

## **Minutes**

**Francis City Council Meeting  
Thursday, May 12, 2016  
Francis City Community Center  
2319 South Spring Hollow Rd.  
Francis, Utah 84036**

**Attending:** Mayor Snelgrove, Councilmembers Byron Ames, Matt Crittenden, and Jeremie Forman. City Staff: City Recorder Suzanne Gillett, City Engineer Scott Kettle, and City Attorney Kraig Powell

**Excused:** Councilmember Shana Fryer & City Planner Marcy Burrell

**Others Attending:** Leif Cox, Trilby Cox, David McCluskey, Nick Berry, Amy Price, Jill Jacobson, Kit Burton, Rusty Webster, Stacy Lundgreen, Mont Lundgreen, Greg Averett, Kim Atkinson, David & Raeshell Sutherland, Les England, Mike Johnston, Jeff Jacobson, Jolene Weston, and Bryan Betournay

**1. Welcome, Call to Order, & Pledge of Allegiance**—The Mayor welcomed all of those in attendance and in lead the pledge of allegiance. Attorney Powell was still not present, Engineer Kettle called him and he was just leaving Heber City, he forgot the meeting started at six.

**2. Public Comment**—The Mayor asked if anyone had any public comment and there was none.

### **3. Public Hearings**

**A. Code Text Amendments to Francis City Land Use Development Codes pertaining to Title 17 & 18. Possible approval of Ordinance 2016-06 Codification on Title 17 & 18 Francis City Land Use Development Codes**---The Mayor asked Engineer Kettle to explain some of the changes as Attorney Powell had not yet arrived. Engineer Kettle explained some of the changes that he and staff had discussed in their codification meetings. The Mayor then explained some of the changes that had been made in chapter 17 of the Land Use Development Code that he was aware of.

The Mayor asked Engineer Kettle about the fence heights that were discussed in the last council meeting. Engineer Kettle explained that all the information he found from other cities showed that most other cities have a six foot fence height.

Councilmember Crittenden asked if left at six feet then someone could come in and ask for a variance. He was told yes. He said he was fine leaving it at six feet as long as someone could ask for a variance. Councilmember Ames was good with leaving the height at six feet.

Title 18, the Mayor said that a big portion of that has been removed. He reviewed some of the items that had been taken out. He also feels that as they go through this that they realize that this is a continual process.

Attorney Powell made it to the meeting and he apologized for being late, he saw the time change, but forgot to change it in his calendar and he sincerely apologized again. The Mayor informed him that council just kind of reviewed Title 17, it seemed like the biggest issue there was the fence height. He explained that what they decided was that they would leave the fence height at six feet with the option for a variance. Attorney Powell said that yea, six foot would be the standard. The Mayor asked Councilmember Forman he if was ok with that. He said yes as long as it didn't cost an arm and a leg to get a conditional use permit.

The Mayor asked Attorney Powell to give them the highlights of Title 18 and where they are with that. Attorney Powell explained that last month they reviewed the first half of title 18 and he would like to go over zone and lot densities. He informed them that Marcy had given them a packet that has the densities in it. On the memo with the staff report titled code text amendment it explains the changes that have been made, he reviewed the packet with council, he explained that he had defined natural grade and wrote up a description on that as they had discussed doing that. He also explained that the building height was changed to 32 feet to match with the county. Attorney Powell read through all of the changes that had been made and reviewed and discussed them with council.

Attorney Powell reviewed the density tables in the proposed zones and he explained some of the lengthy discussions that he, staff and council had as we have gone through this whole codification process. He reviewed agricultural AG-1 which is sometimes called AG-5, this has been confusing because we actually have a couple of different references in code. In one place it says one dwelling per five acres, but in most of the other places it says lot size is one acre. The way we have always, always interpreted that in Francis is as long as he has been here is AG-1 is a one acre lot zoning, so you have to have lots that are at least one acre then you can get a building permit. If you look on the zoning map for Francis you can see that there is all this area around the town on the annexation boundary area that shows AG-5, but we don't technically have an AG-5 in the code. AG-5 has never really been defined. That is kind of what they are trying to do with this codification is get everything in order. It is probably best to keep it as AG-1 right now until there can be more review. We will continue to call it AG-1 until a change is made. There was some discussion on things that could be done with different zones.

Attorney Powell said that there is no one in town right now that is zoned AG-5, so he recommends that they leave it AG-1 and one dwelling per one acre. He asked if there were any questions on that and Councilmember Forman wanted to know why the different designations between AG-1 and RA-1, what's the point. Attorney Powell explained that they are actually trying to transition over. We would eventually like to call that AG-5 to mean that it's totally on the out skirts and totally agricultural, but we really can't do that right now because we don't know which properties in the city would be called AG-5. Basically everything that would be called that is outside of the city right now. It would basically be transitioning from now to the future to just create these as place holders.

Attorney Powell referred to the updates to the proposed use table, Marcy has gone through and made all of those changes, it just reflects the changes that council asked her to make. So, that is pick up from last time.

Attorney Powell said that the Mayor just a minute ago on Title 17, now Title 17 is subdivisions. He said that he had not looked at that with the council yet. There was a brief discussion whether to move forward with Title 17 or finish up the rest of 18 first. Attorney Powell said that Title 17 is a standalone, it's how to propose subdivisions. So he would stick with Title 18 and finish it up first.

Title 18 you start with 18.60 review and regulations for impact on public infrastructure and environmental factors, this is a procedure never used in Francis. A lot of what we are doing with the codification right now is simply making some broad brush clean ups as per codification. It is really important for everybody to realize that all of the stuff that is in all of your packets is already the law in Francis. The whole purpose of this codification we have been doing is we sent all of the ordinances for the past 80 years that we could find, and we sent them to the codification company and they came up with this whole binder and 18 Titles.

