

Francis City Planning Commission Meeting

Thursday June 20, 2019 at 7:00pm

2319 S. Spring Hollow Road

Francis UT. 84036

Present: Chair Trent Handsaker, Commissioner Collette Madsen, Commissioner Lisa Khajavi, Planner Ryan Robinson, Engineer Scott Kettle, Secretary Susan Moses

Excused: Co-Chair Morgan Cox, Commissioner Brian Henneuse

Other Present: Loraine Flygare, Jane Wilford, Renee Atkinson, Vici Hanks, Gene Atkinson, Brandon Withers, Jenney Withers, Karmen Naylor, Nate Tew, Kathie Beals, Mathew Hinojos, Tim Crittenden, Wes Olson, Tomi Berg-Olsen, Dave Robinson

Call Meeting to order:

Chair Handsaker called meeting to order at 7:02 p.m.

Call Meeting to Order

Chair Handsaker called meeting to order at 7:07

Public Hearings

Gene Atkinson Annexation

Planner Robinson read staff report

Opened to Public Comment

Gene Atkinson (applicant) stated it would be a necessity to sell his property in the next couple of years, so he wants to get the property annexed into the City, the property is in the annexation declaration area, part of his property is in the /City and part is in the county. His house is a separate parcel in the City.

Commissioner Madsen asked about his water shares, asked if they were divided among the two parcels. Gene Atkinson answered they were not divided the water has always been used on both parcels for irrigation.

Commissioner Madison asked if there are no development plans at this moment. Gene Atkinson answered that he did not have the heart to split it up, but having it annexed into this zoning will increase the value down the road for it. Atkinson stated he thinks it's part of his property rights because it is in the annexation declaration area.

Chair Handsaker commented you have plans to sell the property in a couple of years, so when they come in and develop it, that potentially could be 13-14 lots, at that point annexation would be \$8000 per lot for the City. Handsaker stated if we annex in now with no plan the City loses out on those fees. When we annex something in, we like to know what we are annexing it in for.

Gene Atkinson stated he does not know what will happen in a couple of years.

Chair Handsaker stated that is the benefit we typically see with an annexation, that is one of the considerations we see is the benefit it brings to the City. Our General Plan reads "An Overwhelming Benefit to the City"

Gene Atkinson asked where it states an annexation has to have an overwhelming benefit the town. Chair Handsaker answered in the General Plan. Planner Robinson responded on page 32-45 it talks about our annexation policy. Robinson read from page 42 under Annexation Policy "Annexations should only be approved based upon an over-whelming benefit to the community as a whole."

Gene Atkinson commented that is taking about a subdivision, I just want to annex in. Planner Robinson responded it states an annexation should be approved based on an over-whelming benefit. Gene Atkinson asked what's the bottom line, what do you want, what do I have to pay you.

Chair Handsaker responded for me it's not that as much as this is like a blank check, we are letting something in that what we don't know. Gene Atkinson stated it's not a blank check because you have total control of what would be approved. Chair Handsaker explained once we bring something in and it is zoned and as long as they meet the zoning requirements, we have no control over that. Handsaker added right now we have control over that we can bring it in or not. We are not trying to take property rights away, it's fine if you want to bring it into the City with the understanding of this is what it is going to be. Gene Atkinson said it is going to be AG-1 zone. Chair Handsaker commented and then it will be sold in a couple of years. Gene Atkinson asked what do you want.

Commissioner Madsen asked if the City had any impact fees on land that is developed that is already in the City. Engineer Kettle answered we have impact fees. Commissioner Madsen asked how that compares to the \$8,000 per dwelling annexation fee and is that on top of the impact fee. Engineer Kettle answered yes; those fees are separate.

Commissioner Madsen asked about annexation fees. Engineer Kettle explained in an annexation we can collect whatever we want. We can ask for \$1,000,000 and if they don't like it, they can go away or we can say we want this. Engineer Kettle explained with other annexations we have dealt with the City, we have to go through the process and see what they want so when we annex we know what we are going to get, then you go through the subdivision process and it resembles what we thought we were going to get when we annexed. This is different, where he want to put in a raw piece of ground, he doesn't have any plans, but once we annex it, it's zoned AG-1 they can come in an put in 1 acre lots as long as they meet the code. We can charge impact fees, but we cannot charge annexation fee.

