

## Roy City Planning Commission

June 14, 2011

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on June 14, 2011 at 6:00 p.m.

The meeting was a regularly scheduled meeting designated by resolution. Notice of the meeting was provided to the Standard Examiner at least 24 hours in advance. A copy of the Agenda was posted.

Members present:

Tom Stonehocker, Chairman  
Gennie Kirch  
Bill Merx  
Blake Hamilton

Jared Hall, Planner  
Amy Mortenson, City Recorder

Planning Commission Members Lee Holt, Roy Watts and Rhett Zito were excused.

Others present: Bruce Mendenhall, Dan White, David Dickson, Adam Bowers, Jan Savoie, Dale Sanders and Joy Sanders.

Pledge of Allegiance: Chairman Stonehocker

1. APPROVAL OF APRIL 26, 2011 MINUTES

**Commissioner Kirch moved to approve the minutes of April 26, 2011, as corrected. Commissioner Merx seconded the motion. The motion passed unanimously.**

2. APPROVAL OF RESOLUTION NO. 987 ESTABLISHING PLANNING COMMISSION MEETINGS FOR FY2012

Commissioner Hamilton recommended moving the meeting time to 6:30 p.m. Traffic and other commitments made it difficult for him to arrive by 6:00 p.m.

Commissioner Kirch stated that the time was set to coincide with the City Council meetings so the public would not be confused.

The Planning Commission asked that the staff check to see if the meeting could be changed from 6:00 to 6:30 p.m. Jared Hall said he would speak with the City Manager, Mayor and City Council to see if the time change would be a possibility.

**Commissioner Kirch moved to approve Resolution No. 987 approving Planning Commission meetings for FY2012 with a request to check with the City Council to see if the time could be moved back to 6:30 p.m. Commissioner Merx seconded the motion. The motion passed unanimously.**

3. PUBLIC HEARING TO CONSIDER A REQUEST FOR PRELIMINARY SUBDIVISION APPROVAL TO AMEND LOT 1 OF THE EXISTING MIDLAND SQUARE COMMERCIAL SUBDIVISION, LOCATED AT APPROXIMATELY 4080 SOUTH MIDLAND DRIVE

**Commissioner Kirch moved to open a public meeting. Commissioner Hamilton seconded the motion. The motion passed unanimously.**

Jared Hall said the Midland Square Commercial Subdivision was approved in 2008. A conditional use and site plan for Jiffy Lube was recently approved on Lot 1. The development approval included a "phasing" component, in anticipation of a second building on the east half of the lot.

Mr. Hall said the, the property owners were pursuing a subdivision of Lot 1 into two separate parts. The proposed amendment would create two new lots from the acreage of Lot 1 as recorded. The proposal did not require changes to the infrastructure planned for the overall subdivision nor did it involve or modify of any other lots in the subdivision. Only Lot 1 would be impacted. It would simply be split in two without the need for other, more elaborate changes. The proposed amendment was not in conflict with standards of the Zoning Ordinance, Subdivision Ordinance, or General Plan.

Mr. Hall said the staff recommended that the Planning Commission recommend that the City Council grant preliminary approval of the second amendment to the Midland Square Commercial Subdivision, which would subdivide Lot 1 subject to the following conditions:

1. Subject to further review and approval by the City Engineer in preparation for review by the City Council.
2. Applicant shall provide any and all materials, drawings, documentations, etc. as might be deemed necessary for the proper review and approval of plats and improvement drawings as required by the City Engineer and other DRC Staff.

Commissioner Hamilton asked why the project wasn't recorded as two lots in the beginning. Jared Hall said that when the subdivision as originally approved, Jiffy Lube was not on the radar. The developers did not know what users they would have. Commissioner Hamilton understood the interior roads would be shared, but he wondered about parking. Mr. Hall said there would be one parking lot with a landscaped island divider. Cross access and parking would be shared.

Chairman Stonehocker opened the floor to any public comments for the public hearing. There were none.

**Commissioner Merx Moved to adjourn the public hearing and convene a regular Planning Commission meeting, Commissioner Kirch seconded the motion. The Motion passed unanimously.**

Commissioner Merx was concerned that no one would build on the new lot, and the City would just have a lot with a dirt hill. Jared Hall said the lot will be graded and partially developed according to the development plan.