So by codifying we are not changing any laws that are already in Francis, those are already the laws of Francis. But what we were asked to do was to go through and at least since they are printing it and we are

looking at it um try to see if there are outdated things or things that are pretty obvious omissions that we might want to change. I know that the planning commission in looking at this, you now are able to see, hey there is lots of things that we could work on and change and even organize and re order. That is actually the function of the planning commission, they are the ones that do that. So hopefully that will happen. But over the past almost 18 months now as we have been going through these title by title for the codification, the codification company is asking now to go ahead and be able to print. Then we will have a full set of Francis City Codes that anybody can see, read, look at and the planning commission and city council can basically dive back into it and make changes if necessary.

Attorney Powell went over and reviewed and explained everything in the remaining portions of Title 18. Council had some discussions as they went through all of the changes that had been made and Attorney Powell explained everything in great detail.

There was some discussion on when a project has CCR's a statement as to whether the property is subject to a homeowner's association declaration. This is actually just making sure that the city informs people when they get a building permit that there is a homeowner's association, it does not mean that the city is liable or that the city is monitoring that. He informed council that the office staff does do that. The Mayor wanted to add that the city does not have any governing power over the CCR's. Attorney Powell read again what the code said, in no case shall the city be liable or responsible for failure to instruct the applicant or for the applicant's failure to comply in any way with applicable covenants, conditions and restrictions.

Councilmember Ames asked if that statement of failure to instruct the applicant, does that mean if the city fails to say that there are CCR's at all or is that talking about something else. Attorney Powell said that a lot of times we don't even know. So, Councilmember Ames wanted to know why we were even putting this in here at all then. He was told it's a suggestion, mainly because it is public service. We have had a lot of citizens who say they saw somebody building across the street and they come to the city and say, hey why did you let them build, they didn't come to our HOA or Architectural Committee, then sometimes the staff will say, well we did tell them or we didn't know that you had any CCR's or HOA. Now Byron we talked about this again and again, this is your decision, if you want to take it completely out we can. We can say that the city does know or even care if you have an HOA. Byron feels that it seems to be kind of vague. There was some discussion on this. Attorney Powell explained all of his thinking and reasoning behind why things were written the way they were and the whole process.

Council continued forward reviewing the rest of Title 18. They discussed the board of adjustment on variances only, as that is the only thing that the board of adjustments does. Next they discussed the appeals to city council. The city council shall be the appeal authority for all non-variance land use decisions in which the city council has not acted as the land use authority. So, basically if your building official makes the decision about somebody having to put fire sprinklers in, if your city engineer makes the decision about how some people post a particular kind of bond, or if your city planner makes the decision that somebody has to get rid of their chickens. All of those decisions get appealed to the city council, you are the land use authority appeal body.

Now the flip side of that is, any time you are the decision maker like on most subdivisions, conditional uses, commercial proposals, any time you are the decision maker the appeal is to district court, basically because there is no higher body in the city. That is in 18.75.04. All appeal authorities in the city must keep a written record. Appeal from the board of adjustment goes to district court as well. The last paragraph of 18.75.070 finality of action if no appeal has been filed at the end of 30 calendar days then the action is final. That's important just so you have finality in making the decisions. State law allows you to set the time frame.

Attorney Powell then reviewed non-conforming uses and explained all of the changes that had been made. He reviewed the remaining changes and also explained the items that had been moved to Title 2. He finished reviewing the rest of Title 18. All question that council had were answered.

Attorney Powell reminded everyone once again that when we adopt this, you can do it tonight or look at it and study it more. But, when you do adopt it we have a codification provision that says this will all take affect at the time we codify everything that will probably happen within the next little bit and everything will be adopted as a whole. With exceptions to a couple of things.

Attorney Powell reviewed Title 17, subdivision provisions. He explained the whole subdivision approval process. He also explained that the records now reflect that if you have not recorded your plat within one year of approval they are expired and you start over. He finished reviewing all of the changes with council.

The Mayor explained that there has been a lot of time and effort put into all of the codification. He then opened the meeting to the public for any comments on Title 17 & 18. He explained there was a three minute time limit for each comment.

Jill Jacobson stated she is the chairperson for the planning commission for Francis. Just a couple of comments about some things Kraig went over tonight about not requiring the city to enforce CCR's, but she thinks if the city doesn't acknowledge the fact that there are CCR's attached to subdivisions um you know subdivisions are platted and recorded with the county. CCR's are drawn up by attorneys and recorded with the county these are recorded documents. In other cities they require as a planner as part of the plan check, they require a letter from the HOA which would in our case acknowledge the fact that they have gone through the CCR's and the HOA board to approve whatever plan of home that they are building otherwise I think you are going to get into lawsuits with the individual, with HOA's and she feels that it could lead to problems down the road if the city does not at least acknowledge the fact that there are CCR's.

Second with the AG-1 zoning, it's been in the code for a while that AG-1 is a minimum size of a one acre lot and that the density is one dwelling per five acres. I don't believe that is a mistake she believes that it is written that way to preserve open space to actually preserve the agriculture that is involved with that. She explained why she believed the way she did. She feels they need to seriously change the whole scope of the AG-1 zone because it changes that whole density of what we are doing. If we take that away then we may have subdivision after subdivision of one acre lots. She feels that takes away the whole intent or purpose of the code. Time is up.

She then stated that she feels that the language inserted needs to come back to the planning commission before it gets approved.

The Mayor closed the public hearing and turned the time back over to the council.

Councilmember Ames asked about the AG-5 that we have now it says that the minimum lot size is one acre correct. Attorney Powel said it is actually called Ag-1 in code, on the map the only thing designated as AG-5 is outside of the city. Councilmember Ames said the way it is now and the way you are trying to make it in the second column and it talks about dropping from one dwelling per five acres to one dwelling per acre. His question is can five acres since the minimum lot size is one acre can five acres in that zone be subdivided into five one acre lots. Is there anything preventing that. There was some discussion between Attorney Powell and Councilmember Ames. Most of Francis not developed right now is green and the map that has always been used and enforced. But, there is some ambiguous language in the code.

Attorney Powell reviewed what it said in the code and he explained again that the zone map is what has always been followed and how things have always been treated.

