertson - Discussion of possible annexation: Mr. Steadman asked Mrs. Robertson to explain what it is she wants to do. Mrs. Robertson said she has 11 acres that join the east side of the state road property east of the frontage road. She said she had talked with Mr. Sellers about it and she thought she would annex that parcel in now. She also has 29 acres just south of this parcel. She said that Mr. Sellers had indicated to her that the city would like to have this annexed also. Mrs. Robertson also said she owns the water rights to two springs.

Mr. Steadman said yes, he thought the city would like to have her property annexed. He asked if she has any specific plans for the use of the property. Mrs. Robertson said she wants to sell it and to have it in the city. Mr. Allred (Mrs. Robertson's realtor) said the county has the property zoned CE-1, which does not allow building or even planting to orchard. He thinks it should be at least A-1 where you can build on 50 acres. Mr. Steadman said he knows the county is not interested in re-zoning anything at this time as they are doing an in-depth study which they expect to have completed in the next year or so and then they may do some changing. Mrs. Robertson said she had spoken with County Commissioner Morris who said he felt they might be able to do some changing.

Mr. Steadman began to read through the annexation ordinance so Mrs. Robertson would know what had to be done in order to annex. Mr. Allred asked if the city or any others were interested in buying the property. Mr. Steadman said he did not know. He explained that the Planning Commission reviews requests for annexation to make sure the ordinance is followed and then makes recommendations to the City Council, who actually do the annexation. He continued to read. Mrs. Neff said the Robertson property is contiguous by virtue of its joining the State road property which has been annexed, and the freeway. Mrs. Robertson explained that if you went straight east from Main Street you would go right along the north side of her property.

Mr. Smith said that a while back someone wanted to build a motel and truckstop or R.V. camp in that general area. Mrs. Robertson said someone had approached them for this but it fell through, she felt probably for lack of financial backing.

Mr. Steadman continued to read where the ordinance says proposed use of the property and the zone to be assigned must be determined prior to annexation being granted. There followed a discussion of the possible use of the land if it is annexed and whether it would be best residential or commercial. Mr. Allred said they wanted to put in an orchard and residential but the county zoning will not allow this. Mrs. Neff said it would make little difference whether it was commercial or residential as residences are allowed in

commercial zones.

Mr. Steadman asked if they had a plat map showing ditches, proposed roads, gas lines etc. Mr. Allred said they don't have any of this yet as this is only a work session to find out what the alternatives are. They did have copies of county plats and a survey map, but each was to a different scale, but they were shown. He asked what happens if they don't have water for annexation. Mrs. Neff said the City Council may work with them and make stipulations they felt necessary. She wondered if springs could be used for culinary purposes. Mr. Smith said the most reasonable way to make use of the springs might be to put in a tank below the springs and pressurize and use the water that way. Mrs. Neff said she did not think the city would foot the bill for developing the water.

Mr. Smith said this seems like an ideal business area and if developed it would bring revenue into the city. Mrs. Robertson said when talking with Mr. Sellers he gave her the impression that the city would be interested in developing and there is water there. Mr. Allred said he doesn't know if an individual can convert the spring into culinary water but maybe the city can.

Mr. Pay said the city had made a study which showed they had only enough water for developing the lots already in the city at that time and so any annexations must bring in their own water.

Mr. Steadman continued to read the annexation ordinance regarding the water shares necessary for annexation. Mrs. Neff said she thought the springs would be worth a lot to the city. Mr. Allred said the water from the springs would be needed for future development of the property. Mrs. Neff said that if the city has the springs, they may be in a position to dicker with the state for conversion to culinary use. Mrs. Robertson asked what if it was found there was a lot of water. Mrs. Neff said they could keep what the city did not need for the annexation. Mrs. Anderson suggested if there was more than needed for the annexation, perhaps they could sell it to the city if they wanted to.

Mr. Steadman explained that water given to the city for annexation may be rented back by the person giving it to the city, on a year to year basis, until such time as the city needs it for something else.

Mr. Steadman continued reading the ordinance. Section 1: subparagraph F, item 4 reads: The city council may require monetary remuneration as well as any other requirements they may deem necessary for an annexation. Mrs. Neff explained that money may be required for roads, water lines, etc. as the city will not, as a general rule, stand the cost for these types of things. Mrs. Robertson said there was a road which they used for years to get into their property but someone recently built something there and blocked the road. Mr. Jones said the property where this road was is now a subdivision and when it was sold, no protest was made so the right to use the road was lost. Mrs. Neff said there is still a road to get to Mrs. Robertson's property and she explained where it was.

Mr. Steadman continued reading the ordinance regarding T-5 and industrial zones as well as the part about property in the county but with a residence and a city water hookup already. None of these items applied if Mrs. Robertson wants the property zoned commercial and residential as there is nothing built there now. It was explained that if there are to be any roads or streets through the property when it is annexed, these must be deeded to the city.

Mr. Steadman asked Mr. Jones about the water. A copy of the filing with the State Engineer was checked and Mr. Jones said he would have to study it to see how the springs converted into the equivalent of shares. He also asked how thick they would want to build homes but this would be based on how much water would be available when the springs were developed. Mr. Steadman asked if there was enough water to allow the property to be annexed into the city. Mrs. Robertson said there would probably be a lot more water than was shown on the filings from the state engineer as they just filed on what they would need for their sheep at that time but there might be a lot more.

