

Minutes of a Planning Commission meeting held on October 13, 1987, in City Hall, 68 East Main Street, on Tuesday, October 13, 1987.

Present were Chairman Grant Pay and Commission members Ione Anderson, Lynne Smith and Ken Kelley. Also present were Ben and Carol Lee, Bart Olson, Lynne Robbins, Darwin Robbins and Councilman Sherman Jones. Minutes were recorded by Ramona Rosenlund.

Mr. Pay called the meeting to order at 8:08 P. M. and the invocation was by Mrs. Smith.

Bennie Lee - Annexation request: Mr. & Mrs. Lee are requesting annexation of their property where they have a home, located at 435 North 300 West. They want to annex a portion which measures 100 feet deep and 326 feet of frontage along 300 West Street. As their home is already connected to the city water and has been for a number of years, they want to come in under the part of the annexation ordinance which allows up to 1 1/2 acres in when already hooked to the water.

Mr. Lee said there is a narrow strip of property about 8 feet wide between his property and the city limits which belongs to Kevin Steadman. He has made arrangements with Mr. Steadman to trade, foot for foot, part of the west end of the Lee property for the Steadman strip, and thus be contiguous. Mr. Lee said this strip is being surveyed now and will go through a title company so there should be no problem with it. He said this was a problem because at the time he bought the property, he did not know this strip was not his.

Mr. Pay said this is a typical situation all over town, everything is off. Mr. Lee said it is no problem now as they will just make the trade, which Mr. Steadman has agreed to do.

Mrs. Smith asked why it had taken them so long to annex as they started it a long time ago. Mrs. Lee said that at first they wanted to annex all their property but William Brost bought the north three acres so they did not need to finish the request for annexation of all that.

Mr. Lee asked if they would be able to get a building permit to build a room on the south side of their home. They were told the annexation would have to be completed first, then they could apply for one, which would probably be no problem as they have plenty of side yard and the lot will be conforming.

Mr. Kelley asked if the road in front of their home was their property. Mrs. Lee said their deed takes in 10 feet of the street, according to the surveyor. Mr. Jones said this is no problem as this road is not between them and the city limit line.

Mr. Pay said he could see no reason for not recommending the annexation request be granted but that the exchange of property with Mr. Steadman must be completed and a copy of the deed submitted with the mylar map.

Mrs. Smith made a motion they recommend to the City Council that the Lee's property be annexed to the city when the property exchange with Mr. Steadman is completed. Mrs. Anderson seconded the motion which passed unanimously.

Bart Olson : Mr. Olson said he is here again regarding the request for annexation of his property which contains greenhouses. He said the City

Council told him they would look at creating a light industry zone but have not done so as yet. He would like to annex as industrial with a 100 foot buffer zone even though he doesn't like it, if he can get a commitment from the Planning Commission that they will work on getting this changed within the next two or three years. He said he would be truthfull, the need for year around water is the reason why he wants to be annexed.

Mr. Olson said he had checked his water bills for his house and found he used 202,000 gallons during the June 15th to August 15th period in 1987, 196,000 in 1986 and 102,000 in 1985. Each of these periods was for 56 days. He said he was probably a high user but he felt, based on this, the greenhouses were using a maximum of the equivalent of four homes.

Mr. Olson said he felt it was important for the city to have him in as they would be looking at \$6,500 worth of property taxes and the franchise tax on \$75,000 a year utility bills. Also, they have a labor force of 8 full time people and about 90 seasonal ones with a payroll of around \$250,000 per year.

Mr. Pay asked if he were annexed into the city, will he expand the business and what if they did annex him and then did not have the water he needed? Mr. Olson said the city needs to look at the benefits it would be to them and weigh that and he thinks the benefits out-weigh the water problem. He asked if the city had ever really had a problem with not having enough water. Mr. Jones said since he has been on the council there has been one weekend when they ran out of water and it was a serious problem.

Mr. Olson said he would like to have all 12 acres in greenhouses and it would be worth around a million dollars and everything else would increase accordingly.

Mr. Kelley said he would repeat what he said last meeting, he felt they were trying to solve a 20 year problem with a 5 year solution. Mr. Jones was not present at the last meeting when they tried to figure how much water Bart was actually using in the greenhouses. Tonight they have accurate figures and even though there are benefits as Bart has pointed out, the city can't take the benefits and then not have enough available water.

Mr. Olson said they just accepted Mr. Lee's annexation request and he will have two lots which will use water.

Mrs. Anderson said what Bart is now using is equal to 8.6 homes.

Mr. Pay asked does the city have enough water and if they do change the ordinance to create a light industry zone, what then?

Mrs. Anderson said if he built more greenhouses they would use that more water.

Mr. Jones said they need to look down the road to the future. What if at some point in time they were to go broke and a bank took over the property, the city could not prevent them putting in anything they wanted as it would be zoned industrial. Mr. Olson said they would already have the 100 foot buffer zone.

Mr. Jones said if they allowed this annexation in as industrial or commercial it would be spot zoning. He said Mrs. Robbins is coming in to request annexation next to this for a rest home. The other thing to consider is, are

the greenhouses industrial? He feels basically they are commercial agricultural and Mr. Olson is asking for industrial. Mr. Olson said there is no other way to class them as they are not a retail store, they are not residential. He said he is as lost as they are as to what to do.