Discussion about annexations fees and benefits of annexations.

Tim Crittenden stated he lives up the road and his concern is what is going to happen to it. He would like the Town to have control over it, and if we have to have houses here, the Town might as well benefit from those houses.

Commissioner Madsen asked what would be the advantage to you to annex it now as opposed to wait to do the annexation when you do sell it. Gene Atkinson answered I don't think it can be sold by saying it might be annexed. Someone else could come in and be told the same thing we don't want you to be annexed. Gene Atkinson commented this is 1,500 feet from the City Center and this is all going to be developed.

Commissioner Madsen agreed that it was going to be developed and annexed at some point, but also agrees with Trent that if we wait to annex it until there is a plan, we have more leeway in deciding what we want and what we don't.

Further discussion on annexations.

Dave Robinson commented from his understanding an annexation is not based upon a right, you are not obligated to annex, therefore it is a privilege to come in. On the other hand, maybe your fees need to be relooked at.

Further discussion on fees of annexations.

Closed to Public Comment

Commissioner Madsen asked whose property is on the east side of the property. Gene Atkinson answered Glad Prescott.

Commissioner Khajavi asked if currently there is only one road in or out on the west side. Engineer Kettle explained that was on City property and Gene's property was not part of that. Commissioner Khajavi asked if he was to develop how would the traffic flow. Engineer Kettle answered that is something we would have to look at, does not know if we would use that as a road, that was just access to the rodeo grounds.

Chair Handsaker asked what is the cut off for an ingress and egress. Planner Robinson answered 12 homes. Engineer Kettle commented when he develops that the front piece will get developed also, that will all be taken into consideration where the road comes in.

Commissioner Khajavi asked if the front piece was already annexed. Engineer Kettle answer yes, it is already in the City.

Commissioner Madsen asked what the front piece is zoned. Planner Robinson answered the 1st 300 feet is residential half and then it goes to AG-1.

Chair Handsaker commented potentially there could be 25 acres developed.

Commissioner Madsen commented she thinks it would be in the Cities best interest to hold off on this annexation, let a developer come in with a plan.

Commissioner Khajavi commented she is having trouble coming up with an overwhelming benefit, although she does see logical how it makes sense from Mr. Atkinsons standpoint.

Commissioner Madsen motioned to deny this annexation. Chair Handsaker seconded the motion. All voting in favor. Motioned Passed.

H.H. Acres

- 1. Zone Change Residential half to AG-1**
- 2. Conditional Use Permit**

Planner Robinson Read staff report for the zone change. Robinson explained if the zone change is not approved, they are not eligible for a conditional use permit.

Dave Robinson introduced the future owner Kathie Beals, the present owner Karmen Naylor and her Grandson Nathan Tew and Mathew Hinojos who come along for the ride.

Dave Robinson explained Kathie takes on herding type dogs like Australian shepherds, Boarder Collies, Blue Heelers, she has at any given time 8 to 10 dogs oftentimes 4,5, or 6 are puppies. Right now, she lives on a quite street in Salt Lake City with 14 feet between homes. In the 12 years she has been there she has never had a complaint from the neighbors regrading the dogs. She is considered in the dog industry very very reputable and very well respected. On 13 acres not anticipating any problem. The current zoning on the property is 1 house per ½ acre. She wants to put one house and a barn on the 13 acres, we are looking to do a down zone, not an up zone. She will meet the required 150 feet of frontage along the paved road and a gravel drive to her home, she would meet the setbacks and height restrictions. Her intent is to live on the 13 acres.

Commissioner Madsen asked are you able to keep most of the water in irrigation so they can irrigate the land. Engineer Kettle answered the biggest issues with this

property that we have dealt with in the past is how much water do they need to turn in, what she want to do is come back and subdivide this into two lots, 1.6 acre lot and turn in water for that and then the reminder parcel she will not have to turn in water and she can irrigate that.

Commissioner Madsen asked about the ditches, want to make sure users can get their water.

Dave Robinson stated Kathie will meet the water requirements for the home. Kathie wants to leave the rest as pasture. She is not going to be an active irrigator.

Commissioner Madsen stated we don't want 10 acres of fire hazard because there is not enough water to put down.

