

ROY CITY

Roy City Council Agenda
July 5, 2016 – 6:00p.m.
Roy City Council Chambers
5051 South 1900 West

Moment of Silence and Pledge of Allegiance: Councilmember Dandoy

1. Approval of June 21, 2016, City Council Minutes
2. Award of Employee(s) of the Month for July 2016
3. **6:00 p.m.** – Public Hearing to Consider a Request to Amend the General Plan (Future Land Use Map) from Commercial to Very High, Multi-Family Residential and the Zoning Map from CC (Community Commercial) and R-1-8 (Single-family residential) to R-4 (Multi-Family Residential), for Property Located at Approximately 4500 South 1900 West
4. Consideration of Ordinance No. 16-6 Amending the General Plan (Land Use Map) from Commercial to Very High Density, Multi-Family on Property Located at Approximately 4500 South 1900 West
5. Consideration of Ordinance No. 16-7 Amending the Zoning Map from R-1-8 and Community Commercial to R-4 for property located at Approximately 4500 South 1900 West
6. **6:00 p.m.** – Public Hearing to Consider a Request to Amend Title 10 Zoning Regulations; for the chapters: 3 – Administration, 23 – Nonconforming Uses, 25 – Variances and 28 – Appeals, to Remove the “Board of Adjustments” from the Title and Replace it with “Hearing Officer”
7. Consideration of Ordinance No. 16-8 Amending Title 10; Chapters 3; 23; 25 and 28 to Remove Board of Adjustments and add Hearing Officer
8. **6:00 p.m.** – Public Hearing to Consider a Request to Amend Title 13 Sign Regulations; Chapter 4 – Regulations of Signs. To Remove from 13-4-3 B 3 b 5) & 13-4-3 B 4 a 2) “site or development” and Replace it with “business entity” adding 13-2-1 a Definition of “business entity”
9. Consideration of Ordinance No.16-9 Amending Title 13 to remove “Site or Development and Replace it with Business Entity
10. **6:00 p.m.** – Public Hearing to Consider a Request to Amend Title 10 Zoning Regulations; chapter 17 – Table of Uses, to Remove “Grooming” from the Use Description of “Kennel” and add a category, to include that there is no boarding, breeding or selling of pets.
11. Consideration of Ordinance No. 16-10 Amending Title 10 Chapter 17 to Remove “Grooming” from the Use Description of “Kennel” and make it its own Use Category
12. **6:00 p.m.** – Public Hearing to Consider an Request to Amend the General Plan (Future Land Use Map) from Medium Density, Single-Family Residential to Very High, Multi-Family Residential and the Zoning Map from R-1-8 (Single-family residential) to R-3 or R-4 (Multi-Family Residential), for Property Located at Approximately 5154 South 2700 West



ROY CITY

Roy City Council Agenda
July 5, 2016 – 6:00p.m.
Roy City Council Chambers
5051 South 1900 West

13. Consideration of Resolution No. 16-28 Declaring Certain Property as Surplus and Authorizing its Sale
14. Consideration of Resolution No. 16-29 Amending the Amount Presented as the FY 2017 Operating Budget for the Water and Sewer Utility Enterprise Fund
15. Consideration of Resolution No. 16-30 Approving an Interlocal Agreement between Roy City and Sunset City for the Provision of Management and Collection Procedures for Sewer Services
16. Consideration of Resolution No. 16-31 Announcing Roy City's Intent to Annex Unincorporated Islands and Peninsulas
17. North Park Presentation
18. Discussion of City Flag
19. City Managers Report
20. Public Comments
21. Mayor and Council Report
22. Motion to Hold a Closed Meeting to discuss the Character, Professional Competence, or Physical or Mental Health of an Individual(s) – This Closed Meeting will Held in the Administration Conference Room
23. Adjourn

In compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for these meetings should contact the Administration Department at (801) 774-1020 or by email: admin@royutah.org at least 48 hours in advance of the meeting.

Certificate of Posting

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted in a public place within the Roy City limits on this 1st day of July, 2016. A copy was also provided to the Standard Examiner and posted on the Roy City Website on the 1st day of July, 2016.

Amy Mortenson
Roy City Recorder

Visit the Roy City Web Site @ www.royutah.org
Roy City Council Agenda Information – (801) 774-1020

MINUTES OF THE JUNE 21, 2016, ROY CITY COUNCIL MEETING

1. Approval of June 7, 2016, minutes
2. Consideration of Ordinance No. 16-4 adopting certain restrictions on the use of fireworks within certain areas of the municipality
3. Consideration of preliminary subdivision approval for Roy Regency Subdivision located at approximately 5600 South 2700 West
4. Consideration of Ordinance No. 15-5 amending the General Plan (Future Land use Map) from Light Manufacturing to Very High Density, Multi-Family on property located at approximately 2449 West 4300 South
5. Consideration of Resolution No. 15-6 amending the Zoning Map from RE-20 (Residential Estates) to R -3 (Multi-Family Residential) and RIO (Residential Infill Overlay) on property located at approximately 2449 West 4300 South
6. Consideration of Resolution No. 16-27 approving a contract with Advanced Paving and Construction, LLC for the 4800 South Roundabout Project
7. Consideration of Resolution No. 16-26 amending the Roy City Personnel Policy and Procedure Manual to provide for a Hearing Officer to hear grievances and appeals in place of an Employee Appeals Board
8. Discussion regarding merit/COLA for FY2017
9. Consideration of Resolution No. 16-25 amending the Roy City Personnel Policy and Procedure Manual for merit implementation dates
10. Consideration of Ordinance No. 16-5 amending the Roy Municipal Code by amending portions of Title 9 to update Roy City Building and Construction Codes in accordance with the Utah Uniform Building Standard Act and the rules promulgated thereunder; and by providing that this ordinance shall become effective immediately upon posting after final passage
11. Discussion regarding Council members directing/tasking City employees
12. Discussion regarding non-compliance to City Zoning Ordinance
13. City Manager's Report
14. Public comments
15. Mayor and Council reports
16. Adjourn

Minutes of the Roy City Council Meeting held June 21, 2016, at 6:00 p.m. in the City Council Room of the Roy City Municipal Building.