**Commissioner Kirch moved to recommend that the City Council preliminary approval of a request to amend Lot 1 of the Midland Square Commercial Subdivision, located at approximately 4080 South Midland Drive, based on the staff's findings and recommendation. Commission Commissioner Merx seconded the motion. The motion passed unanimously.**

4. PUBLIC HEARING TO CONSIDER A REQUEST FOR CONDITIONAL USE APPROVAL TO ALLOW THE INSTALLATION OF A MAJOR FACILITY OF A PUBLIC UTILITY (20 INCH WATER LINE). THE PROPOSED LINE WOULD RUN EASTBOUND FROM APPROXIMATELY 4500 SOUTH ON MIDLAND DRIVE THROUGH WEST PARK TO THE D&RG RAIL PROPERTY, THEN NORTHBOUND ALONG THE RAIL GRADE TO APPROXIMATELY 4400 SOUTH

**Commissioner Hamilton moved to open a public hearing. Commissioner Kirch seconded the motion. The motion passed unanimously.**

Jared Hall stated that the Hooper Water District had requested a conditional use to allow the installation of a 20-inch water line which would connect a mainline immediately west of Midland Drive. The line would run through parts of Roy City to a future tank site property adjacent to property already owned by Hooper Water. The connecting route was chosen because it could be done with minimal disruptions to property owners and developed land. A significant portion of the proposed connection would run through West Park.

Mr. Hall said Hooper Water was attempting to plan for growth and increased demand for water and fire suppression. The transmission line connecting the future tank and the mainline near Midland would be an important component of that plan.

Mr. Hall said the connection would essentially run east to west. It would begin at the mainline adjacent to Midland Drive at approximately 4500 South. It would cross Midland Drive and run east through property owned by Rocky Mountain Power. The proposed route would jogs southward below 3100 West in order to avoid developed subdivisions. Then it would east through undeveloped land owned by Robert Fuller. The route would then cross 2900 West and continue east through West Park to the D&RG grade. The route would then head northward along the D&RG to about 4450 South.

Jared Hall said the addition of this extension and connection for Hooper Water did not conflict with the purposes and intents of the General Plan for this area. The "facility" was a water line and would be buried underground. There were no elevations. Hooper Water eventually planned to build a reservoir tank at the east end of this proposed line, but had not yet applied for that particular "facility." They were only requesting approval of the water line. The City Engineer, Parks Director, and the City Attorney had worked with Hooper Water's engineering team to prepare the route to minimize the impact to surrounding properties, the use of the park, and crossing of the road.

Mr. Hall said an easement agreement between Hooper Water and Roy City would be necessary because the line would cross the City park. The City Attorney had been working with Hooper Water to prepare the easement. The City Council would have to approve the easement agreement in conjunction with the conditional use permit.

Mr. Hall said the DRC staff was comfortable making a positive recommendation to the Planning Commission and was assured all steps necessary had been taken to make sure the installation had as little impact as possible. The staff had found that:

1. The proposed development was an acceptable Conditional Use in the R-1-8 and RE-20 zone.
2. The proposed development is not in conflict with the goals and policies of the General Plan or Zoning Ordinance.

The staff recommended that the Planning Commission recommend that the City Council approve the conditional use with the following conditions:

1. The applicants shall continue to work with staff to review all plans and improvement drawings for the proposed installation.
2. The applicants shall obtain an acceptable easement agreement with Roy City in conjunction with the installation.
3. The applicants will obtain all the necessary and appropriate permits and applications for the installation.

Commissioner Hamilton asked if there was any qualifier for Roy City for a conditional use of this type of facility. Jared Hall said no. Roy City ran its own conditional use permits and it was about 50/50 with all others involved.

Commissioner Merx asked said the line was running through Robert Fuller's property. Would that affect his ability to build in the future? Jared Hall said Mr. Fuller should be able to continue building without limitations, but the City could not approve anything for Mr. Fuller at this time. Commissioner Merx asked if Mr. Fuller was happy with the agreement. Mr. Hall said Mr. Fuller had signed the easement agreement. He assumed Mr. Fuller was satisfied with the agreement.

Commissioner Kirch asked about the timeline. When would the extension be completed? Jared Hall said the project would be completed in January or February of 2012. Dan White, Gardner Engineering, said that the crossing of the two rights-of- ways would be completed by August or September. They would wait for winter weather to complete the section in West Park when it wasn't being used. Commissioner Kirch asked if any infrastructure in park would be affected. Mr. White said the sprinkler system and walking trail would be impacted.

Commissioner Hamilton asked if this was a cut and cover operation. Mr. White said it was. The trench would be 6-7 feet. Commissioner Merx asked if there were construction standards to keep the kids out of the trench while the project was under construction. Commissioner Kirch asked if the trench would be dug in sections. Dan White stated that security fencing would be put around the trench, any equipment and materials.