Mr. Kelley asked why they should consider it a different type of industry, are people who process food industrial or agricultural? Mr. Olson said he felt Stouffers was industrial. He said he needs to be in the city and he feels he is being put off. Every citizen he talks to wants him in the city and if he can't get this taken care of he will send letters out to all the citizens asking them to urge the city to have the ordinance changed, but he needs to know.

Mrs. Anderson said they have to look at everyone and their needs and not take from one for another. Mr. Jones said according to an engineer he spoke with some time ago, the amount of water Mr. Olson will use on one acre of greenhouses is no more than that used on an acre of corn or hay or anything else and a residence with lawn will use about the same, depending of the type of soil. The city uses a huge amount because of the soil we have. Mr. Olson said that is because of the drainage problem and evaporation. What he uses in the greenhouses is controlled watering so they do not have this problem.

Mr. Pay said when they talked about looking at a light industry, no one mentioned spot zoning. Mr. Jones said commercial does not require a buffer zone and it can be changed to residential but industrial can not be changed to residential or anything else.

Mr. Olson said wells and water shares are not available and he is willing to put up the money to buy water shares if any can be found.

Mr. Jones said it is expected that when CUP water comes in the city can buy water from them but that is a long way down the road. The city was offered water from Pole Canyon but as yet they don't know who owns the water for sure. He said each year the city does a study to see what the water loss is in leaks but but can't do it until winter when they stop watering the parks and cemetery. We were not able to do it last year as the meter on the headhouse broke just when they would start checking and it took a while to get it repaired.

Mr. Kelley asked if the loss was significant in the past and Mr. Jones said that since they up-dated the lines in one quarter section of town it has been less and we don't have to run the well as much now.

Mrs. Smith asked if the town suddenly grew would there be enough water for that? Mr. Jones said we have 2 second feet from the well and 1 1/2 second feet out of the canyon. We have to look at the dry periods so we won't run out of water. Who knows--the springs could dry up in the canyon. Mr. Olson said Mr. Jones is just guessing as he knows of only one weekend when there has been a problem. He doesn't know if it is as major as they think it is.

Mr. Jones said the city density is at about half of the available space for homes and they need water for the rest. The new Junior high school will need water. Mr. Olson asked how many homes are built in a year. Mrs. Rosenlund said not very many now but during 1978 to about 1982 the population of town nearly doubled and a lot of homes were built, maybe this could happen again.

Mr. Jones said those already hooked on to the city water can come in and bring 1 1/2 acres on which could be built four or five homes eventually. Mr. Olson said you are letting them in and they provide the city with nothing and he will be providing them with a lot. Mr. Jones explained the reason for allowing the 1 1/2 acre thing was because everyone thought the ordinance was too strict so they changed it thinking everyone would come in but so far only two have.

Mr. Kelley said it appears water doesn't seem to be the problem but zoning.

Mr. Olson asked if spot zoning was illegal and did they have a problem with it being industrial. Mrs. Rosenlund said it is not illegal but is not desirable as if it is allowed, the zoning ordinance is not much good, anybody could then do anything they wanted to because a precedent would have been set. Mr. Pay said they need different types of zones within a zone.

Mr. Kelley said he can see a problem if it is strictly industrial and people beyond want residential then something unforeseen comes up, it might be a problem so we need to know the legalities. Mr. Pay said they need a change of ordinance. Mr. Olson asked if it was that they don't want industrial or they don't like the location. Mrs. Smith said it was not this but that they were concerned for the future as it is too close to residential. Mr. Kelley said it might not be a problem now but they would be setting a precedent and if there was never going to be another annexation it wouldn't matter but they have to make a decision. Mrs. Anderson said if they allow this and someone else wants to spot zone, they would have to allow it.

Mr. Olson said then it is not the zone itself but the location as it is not in an area to be industrial. He said what he needs to know is are the planning people willing to look in that direction. Mr. Pay said they would like his property in the city and Mr. Kelley said yes they would. Mr. Olson said so does everyone else but you don't let us in.

Mr. Jones said when they first started this operation Olsens said they would only need water in the winter and now they need it all year around. Mr. Olson said they had never said they would not need water all year around.

Mrs. Smith said she felt they were committed to do all they can to bring his property into the city but they need to decide what is best. No one wants to see him go out of business but they can't do something for just him. Mrs. Anderson said Mr. Olson has come a long way as he said he would not come in at all if he couldn't come his way, now he has changed.

Mr. Kelley said they must make sure what they are doing and if they can legally do it as he feels this is a special case and it is positive thing for the city but they have to look at all the ramifications. Mr. Olson said can I just get you to look at it. I will be at each meeting until I get a yes or a no.

Mrs. Smith asked how big their business would be if they increased to the maximum and Mr. Olson said three times what they are now. Mr. Kelley said he hoped Mr. Olson understood this was not an individual to individual thing but the situation.

Mr. Olson left the meeting at 9:20 P.M.