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.

The following members were in attendance:

Mayor Willard Cragun
Councilwoman Marge Becraft
Councilman Bob Dandoy
Councilman Brad Hilton
Councilman Dave Tafoya
Councilwoman Karlene Yeoman

City Manager Andy Blackburn
Secretary Michelle Drago

Also present were: Cathy Spencer, Management Services Director; Ross Oliver, Public Works Director; Jason Poulsen, Fire Chief; Carl Merino, Police Chief; Steve Parkinson, Planner; Trent Nelson, Assistant City Attorney; Jared Roper; D. L. Thurman; Jane Thurman; Jared Flanders; Kathie Darby; Miles Hislop; Lance Hislop; Cooper Hislop; Chris Hislop; Lorin Parks; Greg Sagen; Gennie Kirch; and Ryan Anderson.

Moment of Silence: Councilwoman Becraft

Pledge of Allegiance: Councilwoman Becraft

1. APPROVAL OF JUNE 7, 2016, MINUTES

Councilwoman Yeoman moved to approve the minutes of June 7, 2016, as written. Councilman Dandoy seconded the motion. Council members Becraft, Dandoy, Hilton, Tafoya, and Yeoman voted “aye.” The motion carried.

2. CONSIDERATION OF ORDINANCE NO. 16-4 ADOPTING CERTAIN RESTRICTIONS ON THE USE OF FIREWORKS WITHIN CERTAIN AREAS OF THE MUNICIPALITY

Jason Poulsen, Fire Chief, stated that a municipality could restrict and ban certain fireworks and certain areas if it felt they would be a threat to the community. The City used to have an ordinance in place which restricted the use of fireworks in certain parts of the City, but the ordinance expired. The Fire Department asked that the City Council adopt Ordinance No. 16-4 which would prohibit aerial cakes in restricted areas. Those areas consisted of open grass areas along the trail, slough, canal, and railroad. Class C fireworks could be still be lit in restricted areas. Most people were pretty good about abiding by the restrictions. Ordinance No. 16-4 did not have an expiration date.

Chief Poulsen explained that the City was currently selling permits for fireworks to be sold from tents. Fireworks could be sold from June 27 to July 27th. They could be lit three days prior to and three days after July 4th and 24th.

Councilman Tafoya asked that the Fire Department notify the residences in the restricted areas about the aerial fireworks ban.

Mayor Cragun asked if the restriction was posted on the City's website. Chief Poulsen said it was.

Councilman Tafoya moved to approve Ordinance No. 16-4 adopting certain restrictions on the use of fireworks within certain areas of the municipality. Councilman Hilton seconded the motion. A roll call vote was taken: Council members Yeoman, Hilton, Becraft, Tafoya, and Dandoy voted "aye." The motion carried. (Copy filed for record).

3. CONSIDERATION OF PRELIMINARY SUBDIVISION APPROVAL FOR ROY REGENCY SUBDIVISION LOCATED AT APPROXIMATELY 5600 SOUTH 2700 WEST

Steve Parkinson stated that the Roy Regency Subdivision was located on the southwest corner of 5600 South 2700 West. It consisted of three separate parcels that were being combined into one lot. The City Council recently considered a multi-family development on this site. One of the conditions of approval was combining the parcels so that buildings would not be located over property lines. The staff and Planning Commission had reviewed the subdivision and recommended that the Council grant preliminary approval.

Councilman Tafoya asked if the property was already zoned R-3. Mr. Parkinson said it was.

Councilwoman Yeoman stated that the City Council denied a multi-family development on the northwest corner of the 5600 South 2700 West intersection due to access concerns. Was access to the southwest corner further from the intersection? Mr. Parkinson said it was. He reminded the Council that the issue under consideration was preliminary approval of a subdivision.

Councilman Dandoy clarified the description of the property.

Councilman Hilton moved to grant preliminary approval of the Roy Regency Subdivision based on the findings of the staff and subject to the conditions recommended by the staff and Planning Commission. Councilwoman Becraft seconded the motion. Council members Becraft, Dandoy, Hilton, Tafoya, and Yeoman voted "aye." The motion carried.

4. CONSIDERATION OF ORDINANCE NO. 15-5 AMENDING THE GENERAL PLAN (FUTURE LAND USE MAP) FROM LIGHT MANUFACTURING TO VERY HIGH DENSITY, MULTI-FAMILY ON PROPERTY LOCATED AT APPROXIMATELY 2449 WEST 4300 SOUTH

Steve Parkinson stated that the City had received a request to amend the Future Land Use Map of the General Plan by changing the future land use designation of property located at approximately 2449 West 4300 South from Light Manufacturing to Very High Density, Multi-Family. The City had also received a request to amend the Zoning Map by rezoning property at the same location from RE-20 to R-3. The City Council had previously discussed this area with the applicant, Anderson Development. On August 15, 2015, the Planning Commission held a public hearing to consider the two requests. It recommended that both requests be denied due to concerns about vehicular access. Anderson Development asked that their requests be pulled from the Council agenda to allow time to explore options that could be presented to the City Council.

Councilman Tafoya stated that the Planning Commission and City Council had discussed the development of this area in a work session. Had the staff informed the applicant about that discussion? Mr. Parkinson said it had. The applicant wanted to present some options to the City Council.

Councilman Hilton asked why those options had not been presented to the Planning Commission before coming to the Council. Mr. Parkinson said the applicant wanted to present their options directly to the City Council.