Open to Public Comment

Loraine Flygare stated she lives on Country Lane. Asked how many does are going to have. Kathie Beals answered she believed she could have 12-15 dogs. Planner Robinson explained that is something we can discuss and put a cap on.

Loraine Flygare asked if the dogs will be in a closed in kennel, so they don't bark? are they going to be out on the ground so they can run loose? Kathie Beals answered all of the dogs in her foster care live in her home, the reason she needs a kennel license is because Francis City only allows three dogs in your home, and to continue what she does she needs to apply for a Conditional Use Permit and get a kennel license, this is not describing a structure that I am building, but it is to remain with in the law to allow the number of dogs allowed to live on the property.

Loraine Flygare is concerned about the barking, the noise, wants to know who is going to enforce. Planner Robertson explained animal control. Dave Robinson responded Kathie has never had a complain about her dogs.

Loraine Flygare asked if other people would be drive back and forth on that road with dogs, do you have other people working for you? Dave Robinson answered she is not a commercial breeder; she does not have people coming in and out all the time.

Loraine Flygare is concerned about the ditch water and having access to it and not being responsible for what other users do. Dave Robinson responded they are

willing to work with the neighbors and walk the ditches and make sure they are cleaned out.

Loraine Flygare asked what they will do with the dog poop. Kathie Beals answered she will pick it up and put it in the trash.

Kathie Beals encourage everyone to go to her website herdinghaven.org, explained she started this rescue 5 years ago, she rescues dogs with special needs from shelters that are going to be euthanized. This is my passion this is what I do, explained she is a foster base rescue. She wants space that she can be outside with her dogs to exercise them and not have to run into other people, she wants her space. Kathie stated she is the most compassionate, considerate, responsible person you will ever meet. She picks up the poop in her yard every day, her dogs are never outside unfenced without a leash. She trains her dogs and they are well behaved. If she is not welcomed in the community she will not be here.

Loraine Flygare stated this is Francis and this is a rural community and would like it to be kept that way.

Tomi Berg-Olson stated she live on Country Lane next to the property and she has looked at that property several times to buy it. Concerned a new person could come in and take over the Conditional Use Permit. Planner Robinson explained a Conditional Use Permit does not transfer; a new person would have to come in and apply. Tomi asked how long a Conditional Use permits last. Engineer Kettle answered as long as she meets the conditions. Tomi asked if we have a dog kennel in Francis and do we have parameters. Chair Handsaker answered yes.

Tomi Berg-Olson expressed concerns about the disposal of wastewater. You can not 100% guarantee no dog will ever get off your property and chase down a child. Having all of those dogs will keep the wildlife away. Dogs are different than having horses or cows.

Dave Robinson commented people are saying Francis is rural and we want it to stay rural, we want one house on 13 acres, that is rural.

Tomi Berg-Olson stated it not the house it's the number of animals.

Chair Handsaker asked if everyone's concern was the dogs? If it was 13 cows, 13 horse, 13 chicken, 13 pigs it would not be a concern.

Lorraine Flygare commented not all dogs are the same, there are bad dogs and there are good dogs.

Dave Robinson asked Toni if her dogs are ever turned out of the house without being on a leash. Can you guarantee your dogs will stay on your property?

Dave Robinson stated they are trying to understand what the concerns are. Your concerns are can we access our ditches, is your husband going to be attached by a dog and does she have a lot of people coming and going. The answer is we respect the ditch rights-of-way, you will love her as a neighbor and she will love you as a neighbor, and her dogs will not attack your husband, 100% guarantee no, there cannot be and you cannot guarantee that with any other dog on the street.

Tomi Berg-Olson is concerned it could affect her property value. Concerned she will grow and bring more people in to help with the dogs.

Lorraine Flygare commented if you have outside lighting on your barns or anything, they cannot shine on your neighbors' houses.

Wes Olsen is concerned this will turn into a commercial business where people will be traveling up and down the street.

Chair Handsaker stated looking at her website and looking at what she does and looking into it more, I feel a different perspective, she is not a Petco.

Commissioner Madsen asked hypothetically if we did approve this and she was allowed a Conditional Use Permit, can we assign clauses to mitigate negative effects on the surrounding landowners. Chair Handsaker answered if the term of the Conditional Use permit is violated then the Conditional Use Permit is revoked.