Mrs. Lynne Robbins-discussion of zoning for a health care facility: Mrs. Robbins said she needs to know what the Master Plan is for the place she wants

to build a residential care facility. She understands a city can indicate which zone it has to be in. She is buying property from Darwin Robbins which borders on 500 South and the proposed road on 500 West. She needs two access roads for emergency access. She asked if the city intended to put in the 500 West road. Mr. Jones said this is on the master plan but the property owners have not turned it to the city. They are the Alexanders, the Rosenlunds, the Robbins, the school district and the city owns some at the west end of the West Park. Ben Alexanders property was to have been given to the city as part of his subdivision but the subdivision was declared void so it would probably have to be condemned and then he could repay it when he finishes the subdivision.

Mrs. Robbins asked how this was done. Mr. Jones they have to get two appraisals and it can be done in a very short time. Mr. Robbins said they should ask Ben first to give it to the city and Mr. Jones said Ben just might. Mrs. Smith asked who should approach Ben and Mr. Jones said he would talk to him.

Mrs. Robbins said supposing all these owners were willing and it becomes a city street, and if she bought two acres, how much water would she need to annex and could she give money instead of water. Mr. Pay said she would need four shares and the city has no provision to take money in lieu of water. It has to be water shares or well water and wells are probably not available.

Mrs. Robbins asked what they felt the city could do if she goes ahead with her plans. Mr. Robbins asked if they would put the road in. Mr. Jones said the city council will decide on the road. Mr. Pay said he could see no problem as long as they have the water, map, etc. for annexation. Mr. Jones said the water line already goes right down to there but the ditch will have to be piped and she would have to pay for it although the city may help. Mr. Robbins said he thought the water company was figuring on piping the ditch anyway. Mr. Jones explained about why the ditch was piped and the people living on it and the city had helped pay for it. He suggested the Robbins talk to the water board and see what they are going to do.

Mrs. Robbins asked about a fire hydrant. Mr. Jones say there has to be one every 600 feet and if the road goes through maybe there could be one closer. Mrs. Robbins explained she wants to build this facility now and later expand to include apartments for the handicapped and so needs a fire hydrant. She asked about side yards, frontage, etc. and Mr. Pay said they have to be the same as a residence.

Mrs. Robbins said she has to have written permission from the Planning Commission and the City Council and she needs to know if they will go with this before she goes any further and needs to know about the road. Mr. Jones said there is a possibility of 400 South Street going through to 500 West so they would have access of two streets. The only problem might be if Ben wants too much for his road. He hasn't finished paying for the water line yet but he will talk to Ben. The line there now would be a dead-end one so if 400 South goes through a line could be put in there and so make a circulating line. He said he feels her facility would be a real asset to the city.

Mrs. Robbins asked what if she wants to annex additional property and Mr. Kelley said this would be no problem as it would be contiguous but she would need water shares..

Mrs. Robbins and Mr. Robbins left the meeting at 9:50 P.M.

General discussion of various business: There was a general discussion of spot zoning and that if this was allowed, they would be setting a precedent. Mr. Jones said when Olsons first started building greenhouses in the county he suggested they start buying some water shares as they would be asking to annex but they did not do it. He suggested maybe they could let him annex just what property he could with what water shares they now have and maybe later they could bring in the rest.

Mrs. Smith said she felt the water was an important consideration. Mr. Jones said the city needs a certain amount in storage per house for fire protection and the city cannot file for more water than they already have filed for.

There was a short discussion of the Dorothy Robertson annexation request and Mr. Jones said it would be good if their springs could be cleaned out, piped and a headhouse built just for that area.

Mrs. Smith said someone had asked her about the street near Wade Oldham's home along 500 West between 200 North and the city limits. She was told this was given to the city and would be black topped. Mr. Jones explained this would have to be a special improvement district with the property owners helping to pay for the black topping.

There was a discussion of the Robbins proposal. It was felt this would be an asset to the city and the property they proposed to annex to build it was in a perfect place. Mrs. Anderson asked if they would have any trouble with Mr. Alexander. Mr. Jones said he was mad at the city for voiding his subdivision but they did it on the advice of the city attorney as he was not making his payments to the city.

Mr. Jones said there is a group which wants to save the oldest part of the old school for a museum. There will be a meeting on October 15th at 7:00 P.M. to decide what should be done. Mr. Pay asked about the heating unit as it is in this part of the school. Mr. Jones said if they decide to save the old building they will have to change the plans for the Senior Citizens part. Mrs. Smith said a lot of people in town don't know the school board is paying for tearing this down and it is not costing the city. She said the roof is the worst and maybe they could get volunteers to help.

Through the Window house survey: Mrs. Rosenlund explained that this needed to be done and given to MAG as part of the requirements for getting the grant for the old school remodeling for the senior citizens. She will try to have maps made up for the next meeting so they can assign a district for each person to cover.

Mrs. Anderson made a motion this meeting be adjourned. Mr. Kelley seconded the motion which passed unanimously.

Adjourned at 10:30 P.M.

Grant A. Pay
Chairman

Oct 27, 1987
Date approved

Ramona Rosenlund
Secretary