Ryan Anderson, Anderson Development, stated that they had approached the City Council prior to filing their applications to learn about the City's concerns regarding this area. The City Council was aware that the property in question was located between the Union Pacific right-of-way and the D&RG Trail between 4000 South and 4800 South. The future land use designation was industrial. It was currently zoned RE-20. Mr. Anderson stated that the City had a vision for this area. So did Envision Utah and UTA. Envision Utah polled 50,000 residents. Eighty-two percent (82%) of them preferred to live in a community within walking distance of transit.

Mr. Anderson felt their development proposal would address the wants of State's residents. UTA had put together transit-oriented design guidelines which highlighted this area as a mixed use of higher density residential and some commercial uses. Mr. Anderson said they met with UTA to try to make this a win/win development. UTA wanted to utilize the north end of this area as a commuter hub and track station. UTA did not want to see vehicular access onto 4000 South. They had plans to build a pedestrian bridge over the Union Pacific right-of-way.

Councilman Tafoya stated that the City had not heard anything from UTA about wanting to develop a light rail system in this area. Mr. Anderson said it was part of UTA's long term master plan.

Ryan Anderson stated that there was approximately 46 acres between 4000 South and 4800 South whose only access was from 4800 South. The distance between the trail and the Front Runner line on 4000 South was only 320 feet. UTA agreed that any vehicular access onto 4000 South in this area would be a disaster. If access was allowed, they felt it should be restricted to right in and right out only. Anderson Development understood the concerns about access. Rather than trying to access 4000 South, they were proposing to connect to Westlake Drive, which was located just west of the D&RG Trail. UTA was willing to consider an at-grade crossing of the trail in this area. Anderson Development had acquired a home on Westlake Drive in anticipation of the connection.

Councilman Hilton asked how UTA would address the access. Mr. Anderson said it would be an at-grade crossing with arms.

Councilman Tafoya was concerned about dumping hundreds of cars into a neighborhood that had not been designed to handle such traffic. He felt it would simply create another traffic problem.

Ryan Anderson felt the at-grade crossing was a win/win. It provided another access for the area and alleviated the access problem on 4000 South. There were individual property owners to the north who didn't want access through their properties. Hooper Water was located to the south. They were willing to surplus two acres for a connection. A five acre parcel was also considering a connection with the West Park Subdivision to the south. Anderson Development was proposing a townhouse development, which they felt would be a good fit with the price point in the area. A pedestrian bridge would allow access to UTA's Front Runner Station.

Councilwoman Becraft referred to the presentation made by Envision Utah at the last Council meeting. With so many residents wanting homes close to transit, she felt the City should look at this proposal.

Councilman Tafoya stated that Roy City was not a transit-oriented design city. He understood the need. However, the City had already decided it did not want this area to develop as R-3. The City did not want more density. The City was considering the purchase of part of this area as a cemetery. He didn't feel a cemetery would fit with a high density development. He didn't feel accessing Westlake Drive would solve anything.

Ryan Anderson stated that Anderson Development had been looking for some direction from the City. They were representing a property owner who wanted to sell his property. He asked that the Council be pro-active.

Councilman Tafoya stated that the City did not have an issue with the current zone.

Councilwoman Yeoman did not want to consider development of this area until property closer to the Front Runner Station developed. When that area was going, she felt it affect how the land between the two rights-of-way developed.

Councilman Dandoy stated that this area had a future land use designation of Light Manufacturing. One concern mentioned in the hearing was the construction of a big building that would block visibility. He asked what the maximum building height in a manufacturing zone was versus residential. Mr. Parkinson said the manufacturing regulations allowed a maximum building height of 60 feet. The maximum building height in residential zones was 35 feet.

Councilman Dandoy asked about the density of an R-3 Zone. Mr. Parkinson said the maximum density was 12 units per acre. Therefore, the maximum density of a 10-acre parcel would be 120 units. When factoring in landscaping and access requirements the actual density would probably drop. Mr. Parkinson said the City Council could attach conditions to the rezone which would provide control over the density.

Councilman Dandoy stated that traffic and access were always a concern when considering a development. The concerns raised during the hearing last August related to access onto 4000 South. The option provided by Anderson Development would provide access to this area from two different sources. He felt the real issue now was the number of units in the area. He felt this development proposal might be a solution if the City had some control over the density. Councilwoman Becraft felt the proposal might be compatible. He agreed there needed to be harmony between this area and what developed around the Front Runner Station. This proposal could drive what happened around the station.

Steve Parkinson stated that the City had received a grant to study how traffic moved between the Front Runner Station and 1900 West, the airport, and Hill AFB. The City hoped to have the results of the study back by February 2017. The City could allow the rezone subject to the results of the study via a development agreement. The City Council had a lot of options from denial to approval and in between.

Councilman Tafoya disagreed. He did not feel the City would have any control over the density if the property was rezoned.

Councilman Dandoy stated that the City Council had already agreed to mixed use development around the Front Runner Station. He felt the land bridge was a great idea,

especially in terms of personal safety. He felt there was some merit to the proposal from Anderson Development. It provided a needed solution for the traffic. Roy City was the last community to do anything around their light rail. He didn't have a problem putting the cart before the horse and letting it drive.

Councilman Hilton did not feel the goals and objective of the General Plan quoted by the staff applied because the General Plan was so outdated. The General Plan needed to be updated before the City could move forward. If the neighborhood was going to be extended, it should be extended as it was – single-family residential. He was concerned about townhomes. He felt the City needed to look at the General Plan and do some strategic planning.

Councilwoman Yeoman asked what an at-grade crossing would look like. Mr. Anderson said it would be similar to the crossing at 4000 South and 4800 South, with gates.

Mayor Cragun stated that the applicant was seeking direction from the City. They had met with the City several times, and the Council had discussed this area several times. He felt the City owed them an answer.

Councilman Hilton stated that the City didn't have a plan to consider. The applicant was just requesting a rezone. Right now he was not in favor of changing the zone. The Council had already decided it did not want any more R-3 housing. If the applicant wanted to consider an R-1-8 Zone, it would be a different matter. The applicant could develop single family homes in the current RE-20 Zone.