Attorney Powell said that it has always been treated as a one acre zone with one acre lots. The point Jill makes is if the city council wants to take a very close reading of this and make sure that we enforce it like the way she described, then they need to take time and review and get it done. Because it is a very different understanding of what the city has done and enforced.

Councilmember Ames said the words do have ambiguity in them so we have lawyers arguing two very different things into the same language. At that point, it might be neighbors as well.

The language is reproduced in the codification so maybe there will need to be more review.

Attorney Powell said that we have been going over a lot of things and doing it for many months and we knew it would be a huge project. But, if you wanted to reword 18.25 which is the section you went over last month is where it is included. It is basically the language that he just read in the AG-1 zone. He suggests that we clarify this immediately and you have subdivision applications coming in all the time. He feels this all needs to be clarified.

Councilmember Forman said he agreed that it needed to be clarified. Councilmember Ames also agreed. Attorney Powell said that Horrocks put together the map from the most recent time, this was seriously discussed before planning commission in 2009. The Mayor said that there was a lot of time put into it. Engineer Kettle informed them that the city council and planning commission back in 2009 reviewed the general plan and everything and that is what was approved. And, it says agriculture AG-1 one unit per acre is the green on the zone map and as he said he thinks that has been the understanding and that's been the way it has been applied and enforced.

The mayor asked council what they wanted to do. Councilmember Forman feels that we need to re-word it somehow to make it clear. The Mayor wanted to know if they wanted it to go back to the planning commission, do they want to do it here, do they want to table it and ask the planning commission to review for council next month with some clarification on zoning.

Attorney Powell said if you took some more time you could, but the big concern he has is if you create an AG-5 zone that is really an AG-5 zone that is only one unit per five acres, he thinks that you are going to get sued if you try to apply that to anyone listed on green here. That's because the city has interpreted and enforced this. But any of the other zones you could.

Councilmember Ames does not understand how you can even apply that without getting into ambiguities if you are allowed to subdivide up to one acre. There was some discussion among attorney and councilmembers.

Councilmember Forman thinks that technically the wording prevents it, but it hasn't been applied that way. Some discussion. The way it is proposed tonight is to change the wording to fit how it has been applied.

Greg Averett asked if they could re- open the public hearing and Lorraine Flygare was asking the same thing. Greg said if they were going to act on this it affects the next item on the agenda that everyone here is for.

The Mayor asked what council wanted to do, Forman said he didn't care. The Mayor wanted to table and move on and deal with the other hearings. Attorney Powell explained that with the codification we are doing and it being a six month period the only provisions that he talked with Marcy about so that you

would know for tonight that they are worried about for the six months are two things. Storage units in the commercial zone which are being changed in this code that will go to light industrial only. The other one is multifamily housing in the commercial zone.

So he does recommend that we get some ordinance passed before June 7<sup>th</sup> on those two items that will lock out the six month period. Any of the other changes that you want to make you can take the time.

In all honesty Councilmember Crittenden said he would be willing to listen to the public. All councilmembers agreed. Councilmember Forman said his point is that they have people here that want to speak to the issue which quite honestly is something they don't get.

The Mayor re-opened the public hearing and reminded everyone of the three minute time frame.

Shauna Bushman said she is also on the planning commission. She said the planning commission voted because first of all we were never given hard copies of the full code, either 17 or 18 to look at, so we just had bits and pieces and a lot of it was very confusing. So what we determined last planning commission was yes ok we understand there is the six month deadline go forward with what's here but we were very clear that within two months that we as a planning commission were going to give you as the city council a draft of land use and development code that would entail different zones within the AG-1 and AG-5 and other things.

Councilmember Ames asked, so the way we are getting this tonight is what has gone through the planning commission and the planning commission was comfortable with this where it says the things stated about zones. He was told this is just the way it currently sits.

Trilby Cox said that she has become a student of Chapter 5 and she finds in three different places in Chapter 5 where it distinctly describes agricultural grazing zone 1 specifically saying there is one dwelling per 5 acres with the minimum lot size of one acre in a table. And, worded twice in two other different sections. So, she doesn't understand how it can't be clear when it is mentioned in three different places what it is. I don't disagree that it looks different on the map, but she finds it in three places in the written code.

Greg Averett gave his address and stated that he has lived here his whole life ok, and he can tell you as far as he can remember the intent is that it was one to one and this is why. Because people have grown up on small farms around here and they have kids and they give each kid a lot. Here's an acre build a house. Families building together and it's been that way forever and it wasn't done to protect open space for you people that have move in here. I'm' sorry it wasn't it was so everybody could have lots. These family farms are getting smaller all the time and if you say a lot of them are already divided to be one and one so if you change that now and say you get two lots, then families can't divide their ground out amongst children.

We have got to be very careful because it was the intention of one to one. It's not the people who grew up or own small family farms to maintain everybody else's open space. It infuriates him that people move in here and say we love agriculture leave it open, at whose expense, not at theirs. But at the people who have lived here, and as soon as you bring in some chickens or donkeys or such then we hate agriculture, but you have forced those people that have owned it to live with their wishes. So be very careful please. He feels that it should stay the way that it is one to one.

Jeff Jacobson is here for three B, but how really can we talk about 3 B zoning amendments when members of the council and public don't have the definition as to AG-1 what is AG-5 what is R-1 what have we. So he suggests before you continue on this is a moot point. We need to have definition and universal definition not ambiguity between city attorney, members of the council, city engineer, and

planning commission chair people. You cannot affectively move forward until you have that definition. Then you can start to amend this.

The Mayor closed the public hearing and brought back to the council.

Councilmember Crittenden is in 100 percent agreement with Greg Averett. The Mayor asked what they wanted to do. Councilmember Forman says for him, he is just trying to think through it all. So as far as he can tell the only zone that has any ambiguity so to speak is AG-1 vs. AG-5 and the ambiguity only really exists in the wording not in the practice. In practice it has been applied for years historically as recently as this year or late last year as AG-1 one lot per one acre, so he understand some concerns, but in reality the code wording has been unclear, but the practice has always been one to one so basically you are not really making the change you are just making the code fit what actually has been done.