Tomi Berg-Olson asked who polices that. Planner Robinson answered it is a Code Enforcement.

Commissioner Madsen asked who attaches the specific conditions. Planner Robinson answered the Planning Commission makes recommendations and the City Council can alter, add or remove.

Renee Atkinson commented this sounds good, but the longer I am here there is nobody that will enforce if a code is broken. Our property will be damaged if this is not enforced.

Commissioner Robinson explained how enforcement is done.

Chair Handsaker explained Conditional Use Permits.

Chair Handsaker asked how many Conditional Use Permits we have for dog kennels and have we ever had a complaint. Planner Robinson answered 2 and no we have never had a complaint.

Commissioner Khajavi commented this is a foster and rehabilitations and rehoming, this is not a pump and churn, you are not going to have people burning down the road.

Nate Tew stated he is the Real Estate Agent representing Karmen Naylor, he has been getting a lot of calls for the past 5 years and we have been working on selling this land for 5 year. About 2 years ago we come to the Planning Commission with a buyer to put 3 homes on this property, most everything was approve and the sale fell through. That would have been 3 houses on this land, and nobody seemed to have any concerns about that. If they each had 3 dogs, they would have 9 dogs on this property and a lot more cars going up Country Lane. If you look at the setbacks of this one house, you see how far away it is from the neighbors. As the family of Karmen Naylor we are concerned and we want to make sure this land is sold to someone who will respect the neighborhood someone who will be a good neighbor, someone who will take care of the property. We have had many opportunities to sell this land to potential developers but have chosen not to, we have wanted this property to go to someone who would keep it rural Francis, the proposed house is a football field away from the nearest home. Asked the Olson's if they were concerned about the dogs or concerned, they did not buy the property yourself. Tomi Berg-Olson responded no, because she will just move.

Brandon Withers stated he live on Country Lane and thinks something they need to consider, there could be 12 homes on that property, could be 36 dogs and added traffic what does that do for property values compared to one home.

Jane Wilford stated she lives across the hollow on the other side, her concerns are the noise, the barking. Concerned about the zoning, the City is always changing the zoning. Why are we rezoning to allow for a Conditional Use Permit?

Close Public Comment

Chair Handsaker commented everyone has their different perspective of what they would like to see. In trying to keep Francis rural something like this would help that. He is torn because this is something good, she does and it would bring some good to the community, but you guys live there and there is some opposition to it. We are up here trying to listen to you and move forward, do we put certain conditions on it, or do we say no. It is a hard decision.

Commissioner Khajavi motioned to table both the re-zone and the Condition Use Permit. Commissioner Madsen seconded the motion. Voting in favor Commissioner Khajavi and Commissioner Madsen. Voting Nay Chair Handsaker. Motioned passed.

Chair Handsaker asked what you would like to see brought forward to continue with this approval. Commissioner Madsen would like time to look at all of the specific conditions we would put on this. If we do that tonight we will be rushed, and we will not do a good job. Commissioner Khajavi would like a better understanding of the zoning implications as well, that is a huge deal.

Chair Handsaker asked everyone to come up with suggestions and comments and email to City Planner.

Dave Robinson stated if the rezone and Conditional Use Permit is not approved, he is the back up buyer and he will come in with a plan to build at the current zoning of Residential Half acres and put in as many home that are allowed in that zone.

Continued Discussion Creation of Multifamily Zone

Planner Robinson read through the Staff Report and changes we had previous made.

Chair Handsaker stated he has read through the changes made and it looks good to him. Asked if anyone had any concerns or changes.

Commissioner Khajavi motioned to move forward to City Council. Chair Handsaker seconded the motion. All voting in favor. Motioned passed.

Planner Update

Planner Robinson stated

1. Lighting Ordinance was tabled. City Council wanted more time to review and make changes.
2. Hart Ranch was not on the agenda that will come up in July. It had been tabled for 60 days.
3. The City has hired a new Planner, Mandy Crittenden

Approval of Minutes May 16, 2019

Chair Handsaker motioned to approve the May 16, 2019 minutes. Commissioner Khajavi seconded the motion. All voting in favor. Motioned passed.

Adjourn

Chair Handsaker motioned to adjourn. Adjourned at 9:16 p.m.

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.

These minutes were X approved as presented. _____ approved as amended at the meeting held on August 15, 2019.