Councilman Dandoy moved to approve Ordinance No. 15-5 amending the Future Land Use Map of the General Plan by changing the future land use designation of property located at approximately 2449 West 4300 South from Light Manufacturing to Very High Density, Multi-Family based on the staff's findings. Councilwoman Becraft seconded the motion. A roll call vote was taken: Council members Dandoy and Becraft voted "aye." Council members Tafoya, Yeoman, and Hilton voted "nay." The motion was defeated.

5. CONSIDERATION OF RESOLUTION NO. 15-6 AMENDING THE ZONING MAP FROM RE-20 (RESIDENTIAL ESTATES) TO R -3 (MULTI-FAMILY RESIDENTIAL) AND RIO (RESIDENTIAL INFILL OVERLAY) ON PROPERTY LOCATED AT APPROXIMATELY 2449 WEST 4300 SOUTH

This item could not be considered due to the denial of Item No. 4.

6. CONSIDERATION OF RESOLUTION NO. 16-27 APPROVING A CONTRACT WITH ADVANCED PAVING AND CONSTRUCTION, LLC FOR THE 4800 SOUTH ROUNDABOUT PROJECT

Ross Oliver, Public Works Director, stated that bids for the 4800 South Roundabout Project were opened on June 2, 2016. Five contractors submitted bids ranging from \$398,930 to \$476,324.72. The engineer's estimate was \$390,000. The staff recommended that the City Council approve Resolution No. 16-27 approving a contract with Advanced Paving and Construction, LLC to complete the 4800 South Roundabout Project for \$398,930.

Councilman Dandoy asked if the bids were closed. Mr. Oliver said they were.

Councilman Dandoy asked if the City Council was the approval authority. Mr. Blackburn said it was. The contract agreement was approved by resolution, which had to be approved by the Council.

Councilman Dandoy stated that the only bids approved by the City Council were construction projects over \$25,000. Yet the Council was not the source authority. It was relying totally on the recommendation of the staff. For the four other bidders, the City Council was the only appeal avenue. The City Council was acting as both the approval authority and the appeal board. He did not feel that situation would hold up in a court of law. If there was litigation, it would be expensive. He felt the City Council needed to discuss a different method of approving contracts. In all other budget matters, the Public Works Director had the authority to approve contracts. Why was the Council involved in the approval process? He felt the City's Purchasing Policy needed to be changed.

Andy Blackburn, City Manager, stated that Councilman Dandoy had a good point. The City was in the process of amending ordinances to replace appeal boards with hearing officers.

Mayor Cragun asked if it was necessary for all of these projects to be brought to the City Council.

Councilman Tafoya stated that ultimately the train stopped at the Council. The Council directed the staff to bid projects. The scenario presented by Councilman Dandoy very rarely happened.

Andy Blackburn felt the solution was to have another appeal authority. Councilman Dandoy also felt that would solve the problem. Right now there was a risk. He did not want to see the City face a lawsuit.

There was further discussion.

Councilman Hilton asked if a contract had to be approved by a resolution. Mr. Blackburn said it did.

Councilman Hilton moved to approve Resolution No. 16-27 approving a contract between Roy City Corporation and Advanced Paving and Construction, LLC for the 4800 South Roundabout Project in the amount of \$398,930 and to authorize the Mayor to sign the Notice of Award and Contract Agreement. Councilman Tafoya seconded the motion. A roll call vote was taken: Council members Becraft, Hilton, Tafoya, Yeoman, and Dandoy voted “aye.” The motion carried. (Copy filed for record).

Councilman Tafoya stated that the Council needed to discuss when to start this project.

Ross Oliver stated that the staff needed to know what to tell the contractor at the preconstruction meeting on June 22nd.

Councilman Tafoya said that if construction started right away, the roundabout would be under construction during Roy Days. If the City waited to begin construction after Roy Days the roundabout would be under construction when school started.

Mayor Cragun felt the project should be postponed until after Roy Days.

Councilman Tafoya felt construction should start as soon as possible. The contractor could pull off the project during Roy Days. Roy Days would be for one weekend. Traffic would be ten times worse after school started. The project needed to be finished before then.

Councilwoman Yeoman stated that Hooper Water was currently doing a project on 4800 South. How far would that extend? Ross Oliver said Hooper Water planned to lay a water line on 4800 South from 2700 West to 3500 West.

The Council agreed that the roundabout project needed to be finished before school started.

7. CONSIDERATION OF RESOLUTION NO. 16-26 AMENDING THE ROY CITY PERSONNEL POLICY AND PROCEDURE MANUAL TO PROVIDE FOR A HEARING OFFICER TO HEAR GRIEVANCES AND APPEALS IN PLACE OF AN EMPLOYEE APPEALS BOARD

Andy Blackburn stated that at the last meeting, the Council had discussed replacing the Employee Appeals Board with a Hearing Officer. The appeals process would work better with a Hearing Officer versus an Appeals Board. The State law was changed several years ago to allow boards to be replaced with hearing offices. A written decision

prepared by a hearing officer would hold up better in court. The administration asked that the Council approve Resolution No. 16-26.

Councilwoman Becraft asked for details about a hearing officer. Mr. Blackburn stated that a hearing officer was usually an attorney who had land use experience. The City would search for a hearing officer who was qualified and experienced. There were city attorneys in the area that could hear appeals. The hearing officer would be an independent contractor. He would be paid an hourly rate whenever he was needed.

Councilwoman Becraft felt amending the ordinance to replace a board with a hearing officer was a good direction to do.

Councilman Hilton moved to approve Resolution No. 16-26 amending the Roy City Personnel Policy and Procedure Manual Section 1802 to provide for a Hearing Officer to hear grievances and appeals in place of an Employees Appeals Board. Councilwoman Becraft seconded the motion. A roll call vote was taken: Council members Hilton, Yeoman, Dandoy, Tafoya, and Becraft voted "aye." The motion carried. (Copy filed for record).