The Mayor said that was the purpose of going through this code is to fix the things that are wrong. That's how Councilmember Forman is seeing that, everything else is clearly defined and what has been used except that one. Councilmember Ames said he is thinking about comments made and the fact about the wording is different than how applied concerns him. He feels that the city needs to apply things the way they are written, so if there is a disconnect there he is not comfortable with that. His interest is in addressing the six month issues and tabling this. He would be more comfortable with that.

Attorney Powell said yea Mayor absolutely and he thinks the planning commission has made some really good points and he thinks they are really willing to look at the different zones and what should be there and what should be fair. He wanted to bring up a couple of things. If it were all zoned as five acre zoning within all of the city limits which most people have not understood that to be the case, then what he predicts what they are going to get is a whole bunch of applications to rezone into R-1 which is two units per acre, because everybody who develops always comes in and asks for R-1. He explained what he thought would happen. He feels that they should pass what they can and work on the rest. That addresses the two items that they need done before the six month date of June 7<sup>th</sup>. There was some discussion. The codification they are adopting is already the law in Francis, so if we go ahead and sendoff it is not like we are jumping the gun on anything.

Councilmember Forman thinks this merits a little deeper look vs. make a quick decision now, because he feels that it is important that they make things right. He still stands by what he said earlier and how he feels about it, but he thinks they need to make sure they are not missing something.

The Mayor said if they want to send things back, the two issues coming quick are that right now under the six month duration are multifamily dwellings in commercial and storage sheds in commercial. So if they want to address those two things and send back to planning commission they would have to have another meeting.

The Mayor asked for a motion and there was some discussion on how the motion should read.

***Councilmember Forman made a motion to adopt Title 17 and the first half of Title 18.05 through 18.55, with the exclusion of Title 18.25 to be sent back to the planning commission for clarification, and removing storage units and multifamily housing from the commercial zone, which would be effective immediately. The rest of those to be effective upon codification.***

***Councilmember Ames seconded the motion. The Mayor, Councilmembers Ames, and Forman voted aye. Councilmember Crittenden voted nay. Motion passed.***

Councilmember Crittenden is having issues with as far as what we had on the agenda, the zone amendments for FT-54 & FT-54-3 isn't it surrounded by R-1 anyway. The Mayor said that was coming up.

**B. Zone Amendment for parcels FT-54, FT54-3 submitted by Rusty Webster, proposed subdivision "Hilltop Ridge"---The Mayor reviewed what Marcy had prepared her father in law passed away so she is not able to be here.**

The Mayor said this one is a possible amendment to parcels FT-54 and FT-54-3 submitted by Rusty Webster proposed subdivision called "Hilltop Ridge". He stated that Marcy was unable to be here tonight as her father in law passed away. Everyone should have received a copy of the staff report and he has a copy here of the summary that she gives. The Mayor read the entire staff report on the zone amendment for Rusty Webster.

The Mayor asked Rusty to step up and add anything else that he would like to add to that. Rusty said that he thought this was a very simple project, it's a piece of ground that is surrounded by R-1 on both sides. It connects the road through the town the way always intended it to be run through and it is a good design, it's not just a straight through and they have tried to make the obstruction low. To him it is just kind of crazy what he has been hearing tonight and what he heard at the planning commission, he just got bombarded. Anybody is capable of buying that property if you are that worried about your view corridors. Rusty explained he has developed a lot of subdivisions and it is where it make sense, out in the county, not where it is surrounded by an R-1 zone. He would encourage council to look at that.

The Mayor asked about the road and what they owned. There was a brief discussion on the road and how that all worked. The Mayor also asked if council any had any questions for Rusty.

Councilmember Forman just wanted to clarify the project so he had it all clear in his mind.

Mike Johnston an engineer in Heber city working with Rusty. He appreciates the comments from the planning commission and he has looked at the issues of traffic that they brought up on Hilltop Road. There were two issues with traffic brought up. One was the continuation of the current cul-de-sac. Second was the traffic issue on Hallam and Hilltop Rd. He would like to address both of those issues. So, he would like to address those to the council.

In a residential subdivision peak hour traffic is one car per home that is the evening commute. Summit Haven Subdivision their peak traffic is twelve cars. Maybe on certain days it could be fourteen or fifteen, but your peak hour traffic is one per home. He also explained what that was based on. Scott could verify that. Right know their peak traffic is twelve cars leaving their cul-de-sac. When Rusty does his eleven homes and extends through and connects there will be a peak traffic count of twenty four cars on the afternoon commute and that will be split going both ways, twelve one way twelve the other typically. That means traffic at Summit Haven and Hallam will still be the same. The other issue is Hilltop Road, he counted twenty cars on this portion in one hour peak. He finished up by sharing the rest of his thoughts on the roads.

Councilmember Ames asked if the road does go through, what happens with this cul-de-sac you now have a half of a cul-de-sac in the middle of the road or does that get abandon and the people who live on the cul-de-sac get their property extended out to the edge of the road.

Engineer Kettle explained that right on the plat it says temporary turn around to be vacated at the time of future road extension. So if the subdivision is approved then Rusty will cut the asphalt so it is just the normal 30 foot wide road, the cul-de-sac will go away and they can turn it into lawn.

The other question Councilmember Ames had was about dissipating the traffic. There was a brief discussion.



Councilmember Crittenden said as it stands right now you could build seven houses right now. There was some discussion on how many houses could be built.

The Mayor asked council if they had any other questions. He then said that they would open the meeting up to the public. He also explained that they had everyone's letters and had read them and that if they had something to add to the letters then they would invite you to come up, but if you are just going to read what you already said to them, they already have that and they have read and absorbed what has been sent to them. He wants to keep this civil, and if it gets out of hand then they will invite you to leave. They are not going to have name calling and we are not going to have conversation going back and forth except to the council. You have three minutes and you need to be done. So if you would like to step up and give your name we will go from there.

