

Minutes of the Francis Planning Commission Work Session with the Town Council

May 25, 2009

The Francis Town Council and Planning Commission convened in a work session Wednesday, May 25, 2009 in the Francis town recreation building.

PRESENT:

Mayor: John Bergen
Councilor: John Keyes
Councilor: Lee Snelgrove
Councilor: Lorin Prescott

Chair: Susan Cann
Vice Chair: Peter Swisher
Commissioner: Dorothy Sullivan
Commissioner: Bill Crystal
Commissioner Kristie Bair

Planner: Alison Weyher
Engineer: Scott Kettle
Town Clerk: Lynette Hallam
Secretary: Susan Moses

ABSENT:

Councilor: Tim Butikofer
Commissioner: Gio Melendez
Commissioner: Scott Buchanan
Commissioner: Sheldon Thompson

IN ATTENDANCE: Cortni Swisher, Bruce Riches

Opening:

Chair Susan Cann called meeting to order at 7:05

Mayor Bergen thanked the Planning Commission for their good work. Added that he has received positive feedback about the Planning Commission. Mayor Bergen stated that the Town has received a \$639,000 loan at zero percent interest for thirty years, and along with \$100,000 the Town has saved, we are going to build a new City Hall, asked the Planning Commission to help insure that we get a building that we want.

Alison Weyher stated that what we want to do tonight is go over the conceptual zoning for the area within the Town annexation declaration area. In 1998, we adopted an annexation declaration area, and basically, we are proposing that in the future the ultimate build out the Town will go to Kamas to the north and share a common boundary, over to the Provo River, from the county lines the canal up to where the Woodland Corporation starts. We submitted that back to the State, we also submitted the Annexation Declaration Policy Plan, and we updated that as required by the State, but we never completed the zoning map. Part of the requirements and part of the General Plan requirement as well, is to have a concept of how we are going to have the Town

built out when it ultimately reaches all of those different areas. Beginning in June of 2008 the Planning Commission started working on how we wanted this zoning to look, and what we were thinking about in terms of the future of what Francis Town might be. We talked about a lot of ideas and discarded most of them. One of the places we stared is with the bulls eye map (showed map). We talked about the notion and it was supported by the General Plan of having the greatest density at the Town center. We quickly decided that would not work, from that point we went to a map where we would have residential with pockets of agricultural land in the middle so we could preserve the rural feel of the Town by keeping farming activities going on with certain scattered subdivisions. Several Planning Commissioners where good at pointing out that these are not always compatible uses and that that was not going to work very well. We ended up with a modification of what Bill calls the H format, basically Francis is laid out in a H. You have SR35, Springhollow, the cross line which is SR32 and then we have Foothill and 1000 East.

Mayor Bergen commented the Town was laid out that way to reduce the taxes for those people who have agricultural land.

Alison Weyher stated there are several requirements to annex property. The property has to be contiguous to the Town. You cannot create islands or peninsulas. The property has to be annexed into Town in a logical manner. An example is Tifton Hills it does not grow from the core out toward the edges.

Mayor Bergen commented we inherited that from a previous council, and had to deal with some decisions that were already made. This council put some heavy restrictions on that development. He has to come up with \$500,000, has to put in a well, has to come up with additional water, and has to put in another water tank.

Alison Weyher stated we have had three or four public hearings, we have had a large number of residents and people who live in the areas within the annexation declaration area come to these meeting and give us their opinion. One of the interesting points that came up, there are several people who have part of their property in Francis and the other part is in the County because of the way the lots where drawn. Several people stated that they would rather have all of their property in Town. However, they do not have any development proposals, they want to keep their land agriculture, but they would like it all to be in the Town. We talked through that and decided if they want to annex agriculture land into Town it would have whatever agriculture zoning it has under this new proposal. Worked with on this with Kraig Powell, we will add language to the Development Code and the Annexation Policy Plan, which reads, “annexations that are excepted will not be rezoned until final subdivision approval is given,” until that approval is received they will retain the base zone indicated on this map. They will also have to enter into an agreement with the Town that at such time that development is proposed they pay the annexation fees that are attributable to that development.