8. DISCUSSION REGARDING MERIT/COLA FOR FY2017

Cathy Spencer, Management Services Director, stated that the administration was seeking clarification of the implementation dates of the merit, COLA, and salary survey proposed in the FY2017 budget. The budget included a 2% COLA that would be effective on July 9, 2016, and a 2.5% merit for eligible employees. Did the Council want the merit to take effect on July 9th along with the COLA or on the employees' hire/promotion date in FY2017? Ms. Spencer said the budget included a salary survey to be conducted in the latter part of 2016. It would place employees within pay scales based upon years of service, which were lost during the recessionary years. The salary survey process would take a few years to fully implement. If the Council's intent was different than what was in the budget, changes could be made prior to the Truth in Taxation Hearing in August.

Ms. Spencer said the budget was sufficient to cover a merit increase beginning July 9th or the partial implementation of the salary survey, but not both. Changing the merit implementation date and postponing the salary survey until FY2018 would result in a reduction in the property tax increase but would require an additional increase in FY2018. If the Council decided to implement the 2.5% merit on July 9th and the salary survey in FY2018, the budget could be recalculated and a lesser tax increase requested. Delaying the implementation date of the salary survey would allow for more time to gather and analyze the data for the FY2018 budget process. If the Council wanted to have the ability to alter the implementation date for merit pay adjustments, the Personnel Policy and Procedure Manual would have to be amended. Resolution No. 16-25 had been prepared for the Council's consideration.

Councilwoman Yeoman felt that both the merit and COLA should be implemented on July 9th. If the salary survey was not done, there would not be a need to raise taxes.

Councilman Dandoy supported Councilwoman Yeoman's suggestion. Both increases would be in place and effective, which would allow time to complete the salary survey. The step program could be implemented in the next budget year.

Ms. Spencer asked if merit increases for the part-time employees could be made on their hire date. Permanent part-time employee merits were based upon the number of hours worked. Calculating merits for part-time employees would be nearly impossible without waiting until their anniversary date.

Councilwoman Yeoman agreed to give part-time employees their merit on their anniversary date. If the employees were given both a merit and a COLA, she did not feel the City needed to conduct a salary survey.

Councilman Tafoya asked about the cost of a salary survey. Ms. Spencer did not know what the cost would be because she didn't know what the results would be. She had included an estimate in the budget, which could be used to start implementing a salary survey. Councilman Tafoya asked what would happen if the City didn't conduct a salary survey. Ms. Spencer stated the estimated amount would be removed from the budget.

Cathy Spencer stated that the salary survey would compare the salaries of positions in Roy City with similar positions in cities of comparable size to Roy. She discussed how the salary would be conducted.

Councilman Dandoy stated that if the merit and COLA were implemented on July 9th, the City would have time to assess through a survey how close the City's salaries were to other cities and how to implement the step process beginning in FY2018.

Councilwoman Yeoman asked if the City could look at a step process without having to conduct a salary survey. The cost of the salary survey could be taken out of the budget. Then taxes would not have to be raised. The merit and COLA could be given now. Steps could be implemented in the next budget year.

Mayor Cragun stated that the Council had agreed to give the employees a COLA and a merit increase at the beginning of the fiscal year. He emphasized that step increases were not automatic. Step increases were based on years of service and professional performance.

Councilwoman Yeoman agreed step increases should be based on years and proficiency.

Councilman Dandoy clarified that the merit and COLA would be given on July 9th. Part-time employees would receive their merits on their anniversary dates. Department heads still had to make assessments prior to July 9th to determine whether their employees would receive their merit increases. Before FY2018, the Council would have to discuss step increases. The Council would get the employees back where they should be even if it took a few years.

Councilman Tafoya had confidence that the City Council as a board would get there.

Andy Blackburn reminded the Council that beginning July 1st, the City would be operating a tentative budget until the Truth in Taxation hearing in August. He asked for the Council's authorization to proceed. The Council agreed to proceed with the tentative budget.

9. CONSIDERATION OF RESOLUTION NO. 16-25 AMENDING THE ROY CITY PERSONNEL POLICY AND PROCEDURE MANUAL FOR MERIT IMPLEMENTATION DATES

Councilman Dandoy moved to approve Resolution No. 16-25 amending the Roy City Personnel Policy and Procedure Manual for merit implementation dates. Councilwoman Yeoman seconded the motion. A roll call vote was taken: Council members Yeoman, Hilton, Becraft, Tafoya, and Dandoy voted "aye." The motion carried. (Copy filed for record).

10. CONSIDERATION OF ORDINANCE NO. 16-5 AMENDING THE ROY MUNICIPAL CODE BY AMENDING PORTIONS OF TITLE 9 TO UPDATE ROY CITY BUILDING AND CONSTRUCTION CODES IN ACCORDANCE WITH THE UTAH UNIFORM BUILDING STANDARD ACT AND THE RULES PROMULGATED THEREUNDER; AND BY PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON POSTING AFTER FINAL PASSAGE

Cathy Spencer stated that every few years the Utah State Building Code Commission recommended that updated editions of the international codes be adopted. The State had mandated that cities enforce the 2015 International Building, Residential, Mechanical, Plumbing, Fire, Fuel Gas Code, and Energy Conservation Codes and the 2014 National Electrical Code. Roy City needed to update Title 9 in accordance with the Utah Uniform Building Standard Act. She asked that the Council adopt Ordinance No. 16-5.

Councilman Tafoya moved to approve Ordinance No. 16-5 amending the Roy Municipal Code by amending portions of Title 9 to update Roy City Building and Construction Codes in accordance with the Utah Uniform Building Standard Act and rules promulgated thereunder; and by providing that this ordinance shall become effective immediately upon posting after final passage. Councilman

Hilton seconded the motion. A roll call vote was taken: Council members Tafoya, Becraft, Hilton, Dandoy, and Yeoman voted “aye.” The motion carried. (Copy filed for record).