Commissioner Hamilton asked if the line would affect any utilities in Roy, and if it could potentially create any problems. Mr. White said they would bore under the utility line on 2900 West to avoid any problems. They would perform an open cut on 3100 West and go through the utilities. Those would be the only places of impact. There would be no problems with Roy's water or sewer service.

Chairman Stonehocker opened the floor to any public comments for the public hearing.

Chris Sackett, 4489 South 3100 West, stated that the line would go through the back piece of her property. Mr. Fuller was contacted, but that she was not. She received a letter last Thursday and that was it. Mr. Hall said that there was some confusion about the map that was circulated. The map Ms. Sackett received was not correct. The project would only skirt her property. It would not enter the back of her property at all.

Chris Sackett said there were irrigation ditches throughout that area, and that the irrigating was fully functioning on a daily basis. She also asked who would pay to maintain the line. Roy City previously approved a big garage on her property. She was worried the line would cause problems with the garage. She honestly preferred that the line was nowhere near her property. She worried about future problems and maintenance issues. Commissioner Kirch said whoever created the water problems would be liable for any future issues. Ms. Sackett asked if Hooper Water would be liable. Jared Hall said they would be. They were bonded and insured to handle anything that might affect any residents and property.

Dan White, Gardner Engineering, said the design was at least 50 years. Commissioner Kirch asked if Gardner Engineering was aware of irrigation ditches. Mr. White said they were not. They would restore any changes.

Commissioner Kirch understood that easements typically followed property lines rather than running through the middle where they could affect future building. Mr. White said that was generally true, and that was what they intended to do in this case. Commissioner Hamilton said Milo Peterson's property would still be usable because of where the easement was located. Mr. White said that was correct.

Chris Sackett also asked if she had any easements on her property. Jared Hall said she had the standard utility easements, but no easements for this water line. She wanted to make sure line was not encroaching on her property. Mr. Hall said that the line was not on her property. Commissioner Kirch said it was difficult to tell from the drawing that there would be a not be a big bump in the back. It will look like flat land. Ms. Sackett was more worried about liability, and maintenance and why they were not notified. Commissioner Kirch said a transmission line was different. It would not have joints to create cracks or problems. Ms. Sackett said that was okay as long as it was not near her property.

Jan Savoie, 2977 West 4475 South, also had some concerns about the placement of the line. She understood the map was incorrect, and her questions about the line and maintenance had been addressed.

Dale Sanders, 4479 South 3100 west, worried that his property would be affected. Mr. Hall again stated that the map was incorrect. The line should not affect Mr. Sanders at all.

Commissioner Kirch thanked the citizens for coming to the meeting. It was important to do so when you could be affected and knew information the City did not.

**Commissioner Merx moved to adjourn the public hearing and convene a regular Planning Commission meeting, Commissioner Hamilton seconded the motion. The motion passed unanimously.**

Commissioner Kirch thanked Jared for the thoroughness of the information presented to the Planning Commission. Chairman Stonehocker appreciated the public's concern.

**Commissioner Merx moved to recommend that the City Council approve a Request for conditional use to allow the installation of a major facility of a public utility (a 20-inch water line which would run eastbound from approximately 4500 South on Midland Drive, through West Park to the D&RG Rail Property, and then northbound along the rail grade to approximately 4400 South) based on the findings and recommendations of the staff. Commissioner Kirch seconded the motion. The motion passed unanimously.**

5. STAFF UPDATE

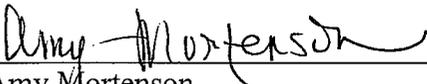
Jared Hall said the General plan update continued. The Steering Committee for the General plan update would meet soon, and a final open house would be held July 28. Commissioner Hamilton asked about the previous open house. Mr. Hall said it was not as well attended. Commissioner Hamilton asked what could be done better to get the word out. Mr. Hall said a banner could be hung across 1900 West; a note could be placed on the utility bills; and signs could be put on school marquis. Commissioner Kirch suggested putting A-Frame signs in the parks and at schools. With all the activities in the parks, the word would get out. Commissioner Hamilton also suggested posting the information at the library. Commissioner Hamilton asked if those who attended the open house could be polled to find out how they heard about it. Then the City would know which advertising worked.

Jared Hall stated that Commissioner Watts' term would expire at the end of June. He could not be reappointed. Dave Dickson had accepted an invitation to fill the vacant spot on the Commission. He had met with the Mayor and Tony and would start in July.

6. ADJOURN

**Commissioner Hamilton moved to adjourn at 6:33 p.m. Commissioner Kirch seconded the motion. All were in favor.**

Attest:

  
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Amy Mortenson  
City Recorder

  
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Tom Stonehocker  
Chairman