Jolene Weston lives in Summit Haven and she would like to add that they are not against development, she would like responsible development. It will add traffic, and extending it into Summit Haven is not ideal, because they have little kids and animals and it makes her afraid to send her little girl up the road to her neighbors to get a cup of sugar.

Leif Cox 1742 Summit Haven Dr... He said he would like to echo a few things Jolene said, that they did not have in their letter. He said that some of their concerns about the road are misrepresented, he is not worried about eleven more cars going through there, once that road is done it is going to be a better road than Hallam to Hilltop and that is going to be a through fare and everybody that drives up and down Hallam and Lambert at 45-50 miles and they are going to come through our neighborhood. We need to address this so that they are deterred from going that way.

Another thing he agrees with Jolene on is that they are not against development, what they want to get across is that they don't want all of Francis broke up into third acre parcels. He doesn't think anybody in the room wants that either. What we need to do is break parts of this into neighborhoods and have some larger areas also. We don't want the whole valley to look like Wild Willow, so if we leave the zoning as is, which is hard right now because we don't know exactly what that is.

Bryan Betourney said that he lives up on Foothill Drive and if you people in Summit Haven think you have a traffic problem come to Foothill Dr., especially around school time. My kids are not allowed to ride there bike on that road, he worries about his son riding down the road. He lives on just under an acre lot, he does not pay an overage on his water bill. He doesn't know how many people he has heard complaining about water, you start making things one acre lots it is going to make it hard to take care of.

Trilby Cox said as a re-butt to that statement um we are a family that wanted to preserve a little space around our home so we did just that and bought the lot next door. So our combined lots are approx. 1.25 acres um we are a responsible family who has landscaped in such a way that even when they sodded a portion of their yard for their boys to play on, their highest water bill has been \$82, so you can still have a lush lawn for your child to play on. You can still have nice landscaping and still not use up the cities resources.

Jeff Jacobsen, resident of Summit Haven. He said to Rusty he is not here in stop the development of Hilltop Ridge, he thinks one of the things that need to be evaluated is the current dynamics that go on in Summit Haven, the road, and evaluate that today and what it would be like in the future with that road cut through. It also is very important to look how it will value or degrade an existing subdivision with family members and so forth for the betterment of a proposed subdivision.

Stacy Lundgreen explained where she lived and that she knows what that road is like. She finally got some signs for speed limits and she fears for the kids in the area. She said as she looks at Hilltop and as you go out of her subdivision there are cement barricades and she is assuming that they will be doing that as well with this subdivision, and in saying that, that narrows the road even more so it narrows down.

There are places where your vision is blocked because of trees.

She feels that someone will die on that road, whether it is on that turn or going up the road on bikes, cars whatever that is her fear. She also feels like Wild Willow, you talk about open space that is why she moved there. She is from this area and moved away for twenty years and saved up a lot of money, worked hard to come back here. That's why she has that lot there. Her boys helped her build that house, her husband did. That's why they are there, she does care about what happens around her and she cares about the development. She wants it to be a good development. I'm not saying you can't develop, but I do care about what happens next to me and I care about a little bit of open space. Time up.

Mont Lundgreen thanked council for all that they do. He rented Rex Hallam's house right on the corner of Hallam and Hilltop for four years back in the late seventies, back when the only thing on Hilltop was Lemons Dairy and on Hallam there was nothing down until Lambert Lane. He had three people crash in his yard in four years. His major concern is bringing more traffic on an already dangerous road. He is not opposed to development, but it needs to be done responsibly. He thinks Burton did Wild Willow responsibly. He wants the hometown feel here.

Kim Atkinson said he lives on 69 East 2200 South, this is the main road. You guys talk about traffic, speeding cars. I live maybe 200 yards from the stop sign and I take my life in my own hands pulling out of my driveway, there is a stop sign right there. It is the people that drive in our community, we all need to be responsible for how we drive. So having a subdivision down on Hilltop, traffic to him, traffic shouldn't be an issue, it is everybody that lives around it. You guys need to be responsible, he has lived here his whole life and he doesn't want to see any growth, but he understands that it needs to grow and be done responsibly. If you live in a subdivision that I didn't agree with, Summit Haven or Wild Willow and I'm a builder which is kind of a double edged sword. I think you should be able to do what you want with your land if you do it responsibly and not have to have a bunch of grief and hard ache from people who have moved in. I don't think you are going to have any affects with the traffic. People are always going to go the shortest way, which is down around Hallam.

Greg Averett 1940 Country Lane, grew up on South Willow Way. He will speak quickly to the traffic, traffic is always a concern. He is in the same boat as Kim, most of the people that drive and speed through my community or past it don't live in it they are going to Woodland and that is the quickest route. So, the people and from what he understands from this, the people are you people. You should be responsible for how you drive in your community. So as far as the traffic goes, leave that to the experts, the city engineer. His bigger issue here is property rights, in his opinion it boils down to property rights, ok and it always has. If we were going to start saying ok Ag people who own Ag ground you can't do this, then we should have done it in 1981 before we had all this. How can you do it now when we have already allowed it since the early eighties? We have allowed people who own Ag to go R-1 and do what they want with their property because it's America. We have tried to control things to be reasonable and smart, we have tried to control it to be what we want, and we are always going to do that, but it boils back down to property rights. If he has proposed a reasonable plan one that the city engineers and other engineers find reasonable then he says he has every right as a property owner in America to do that, whether I like it or not. But, he will ask again as they revise things to go back and look at everybody in green, because he is sure there intention was one to one. He is going to start coming to a lot more planning commissions if you are trying to get rid of that.

Chris Ure lives over on Lambert Lane wants to echo what Greg Averett just said. Am I in favor of development, absolutely not, I hate it, I hate people, I hate traffic. But, he believes in property rights. Mr.