11. DISCUSSION REGARDING COUNCIL MEMBERS DIRECTING/TASKING CITY EMPLOYEES

This item was tabled by the Mayor.

12. DISCUSSION REGARDING NON-COMPLIANCE TO CITY ZONING ORDINANCE

Councilman Dandoy stated that in Chapters 23 and 25 of the Zoning Ordinance, the City was required to have a Board of Adjustment to hear appeals and variances to the City's zoning requirements. It had been years since the City had a functioning Board of Adjustment. He felt the public had a right to have a land use appeal process. He suggested that the Zoning Ordinance be amended to replace the Board of Adjustment with a Hearing Officer. Until that happened, could the City Council consider an appeal if one was filed?

Andy Blackburn stated that the City was already in the process of amending the Zoning Ordinance to replace the Board of Adjustment with a Hearing Officer. The Planning Commission would be holding a public hearing on June 28th to take public comments before passing on a recommendation to the City Council. The administration hoped to place consideration of an amendment on the next Council agenda.

13. CITY MANAGER'S REPORT

Andy Blackburn, City Manager, reported that:

- Stone had been added to the base of the City's sign in front of the Municipal Building. The City planned to use the same type of stone for the water feature in front of Harmon's. The City Engineer was checking on the status of the State's approval.
- The City had received the fireworks permits for Roy Days.
- The Aquatic Center was doing booming business due to the hot weather. The Recreation Department had baseball and softball tournaments going on. Registration for football was almost done.
- The Police Department was getting ready to hire replacements.
- The Boys and Girls Club would start using the swimming pool at the Recreation Complex next week.
- The City had its most successful Movie Night on Friday, June 17th.
- The City would be sponsoring a Farmer's Market at North Park starting after Roy Days. Councilwoman Becraft asked why the Farmer's Market wasn't being held

all summer long. Mr. Blackburn said the vendors didn't have anything to sell until then. Councilman Dandoy said the Farmer's Market was placed at North Park to take advantage of the football crowds. Mayor Cragun felt the City should take advantage of its sign to advertise the farmer's market. Councilwoman Becraft said the farmer's market could also be advertised in the flyers the Arts Council would be distributing.

14. PUBLIC COMMENTS

D.L. Thurman, 4953 South 3100 West, made a statement regarding traffic on 4800 South in conjunction with his property and the West Park Subdivision. He had a background of over 20 years in construction management and design. He owned the barn located at about 2730 West 4800 South. He did not have a problem with the West Park Subdivision being constructed next to him, except they ran off the Perigrine Falcon. The developer had moved eight to ten feet of soil on the north side of his property, which left quite a drop off. He had several family parties with toddlers and small planned at the barn. One would be held on the 4th of July. He had a drawing showing a block wall behind his property. He thought a Council member had recommended it. His copy was not signed. The City's signed copy did not show a block wall. He understood the design process. As the design process evolved the changes were pointed out, but the deletion's weren't. He felt the developer had deleted the wall because they didn't want to do it. He was told he would be responsible for the block wall. The City's present plan was to build a roundabout at 2900 West 4800 South with an island that would extend east to the tracks. People leaving the subdivision and his barn would have to travel west on 4800 South to the roundabout to turn and go east. People traveling east would have to cross the tracks and turn around. He did not know how drivers would turn around on 4800 South if u-turns weren't allowed. When leaving his barn, due to the dip in the tracks, a driver had to exit forward, look up the hill, and memorize the traffic flow to find an opening. His renter at the same location had lost five brick mail boxes due to drivers losing control at the dip. He had picked up 30 hubcaps. The subdivision as it was now did not have a turn-around for emergency vehicles. When the subject of the subdivision was initially proposed a member of either the City Council or the Planning Commission said there would be cars hit by trains. The very next day a person was killed by a train at the 4800 South crossing. At that time he suggested the City clean up the area west of the tracks for an emergency turn out, and put up a sign indicating *emergency turn out only*. After his suggestion a rail was stopped making it impossible to pull out. The City had a traffic study completed which said there weren't any problems. His renter had a traffic study completed which said there would be accidents at this location. When he gave a copy of the study to the City, they refused to even read it because it was prepared by someone who did not have a degree in traffic engineering. He was told that the person who prepared the original study didn't have a degree either.

Jared Flanders, 4587 South 3600 West, stated that his neighbor drove to Salt Lake earlier in the day to file an EPA complaint against the developer of the 114-unit complex north of Midland Car Care Center. Were any City employees monitoring the construction? Construction activity began at 5:00 a.m., which was disruptive to the neighborhood. The neighborhood had asked the construction crew to water down the site to keep the dust down. They were laughed at.

Andy Blackburn stated that the Building Inspector made periodic inspections, but the City did not have an employee on the site at all times. Ross Oliver, Public Works Director, stated that they had received complaints about the dust. Matt Howard, Public Works Inspector, had found the contractor difficult to work with. Mayor Cragun directed Andy Blackburn to draft a letter to the developer regarding the complaints received by the City and indicating that the City would be monitoring the site regarding dust and hours of operation, etc. He asked Mr. Blackburn to report back to the City Council.

Jared Roper, 4174 South 2175 West, asked about the status of North Park. It was a dust bowl. There were weeds in the 4000 South Roundabout. Andy Blackburn said Travis Flint, Parks and Recreation Director, had a family emergency tonight. He planned to attend the next Council meeting to update the Council on North Park. The Parks Department was short staffed. They would get to the weeds as soon as possible.

Mr. Roper asked if something could be done about the speed on 2175 West between 4000 South and 4400 South. He had clocked speeds of 40 to 50 MPH with his radar gun. He loved the speed bump, but it had been removed. He would like another one that was just a little less severe. Councilman Dandoy asked if the speeds were worse at specific times of the day. Mr. Roper said the speeds were worse between 4:30 and 7:00 p.m. Councilman Dandoy asked if unmarked patrol cars could monitor 4000 South. Mr. Blackburn said the City was on the process of purchasing a speed sign.