Alison Weyher showed proposed zoning map. Explained the red line indicates what the current Town boundary lines are. Explained the color-coding. The pink areas are zoned commercial. Added that is all that is currently zoned commercial. The different green is R-2 multi family

housing or affordable housing, it is allowable in any zone but it requires a Conditional Use Permit. Any time somebody wants to build any multi-family housing in Francis it is going to require a CUP and that way we make sure we are getting quality development. Mayor Bergen added we have quality control. Alison Weyher stated the yellow is R-1 two units per acre, we are proposing a little bit of expansions (showed on the map), but for the most part the rest is already in the Town. Alison added there are two reasons for that the 1st reason is to keep the density where we already have it and build out the R-1 zoning, the 2nd reason is because as people annex into Town this gives us a negotiation ploy. For example if someone wants to annex into Town and have a higher density this gives use something to negotiate with, and that is part of the annexation process. What are you willing to give up to get that higher density? It also retains people's property rights. We are trying to preserve as much flexibility as property owners have and not say you are forever restricted to one unit per five acres. This can be negotiated, with the Town. The darker green is AG-1 one unit per acre. The goal is it is a less intense use. Final around the outside areas (orange) is AG-5 one unit per five acres. Alison Weyher added we are not looking at averaging. That is one change from the current code, the current code states one unit per five acres with a one-acre minimum, but here we are going pretty strict. That is because we want this to be less dense. As we have been working on this, the Uinta Willows annexation came in and thought they would be able to do all ½ acre lots, plus two units of affordable housing. The Planning Commission said no. The Planning Commission said the R-1 makes sense against Wild Willow, you have the road Birch Way that comes through that connect into Wild Willow. However, on the other side that is where we want to start getting out toward greater density, so all of the lots in green (showed on map) are going to be a minimum of one acre lots, so it starts to transition into that more urea feel. Alison added that when we started this, one of the goals was to match the boundaries of Summit County in areas where the Town abut the county.

Mayor Bergen commented we have had a sphere of annexation declared and accepted by other Towns as well as the Counties, and the Mayor had suggested that because we have already had a formal negotiation, we should live up to our obligation.

Alison Weyher state the problem with that is that the County has continued to down zone property. (Showed on the county map) You can see on the county map next to Francis the agriculture protection zone, that is one unit per forty acres, and all of the other areas that abut Francis are the agricultural gazing area, which is one unit per hundred acres. Public opinion does not support one unit per forty acres. The development patterns do not seem to be going that way and this area is developing, so we felt the one unit per five acres made more sense.

Mayor Bergen stated he wants to dictate and run our Town but not the County. He may have some influence as a COG member as they discuss increase zoning. In COG meeting wildlife areas for fire protection is becoming paramount. For example, the foothills, if we annex any of those in right now and there is a fire will have to pay the cost of the fire. As a Town, we do not want that. Cannot dictate to the county but can have some influence.

Alison Weyher stated I wanted to explain why we are not matching the County boundaries at the edges and to your point about fire and all of the other services that we need to provide, water

sewer, ect. Again keeping the density as close to the original H as possible makes that easier, so you don't have as many miles of line to take care of.

Mayor Bergen commented that he likes what he see, he is concerned about how we are going to draft this into an ordinance that becomes workable and also he recommends that it be separate from the annexation ordinance, added they are two different ordinances do not try to make it one. Make an annexation ordinance and you can contribute to what ever you want in that and right now we are operating on 2007-annexation ordinance, this will stay in affect until we up date it by your recommendations and the approval by the Town Council. Reminded we need an annexation ordinance as well as a zoning ordinance.

John Keyes commented the property in our annexation zone but not in the Town will remain the same zoning it now holds, so everything outside of Town in our annexation zone should be agriculture. Alison Weyher replied until they apply for annexation they keep whatever the county zoning is, when they annex into Town they lose that county zoning and take on whatever zoning is on this map unless they submit a development proposal for greater density that is approved, at that time when the approval happens then we will change the zoning, otherwise we are not changing any zoning until that agreement is finalized.

John Keyes commented we have what is in the Town now and what is in our annexation zone, which is greater than what we show.

Alison Weyher responded there are two places where it is greater than what we show and that is the area in Woodland and the area on the other side of the canal, which is owned by Victory Ranch. It is so far beyond our sphere of influence right now that we felt it was best to leave it and not having zoning on it knowing that in the future we can't predict what it is going to be but that it will develop.

Mayer Bergen added (showed on map) on this property that was annexed in previously, the sphere of annexation is a little above this. If anybody in this area wants to annex into Town it will fall into this procedure that we are talking about, they will have to apply for annexations, go through the Planning Commission for density, added we can turn down an annexation for no reason. There is no obligation for us to take an annexation. Therefore, if someone does not want to meet what the Planning Commission and the Town Council wants, they do not get annexed. There is still some open land between Francis and Kamas that might be annexed in sometime down the line, but right now, it is not, but when they do, it will be negotiated.