Webster has gone out and put his neck on the line to buy this and if the property around it is R-1 then it makes sense for it to be R-1. He is not going to try to beat up on Francis City a little bit, but he is going to. They have been very vocal in the planning commission meetings at the county about them up zoning property because people would not come to you guys for a re-zone to get higher density. Here is your chance right now to show the county that you are willing to stick to your guns on that. It was something that you guys said numerous times that if we up zone around your area, then people won't come to you to be up zoned. Here is a prime example for you guys to stick up for what you are saying. As far as traffic goes, there is a big reason why there are rocks down at the bottom of the hill by their dairy, numerous of you people have hit them and tore out oil pans. Slow the hell down, that's what it is all about. You want everybody to govern everybody else, but nobody is going to govern themselves. It is a 25mph speed limit from the corner all the way to 248, he bets that 90% of you can do it in 30 seconds, slow down. I hear the comments about they'll speed through my neighborhood, well I guess I'm different, I'm not in Francis City I'm in the County so it's ok to speed through my neighborhood. Just slow down and govern yourself.

Shauna Bushman said she lives in River Bluffs and one thing that has not been addressed, the traffic issue is, there are 63 homes almost completed in that area and they go tearing down Hilltop Road and around by me and into Wild Willow and they will do the same thing if you connect that road to Summit Haven. But, we do have these rules, laws, and ordinances to keep Francis beautiful. We do have that ridgeline area and from what she reads in the code they are in violation. She has pictures of houses where you can see the roof line, if you change that to a smaller density that would probably be in violation too.

Jill Jacobson said she was chairman of the Francis planning commission and wanted to put some weight on their unanimous vote not to change the zoning. The vote was based on comments of the public and based on the most recent survey taken with the town. They are just trying to follow what they feel like from public opinion is what the city of Francis wants. She read their mission statement in their general plan, to provide for a strong positive civic image and quality of life for people who live and work in Francis Town by providing guidelines and standards that ensure the orderly and balanced distribution of growth, sound fiscal and economic investment and the preservation of opened rural living environment in a clean attractive physical setting. This is our mission statement that we have adopted that is in our code and we spent a lot of time on codes and we have pages and pages of codes and hopefully this does mean something to our community.

The Mayor thanked everyone for their comments and closed the public hearing and brought the meeting back to the council.

The Mayor wanted to clarify the proposal on re-zoning. Attorney Powell said no ordinance was prepared tonight for you to pass if you were to decide to re-zone it. The reason for that is we recommend that there be a development agreement and preliminary and final approval if the subdivision were to proceed with the concept that is being shown here for the re-zone. If you were to pass the re-zone tonight then he would have his density without having signed a development agreement for the types of things that you are going to want to cover during the approval process. So your options would be to continue the decision, you could vote to deny the re-zone or you could vote for the applicant to continue forward on his request, then he would recommend that they request that he be allowed to proceed to concept, preliminary and final approval. That would say you are willing to consider the re-zone as part of the development agreement.

The Mayor asked for questions and comments. Councilmember Forman has a list a long list. So, right off the bat, I'm going to qualify a little bit of this and if he offends anyone he is sorry because that is not his intention, but he is going to be very blunt. Looking at the plat a question he has is what is the land mass of Summit Haven total. Jeff Jacobsen answered it was about seven point two acres. Councilmember Forman then asked how many lots total were in Summit Haven and he was told twelve. So there's twelve lots on

seven acres, basically you have a piece here that is developed and a piece here proposed to be developed that are virtually the same size with virtually the same density proposed.

Engineer Kettle said if you add up just the lots the size of the lots divided by twelve you get an average lot size of .59 acres. If you add up just the lots in the proposed subdivision and divide by eleven then you get an average lot size of just .52 acres, so the amount of lots per acre is fairly comparable. Which is what Jeremie was getting at.

Councilmember Forman said secondly, when it comes to the road connecting, that is clearly stated on the plat, the developer knew when Summit Haven was put in that, that road would be connecting. It's been on the plat, it is on the plat, it's part of the development. That's been known for a long, long time it's not new information. So he doesn't know that can even be an issue, that's a moot point in his opinion. It was decided a long time ago that road would connect to something else. Namely Hilltop, while he understands traffic issues, better than most because that's what he does, he can tell you that traffic no matter where you go the number one complaint that the Sheriff's office receives is speeding traffic related issues though. If there is a speeding problem nine times out of ten, if the speeding problem actually exists it's the residents that speed more than anyone else, and typically the speeds the general public will estimate is much higher than they actually are. So he understands those issues, but they will never change regardless of connections, road sizes, widths, speed limits, he doesn't think that will ever change, it is always going to be an issue.

He pointed out that most of the public comment tonight is from people abutting the property. So for him he wants to make clear to the public he takes very seriously his responsibility to represent the entire city as a whole, and he appreciates the comments.

Councilmember Crittenden said that one issue that has been brought up is as far as adjacent property owners are worried about it affecting their property values. He doesn't necessarily understand that issue there. Jeff Jacobson asked him what he didn't understand about that. He said that maybe this is a different topic to address, but he has had a lot of people pissed off or whatever you want to call it about River Bluffs Subdivision with some Mountainland Homes that were put in there and to be quite honest he takes major offense to that. Technically if everyone was mad about that they should have bought that lot, they could have sold their house wherever it was and gone over there and built their house there and done that. That is where he has an issue. Shauna Bushman said that is not true. The reason he says that is because he is offended by that because I built my own house and I live on a .67 acre lot that his family owned, and he paid for it, not the going rate, so in essence he feels like he got a little sweat equity there so he is offended by that, he really is.

Councilmember Ames has heard two references to neighboring parcels on the east and west sides of this. He has heard it called R-1 & R-2, they are R-1 correct. He was told yes, they are R-1. He asked and that's what this proposal is to make this also R-1, he was told correct. He also had a question about what the code permits in R-1, he realized this is just a concept for lot sizes, he had a question on one of the lot sizes and the question was answered and explained.