Councilman Dandoy asked if speed bumps were effective. Police Chief Merino said they slowed down traffic, but they increased noise and vehicle damage. Speed bumps were no longer recommended. Councilman Dandoy asked if this was an enforcement issue. Chief Merino said it was. Unfortunately the time frame indicated by Mr. Roper was the busiest time of the day for patrol officers due to accidents. The Police Department was also operating with fewer officers. People wanted to avoid traffic on the main roads so they speed through neighborhoods. Councilman Dandoy felt there had to be a penalty involved.

Susan Cady, 4155 South 2175 West, stated that in addition to speeding traffic there had been theft in the neighborhood and kids hanging around the new North Park restrooms.

Councilman Tafoya stated that the City had tried making officers more visible. The speed slowed down while the officers were there, but sped up when the officers left. A

speed sign had not worked. Historically, the only that had worked was a speed bump while it was there, but traffic sped up when it was removed.

Mayor Cragun felt enforcement was the answer. There were many places in the City where speeding occurred.

Jared Roper asked that the City put the speed bump back in. Councilman Tafoya suggested putting in a three-way stop sign in the middle of the block. Councilwoman Yeoman said a stop sign would force traffic to slow down. Ross Oliver said he could have a stop sign installed the next day. He was directed to do so.

Jared Roper asked if the 1900 West Riverdale Road intersection would ever be finished. The Council said the City would be finishing it. It was waiting to receive permits from the State before proceeding.

Jared Roper asked if the City could contact the property owners along the frontage road, as it had in the past, about keeping their weeds down in anticipation for the fireworks season. Fire Chief Poulsen said he would meet with the Code Enforcement Officer to get it done.

Kathie Darby, West Haven, complimented Roy City on the new configuration of 4800 South 3500 West. The contractor got in and got the work done. The new road was beautiful and worked wonderfully. She thanked the City for making it happen.

15. MAYOR AND COUNCIL REPORTS

Mayor Cragun stated that the annual Youth Service Day had been moved forward to August 27th.

Councilman Dandoy updated the Council on the status of the survey. Only 32 surveys were needed in three zones. The City had received well over the number needed for a statistical analysis, but there were a few areas to finish near the Clinton/Roy border south of Roy Elementary and below 3500 West and east of Midland Drive. Intend to finish in the morning of June 23rd. When the Weber State had compiled the results they would like to hold a few town meetings to share the results.

Councilwoman Yeoman reported that the Roy Days newsletter was printed at Alphagraphics. It ended up being eight pages long. Even though it had more pages and was being printed in color, the cost was just slightly more than the regular newsletter. She felt the Council should look at the cost of future newsletters.

Councilman Tafoya stated that the City's latest Movie Night had the biggest turn out ever. The next one was scheduled for July 15th. He felt the Recreation Department and its staff was doing a great job.

16. ADJOURN

Councilwoman Becraft moved to adjourn at 8:12 p.m. Councilman Dandoy seconded the motion. Council members Becraft, Dandoy, Hilton, Tafoya, and Yeoman voted “aye”.

Attest:

Willard Cragun
Mayor

Michelle Drago
Secretary

dc:cjun2116



To: Mayor Cragun and Members of the Roy City Council

From: Cathy A. Spencer 

Date: June 21, 2016

Re: July Employees of the Month

Roy City has a lot of old asset that sit around and take up space. This includes vehicles, machinery, and other pieces of equipment. The departments are wanting to get rid of these items, but really don't have the time to follow up. In the past, we have taken the old vehicles to the auction and received about \$500 for them. Yet, going to the auction takes employee time away from their duties here at the City and the vehicles are only viewed by the individuals that choose to attend the auction. This process only allows for a few items to be sold at a time.

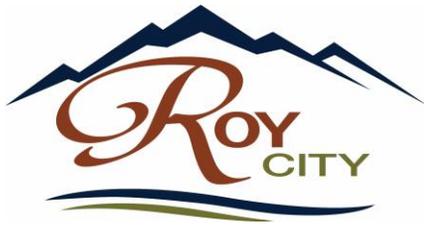
Matt Andrews in the Finance Department was aware of a web site called Public Surplus <http://www.publicsurplus.com/sms/roy.ut/list/current?orgid=517310> and was interested in getting Roy City set up to see if it could receive a greater benefit over the auction. Through discussions with various individuals, Public Works finally allowed him to take a shot at selling some items they had. This included a 2005 asphalt zipper and a 1984 bus which served as a mobile command unit. The asphalt zipper was in good shape, while the bus had been stripped down and in very poor condition.

With Matt's direction, Mandie Worton, took on the responsibility of setting up the Roy City account; adding the surplus items; and monitoring the bid process. The site requires that a minimum bid be set. The staff in the Shop has helped to determine a minimum value on the items. If the minimum is not met, the City has the option of selling at the highest bid, or pulling the item from auction. In the end, the asphalt zipper brought in \$22,000 and the bus \$740. Payments must be made through the Public Surplus site, so the City doesn't have to worry about collections or follow-up; yet we won't release title to the items until the money has been received.

Mandie has now added eleven police vehicles ranging from 2003 to 2009 with minimum bids of \$500. Nine of the 11 meet or exceed the \$500 minimum with a high of \$2,950 on a Dodge Charger. There are still a few days left on the bids. More and more items are being added as Matt and Mandie talk with departments about the advantages of the program.

Posting items on the Public Surplus site takes very little employee time, but achieves a nice benefit for the City. The equipment is no longer taking up space, and the City has a little extra cash to use. Items that may not have been able to be taken to auction, can now be seen by a large number of people allowing for a better chance of being sold.

For their resourcefulness and persistence, I'd like to nominate Matt Andrews and Mandie Worton as employees of the month for July 2016.