Bill Crystal stated the votes pretty much went them and me. Added he has a problem with the annexation declaration. Does not know why we would want to go down the hill into Woodland and have to provide sewer and bring it up the hill. Mayor Bergen responded, we do not have to use it, it is there incase for some reason we would want to use it. Added our annex sphere of annexation protects use. Scott Kettle explained the reason for our annex declaration lines; the thought was that we want to go bigger than what we will ever be so that when Summit County or Woodland wants to do something they have to notify the Town, so we will know what is going on so if we do not like it, we can say. Bill Crystal said he does not know that they do that. Mayor

Bergen responded that they cannot land grab, Woodland has tried, but they have been turned down because their notifications were not proper to Francis Town and Wasatch County and Wasatch County objected, so they have to go back to square one. Added the Legislature has addressed this with some legal ramifications.

Bill Crystal stated he does not like the proposed AG-5, it is not fair to the landowners, wants to know why one piece of ground is being discriminated against, you are making one persons land worth more than another persons land. Mayor Bergen explained they can negotiation to change the density when the annex into Town. Mayor Bergen added this gives the Town the negotiating power and let's the Town make sure they pay their fair share. Bill Crystal said he was okay with that as long as the landowners were able to negotiate higher density. Alison Weyher stated number two on the identification analysis of issues, which states, "all proposed conceptual zoning may be considered for modification when the property is annexed into Town or when it is developed."

Lee Snelgrove commented it is not our intent to punish the landowner. Bill Crystal feels that it will punish the landowner. Alison Weyher responded the State annexation law the States Code very stringently regulates what you can charge for annexation fees, they cannot be a disproportionate cost so you have to be able to justify each dollar you collect for annexation fees, and you have to be able to provide the proof to the State. Mayor Bergen added they have those control and also in that same legislation you have to give an answer within a certain period of time and you have to spell out what you are charging and it has to fit within the guild lines that are in the State Code, you can have more stringent codes in your Town but you can't have less.

John Keyes commented when we are considering annexing someone into Town we need to be able to provide them with services. Right now, we do not have enough sewer to annex anybody into Town. Mayor Bergen agrees but we are anticipating a fix to that problem.

Peter Swisher suggested we come up with a grocery list of things that proposed annexations would have to provide.

Mayor Bergen stated right now water wise we are in good shape. The sewer system is not. There are some problems with the State; they now want the water within the aquifer here to stay within the aquifer. So what we are looking at and our Engineer has been working on, is we change our thinking on the sewer ponds and possible acquire property where we take the sewer water and bring it back and put it back into our aquifer here. If we do that, we get a better brake from the State and it is more cost effective for the Town. Added that we are still looking at the mechanical plant, but will that work with bringing the water back into our aquifer. Town will correct sewer problem but until it is solved, we need to be very careful with growth. Also looking at a secondary water system, cost is a part of that, if we do that we will have to pay for all of the exciting residence, but any developer that come on line would have to pay. It would be used for outside watering and that would take a lot of water out of our sewer system.

Lee Snelgrove commented he does not think we are out of line to ask developers to assist in the infrastructure.

There was discussion concerning Stewart Ranch annexation application and the final decision to go back to the County.

Bill Crystal stated he would like the AG-5 to go away, added he thinks there are reasons people will keep there property in the green belt. Mayor Bergen responded in the annexation agreement that is when they apply for higher density, and that is when we say yes or no, if you see a valid reason for it and it works well with the road system and the potential tie to the infrastructure, then you make that recommendation to the Town Council. That is part of the annexation negotiations. Bill Crystal strongly suggest the Town Council gets rid of the AG-5, thinks it is a way to twist the property owner's arm down the road.

The Mayor Bergen stated we have to deal with growth and we need to deal with it in away that is fair to the people that are here and as fair as possible to the people who want to come in. We cannot stop growth all we can do is try to control it so it is not a harm to the citizens and yet it is still beneficial to the people who want to come in.

Dorothy Sullivan explained the process she went through to develop her property. Added they lost a whole lot having to put the road in. Could have had half-acre lots but chose to do acre lots. Dorothy added it is difficult but is not impossible. Would rather see it done by a case-to-case basis. Added we need to work with the developers and get what we need from them.

Mayor Bergen asked for a commitment from Planning Commission to help with the new Town Hall, we want to do it right, we want the public involved. Added we have been budgeting \$35,000 a year, payback will be \$21,300 a year on the loan, so it is well under our budget. We will be able to afford it.

Mayor Bergen stated he appreciate very much what the Planning Commission is doing.

Peter Swisher motioned to adjourn. Dorothy Sullivan seconded the motion. Motion passed unanimous. Adjourned at 8:10 PM

These minutes were X approved as presented _____ approved as amended at the meeting held June 24, 2009.

Susan Cann, Chair

Susan Moses, Secretary