Mr. Jones said that when land comes into the city it has to be with water. He will estimate how many homes this much water will handle, and maybe it could be developed just for the people it would serve and it could be made into a water district separate from the city's other sources. Mr. Allred asked if Mr. Jones would find out how much water is available as there may be more than what is on the certificate of filing. Mrs. Neff suggested that if the amount were more than needed for the annexation, Mrs. Robertson could keep the balance. Mr. Steadman asked if it could still be used even though it is not culinary. Mr. Jones said they would have to have an engineer test it. The potential is there.

Mr. Allred asked, assuming there is enough water, what is the next step for them? Mr. Jones said maybe they should consider having one acre lots and allow the homes to water only so many feet from the house so the water will go further. Mr. Steadman pointed out that the use of the land and the zoning has to be determined prior to the annexation. Mr. Jones said two shares will keep one acre with a home and that lawns take just as much water as farming.

Mr. Allred said the water is not on Mrs. Robertson's land but her land is contiguous to the property it is on. She sold the land but not the water right to Wendell Hansen. He asked if they have any leverage because of this. Mr. Jones said the city can condemn a right-of-way but it will cost the property owner.

Mr. Steadman asked if there is anything that would prohibit the annexation if there is adequate water? Mr. Smith said it looked okay to him if they have enough water for the annexation. Mrs. Neff asked if they knew where the natural gas line was. Mr. Jones said it went along the old highway by Myron Olsons property and maybe along the frontage road on the west side.

Mrs. Neff recommended they bring in a map showing exactly the two properties and where they are in relation to the city so we could actually see what it is they want. She said she would like to see it zoned commercial just to the depth of the other commercial zone along the frontage road and then when they are ready to develop the rest, zone it residential.

Mrs. Larson asked if the city decided to use the water so they couldn't rent it back, who would pay for it? Would they be charged for piping it? Mr. Jones said this would need to be all worked out prior to the annexation so there would be no problems later. Maybe it could be made part of the annexation agreement that the water would stay with that property. When the annexation is completed both the land and the water will be governed by the City.

Mr. Steadman again asked Mrs. Robertson what she would like to do with the property. He said the city is depressed somewhat now and can't do much. They

can't do a park or a golf course or anything like that. Mr. Jones said he felt real estate development was best. Mr. Smith asked if the land was more open with oak brush or what? Mrs. Robertson said it is more open and sage brush with the springs at the bottom of the hill. Mr. Steadman asked about access to the property. Mrs. Neff said she would recommend it be opened up straight up Main Street. She asked which would benefit Mrs. Robertson most, commercial or residential? Mr. Allred said both but with a buffer between. Mr. Smith said he felt not too much commercial and only along the freeway about 200 feet deep and then the rest residential would be best. The new master plan could show it that way and if there was enough water, it could be developed more. Mr. Allred said they would like the 11 acre piece to be commercial and the balance residential. He said he felt this would be enough for any type of commercial business. Mrs. Neff said it is no big deal to re-zone if they wanted to do so later. Mr. Allred said they need to have it annexed and zoned before they can sell it or do anything with it. He belongs to UVIDA and so knows it should be that way before anything can be developed.

Mrs. Neff suggested they wait until the amount of water available is determined, make an appointment to come back to the Planning Commission and bring a map, so they can proceed with recommending annexation. She said this bench and Pole Canyon are on the top of the list for the best development sites in the County. Mr. Steadman said if anyone came to Santaquin by choice, this would be a logical place to build as it is beautiful.

There was a short general discussion of when the county would have their new zoning changes completed. Mr. Steadman said he was told it would be a year and Mrs. Robertson said Commissioner Morris told her it would be by this fall.

Mr. Steadman asked if there would be any unresolved problems with the water rights because of being on another's property? Mr. Jones said he felt the city could get the water without too much hassle. He said they would be notified when the figures are available as to how much water there is.

Mrs. Robertson, Mrs. Larson and Mr. Allred left the meeting at 8:40 P. M.

Mr. Jones said don't get any hopes up about this water. Well water can be moved but surface water cannot be moved to another site and springs are considered surface water. They could have filed for what they think is there but the filing is not very much. Unless the city can file for more, this doesn't look like much. He said they really need to talk to the State and with the water being on another person's property, maybe it can't be gotten to without a court order for a right-of-way. Mr. Smith asked what if they have to put a tank in to use the water? Mr. Jones said the city can condemn and take enough property to build one. Mr. Pay said he thought culinary has priority. Mr. Jones said water they don't have filing on goes underground and into lakes where others might use it and so you can't deprive others of it.

There was another short discussion of water matters. Mr. Steadman asked what was happening with the Genola court case and Mr. Jones said it is still pending and probably will be for some time.

Mrs. Neff made a motion to adjourn this meeting. Mr. Steadman seconded the motion which passed.

Meeting adjourned at 9:15 P. M.

Lucretia H. Nuff
Chairman

April 28, 1987
Date approved

Ramona Rosenlund
Secretary