The Mayor said there is nothing that frustrates him more than going down a road that dead ends and the house he needs is 300 feet away and you have to try and figure out how to get there. When Summit Haven was proposed and because it is on the plot plan, and having to help snow plow in the community, Matt will know this as far as Kamas goes, Matt said yea, cul-de-sacs are miserable to plow and tough on the equipment and we have more than one place in the community now where roads are stubbed in for future connection to future development and that's why it's on the plot plan to specify that. This was all done in the Master Plan planning. Prior councils and planning commissions through master plans that put things

together in what they deemed appropriate for our community to go and they put a lot of work into this. He feels that if we stay in the same situation in that area that's the way he feels they ought to go.

Councilmember Forman said he thinks as a council, Chris Ure actually brings up a good point on the zoning and high density so property rights are protected. He has always felt that property rights are highly important and he has to come up with a way to balance those things and what is reasonable and what is not and try to come up with a way he feels good about the decision made in being fair with both the people affected by it landowners decisions and that land owner, so he typically is very open to considering things like this and not making an off the cuff decision, but consideration in all of the issues so it doesn't cause a major detriment to one party or the other.

The Mayor said we can approve the zone change, deny the zone change or table for further consideration, so he needs a motion for something.

***Councilmember Crittenden made the motion to recommend the zone be changed as part of a development agreement that is processed with subdivision approval. If the subdivision is approved, so at the time the subdivision is approved if approved, the zone will be changed and take effect. Councilmember Ames seconded the motion. Councilmember Crittenden, Forman, and Ames all voted in aye, Mayor Snelgrove voted aye, motion passed.***

**C. Zone Amendment for parcel FT-14 submitted by Nick Berry for proposed storage units---**

The Mayor read the staff report and then turned the time over to Nick Berry. Nick presented a map of the property. He also explained what he owned and what his intentions were and what had gone on in the other meetings. He stated that as soon as he gets his building permit for the storage units on the back property then he will withdraw his permit on the front piece so it will allow the new codes to be used on the front piece. The other benefit is that it will help block the storage units when someone builds on the front piece.

Councilmember Forman wanted to state for the record that he has worked with Nick Berry in the past. He is not currently working with him or for him, but he wanted to reflect that for transparency reasons. No one on the council had a problem with that. The Mayor thanked him for letting them know.

The Mayor asked where the access was going to be and Councilmember Ames asked how wide it was. Nick informed them that it was 24.7 feet and there is actually a lot line adjust along with this to make the driveway meet code.

For some reason Marcy wanted to hold off on the lot line adjustment. He asked Attorney Powell why it was they wanted to hold off. Was it because of re-zoning? He explained the lot line adjustment to the council so that application has already been filed and he would like to see it all go through at once that way it all meets code.

Attorney Powell said that he did not remember discussing this with Marcy and it was not in the report. Lorraine Flygare from the planning commission was present and she said that she did not think that they talked about it, or they did talk about it, but they didn't pass it.

The Mayor said he thinks what she found out was that this had to be done first in order to come back in the second process and do this. Nick said it had to be done after, so the re-zone is basically for this.

Councilmember Forman said that just so he had this all straight in his mind, currently you own this, including this, so this is part of 14 right now. Just this square is owned by you now, he was told yes. Currently under the code storage units are a conditional use permit here correct. He was told yes it's

commercial. If this gets denied he will put the storage units here if this gets accepted he will move them in the back and it will leave two and a half acres on the highway right as you come into town. The Mayor said that was the biggest opposition.

There was some discussion on how and where the storage units had been discussed being. Councilmember Ames wanted to know if the provisions of the conditional use permit already been established for the front piece that you own? So you can build their pursuant to a conditional use permit. He was told yes.

Nick explained that he went to the planning commission back in November and that nothing has been approved. The Mayor said because of the opposition and the fight he is ok with moving it in the back and leaving the front for future something else.

There was discussion on the number of units and how and where things would be. Wetlands test has been done and passed off. Lorraine explained some of the other items that had been discussed.

Nick would like to develop this half up here first and put in a drainage system and make sure everything drains as advertised.

The Mayor said to clarify that if we choose to change the zone then Nick has agreed that he would withdraw his petition for the conditional use permit that he already has in place and that the front parcel would then be under the new proposed codes which prevents storage units from being in the front commercial area.

Nick said he would withdraw it once he got his building permit because there are still a lot of unknowns. Attorney Powell said that he would recommend that they don't pass the re-zone ordinance until he signs his and we sign ours so you make the same kind of motion on this one too.

The Mayor opened the meeting to the public.

Stacy Lundgreen is curious how much further back that is than having it on the front piece. She was told 350 feet. She said it is not that much farther off the main road and in her opinion she feels like he is gaining a lot to go clear back there. Which isn't even that far, you are still going to see it. In her mind she feels that it would be better to put it on the smaller portion, it's her understanding that you don't have a lot of control over how he builds them or what he does back there in the back. In her mind she would want a smaller portion of what she can't control than a bigger portion of what she can control. If you want a better aesthetic look you would want it that way. That's just her opinion. The Mayor said you would rather see storage units on the highway? She said he is gaining a lot to go back farther and it's going to be massive and you don't even know how big or tall it will be or what they will look like. Councilmember Forman informed her that we can still regulate that. She feels it would be more advantageous to have it on the front.

Nick asked Stacy if she owned the storage units in Marion and Stacy said yes, it is way back off the road.

Lorraine said ok Nick knows me, you guys all know me, she said that she is the one who proposed to set it back so it is not on the main highway. She said that Nick was ok with that. The only thing that she was doing is that they had an open meeting, she is on the planning commission, we had a meeting and we all voted on how we wanted the storage sheds to look and now we wanted them in block so they would be there, look good and not hurt anybody. Now she finds out that they can't do that, but Kamas City told her that on Weller's they told them exactly how to build their building. She feels that's what she would

recommend. She said that Nick has a lawyer, we have a lawyer and everyone is getting scared and she thinks that we need to have things so we can tell our people what would like nicer.

Mont Lundgreen said if you do this swap or concession and it will be a conditional use right? If you set your conditions can you basically tell them? The Mayor said that you can set realistic conditions, but you can't tell him what he can and can't build with.

Attorney Powell said this is how conditional use permits work under Utah Law. You can impose as conditions the things that will mitigate the negative affects if your ordinance includes those guidelines and standards for how you would do those ameliorated affects. We do not have in the code a whole bunch about storage units, but we do have some about commercial uses and the review that happens. He has made one contact with Mr. Berry's attorney and it was cordial and they promised that they would discuss and work together and they were pursuing this zoning change. He thinks that those discussions will probably still go on and they will need to look at the code together and see how much we think we can require. It is basically conditions as the Mayor said have to be reasonable and reasonable affects.

There was a brief discussion on the code and how it would be applied in the future once it is set for the first applicant it would apply to everyone if the code were still the same.

Mont Lundgreen said he went through the same thing with the county on his storage units, but what he had to go through with the county was the natural colors, landscaping etc. He proposed 300 units and he ended up with 40 so that is what he is saying, this is going to be forever, the rest of our lives. He is not opposed to his right in development, he just wants them really looking at it. Conditions were discussed briefly.

Nick said he does not want these looking like crap, it does him no good to spend all of this money on something that looks like garbage and an eye sore and have nobody want to use them. This is putting the cart before the horse, but they will be natural colors, they will blend in. He doesn't want a hideous thing that is going to stand out and be and eye sore.

The Mayor asked if there was anything else. Councilmember Ames had a question on the staff report it is talking about changing to C-1 which is currently what the front parcel is by the highway right. He was told correct. But, the back is Ag and they want to change it to C-1. In the new tables they would be in light industrial. Attorney Powell said that as a specific part of the motion he already has an application in before they thought about changing the code that's why we thought about changing the code. So, he has that parcel and he is not going to give up those rights until we say well if you give that up and we not apply the new zone change to the back parcel then they are good and everything after that is in light industrial.

The Mayor asked if there were any other questions. Councilmember Forman wanted to clear some things up. Tell him what the distance from the road to where the storage units would start. He was told 350 feet, another discussion and explanation.

The Mayor asked for a motion whether to approve the zone change or not. The Mayor said I'm sorry, we need to finish up and if you need to talk take it outside. He again asked for a motion with the conditions that if we change the zone when will he have to give up the front parcel property right.

***Councilmember Forman made a motion that they approve the zone change and allow Nick Berry to move forward in the conditional use process and that the zone amendment or zone change will be approved at that time or take affect at that time. Councilmember Crittenden seconded the motion. Councilmember Crittenden, Ames, Forman and Mayor Snelgrove all voted aye, motion passed.***

#### **4. Discussion, Updates and Approval on Potential Action Items**

##### **A. Adopt tentative budget for 2016-17 fiscal year and set date for public hearing on the budget--**

The Mayor asked Attorney Powell how to proceed with a motion on the tentative budget, or did they need to do a motion. Attorney Powell explained that they didn't need to do a motion for this, they just needed to set a date to approve the budget.

The Mayor explained that there was a revised budget and a new budget. He reviewed with everyone the revisions on the 2015-2016 budget and explained what all of the changes were. He then explained that the revised revenues and expenditures matched.

The Mayor then reviewed the proposed budget for 2016-2017 and explained that anyone can come in the office and fill out a Grama request and receive a copy of the proposed budget, nothing has been passed as of yet. He then explained why there were so many changes in the proposed budget. The City has budgeted for a new public works employee. He also explained that there was a 6% increase in salaries for employees, that doesn't mean they will get that much, but that is what is available.

The Mayor asked Attorney Powell for clarification on whether or not they needed a motion tonight on this. He was told they needed a motion to set a date for final approval on the amended budget and the new budget.

The Mayor informed Council that the next council meeting will be in June on the 9<sup>th</sup>. He asked council to take the budgets in their packets and review them and get back with him. The Mayor would like to approve the budget on June 9<sup>th</sup>, 2016.

*Councilmember Crittenden made a motion to adopt the proposed budget for the next fiscal year, and set June 9<sup>th</sup> as the date for the public hearing and approval of the 2015-2016 amended budget and 2016-2017 proposed budget. Councilmember Forman seconded the motion. The Mayor and Councilmembers Ames, Crittenden and Forman all voted in favor, motion passed.*

**B. Approval of Ordinance 2016-07 Regarding Title 4.2.7.2 City Planner Responsibility/Planning Commission Responsibility---No action taken this month.**

**C. Discuss Run Away Estates approval status---Council will review the memos, no action taken this month.**

**D. Sewer & Impact Fee Update---Engineer Kettle said they are installing the irrigation lines right now and getting ready to start building the embankment. Impact fees he will have something next month.**

#### **5. Council Business**

**A. Council Reports—None**

**B. Planner Reports—None**

**C. Mayor Reports—**The Mayor explained that if you look at the budget and we do the same exact thing as last year we are already in the hole in the Frontier Days Budget. The Mayor said they have struggled with what to do or not do and he has a couple of possible things, but Suzanne and I were talking and maybe the question needs to be discussed is, maybe we go back to reducing it instead of trying to make it bigger. Do the parade at three and the veteran's tribute after that and do the rodeo and then Monday do the activities that we already do and then we can discuss that at our Frontier Days Meeting.



Councilmember Crittenden said that in all honesty \$7000 is a whole lot of money, it really is. The Mayor said part of that is sponsors and they all understand that, so be thinking about it.

**D. Report and Approval of Bills Paid---***Councilmember Forman made a motion to approve the bills paid. Councilmember Ames seconded the motion. All voted in favor, motion passed.*

**F. Approval of Minutes from April 14, 2016---***Councilmember Forman made a motion to approve the minutes of April 14, 2016. Councilmember Crittenden seconded the motion. All voted in favor.*

*The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.*

## **6. Closed Executive Session**

*Councilmember Ames made the motion to go into closed executive session. Councilmember Forman seconded the motion. All voted in favor.*

*Councilmember Ames made the motion to go back into regular session and adjourn. All voted in favor.*

## **7. Meeting Adjourned**

Minutes accepted as to form this            day of June.

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Mayor R. Lee Snelgrove

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City Recorder Suzanne Gillett