STAFF REPORT

City Council
July 5, 2016
Agenda Item # 3

SYNOPSIS

Application Information

Applicant: Lou Brown; A&E Brown Development
David Altop; Altop Family Trust
Randy Galloway
Garrett Sealy; Double G Investments

Request: **6:00 p.m. – RE-PUBLIC HEARING** – Requests to amend the

1. General Plan (Future Land Use Map) from Commercial to Very High Density, Multi-Family
2. Zoning Map from R-1-8 (Single-Family Residential) and CC (Community Commercial) to R-4 (Multi-Family Residential)

Approximate Address: 4465 South 1900 West

Land Use Information

Current Zoning: RE-20

Adjacent Zoning: North: R-4; Multi-Family Residential
South: R-4; Multi-Family Residential & CC; Community Commercial
East: CC; Community Commercial & R-1-8; Single-Family Residential
West: R-1-8; Single-Family Residential

Current General Plan: Commercial

Staff

Report By: Steve Parkinson

Staff Recommendation: Approval with conditions as outlined in this report

APPLICABLE ORDINANCES

- 1) Roy City Zoning Ordinance Title 10, Chapter 5 – Amendments to General Plan and Zoning Ordinance

CONFORMANCE TO THE GENERAL PLAN

- 1) Residential Development Goal 1; Policy D: *The City's policies should encourage the development of a diverse range of housing types, styles and price levels in all areas of the City.*
- 2) Residential Development Goal 3; Policy G: *The housing needs for low and moderate income families and senior citizens in Roy City shall be determined by the City on a regular basis, or as the need arises.*

PLANNING COMMISSION ACTION

The Planning Commission held a Public Hearing during the June 14, 2016 meeting, the hearing was opened for public comments, which were as follows:

- Dennis Brown - Roy Citizen - handed out and read aloud a letter from Lou Brown.
Date: June 13, 2016
To: Planning Commission
From: Lou Brown, A & E Brown LLC

Subject: A&E Brown LLC Property, 6 + Acres located on 5 parcels consisting of two rental homes, a fourplex, and vacant orchard land at approximately 4487 South 1900 West.



I am writing this memo based upon my limited ownership in the property and my experience from nearly 40 years in the field of market development and real estate acquisition. I worked for nearly 29 years for General Mills/Darden Restaurants. During this time I did market research and site acquisition for Red Lobster, Olive Garden and other restaurants owned by the firm. Thereafter, for 10 plus years, I assisted the LDS Church buy properties for their various needs.

HISTORY: The subject property has been owned in the Brown family for more than 100 years. My grandparents and parents have owned and farmed this land for many years as an orchard or crop farming. My siblings and I have spent thousands of hours working the land to produce fruits and vegetables. My Grandfather and Grandmother operated a fruit farm on the land west of the subject property, where the Harmony Park Subdivision is now located. Around the year 1954, my uncle built a home on one lot, and in 1957, my parents finished a home on another lot where they lived the remainder of their lives. The fourplex was developed by my father around 1969 as I recall.

In 2007 both Amos and Ethel Brown passed away and the property was bestowed to their children, Barbara Thomas, Louis Brown, Beverly Rasmussen, Dennis Brown and Debbie Hansen.

MARKET CONDITIONS: When the family members decided to sell the land I conducted extensive research to determine the highest and best use for the property. I was aware the property was zoned residential and master planned for community commercial. Our family has always hoped the land could be developed with a nice commercial project. Unfortunately, commercial development still has not recovered from the recession of 2007-2008. This condition continues to a great degree along most of the Wasatch Front and America as a general statement. In addition, this issue is further impacted because the land is approximately 1 mile north of Roy's central business district. Over the past year I have spoken with numerous real estate agents who have commercial land listed in Roy and adjacent communities. They report that commercial development is extremely slow in Roy and surrounding cities. I have brought many developers and real estate agents to the subject property and requested their opinion on the highest and best use for the property. Without exception, everyone has recommended that the highest and best use, and most feasible, would be town home development. For the record, during the time the property has been listed we have had no offers regarding commercial development.

Why Town Home Development you may ask? The property fits the recommendations of the Envision Utah Master Planning Commission because of its location and the need to provide a broad range of housing stock into a community. Recent news reports have documented the high demand for more housing where a school teacher, fireman, police officer, young couple, retired couple looking to downsize or a first time buyer can invest in a home and build equity.

Roy has many apartments but few town home projects. Within the past few years many communities have realized the need to provide this type of housing to meet market demand and broaden the housing stock of a city. The last ten plus years of my career I worked to purchase property for the LDS Church. I can tell you from personal experience that Daybreak in South Jordan, the largest residential development in the state of Utah, has developed a substantial number of town homes. Sizable amounts of town home projects have gone into the cities of Herriman, Riverton and many other cities in Salt Lake County. I have bought sites in these areas for my church. In Davis County, where I live, the communities of Farmington and Kaysville have approved this 'type of housing. In some cases these projects have been developed near upscale housing areas.

The people buying town homes are very responsible citizens looking to invest in a property they can afford. In addition, many people no longer want the responsibility of maintaining a yard.

Town home projects also offer many of the advantages associated with upscale housing projects such as rules and regulations regarding home maintenance, pets, safety issues, garbage handling, yard maintenance, snow removal, parking restrictions and specifics on prohibited land uses within a project.

As you know, the above referenced restrictions are associated with these types of projects to protect the individual home owners and also help a city maintain domestic tranquility within the project.

The subject property is also favorably located near the Frontrunner station and is just a few minutes commute by car or bicycle. This fits the goal of Envision Utah for high density housing being located near mass transit. Residents in the proposed project can conveniently use Frontrunner for travel to Ogden, Layton, Farmington, Bountiful, Salt Lake City and Provo. Less traffic upon the roads leads to less pollution from automobiles.

In order to make their project work they need your support to change the rear portion of the properties zoning classification. They also need your support to change the master plan to a residential designation.

In conclusion, the proposed project lends itself to smart, effective and efficient land planning. It meets a demand that has been documented by local press. Housing prices have not spiked as much in Roy as perhaps some other communities. However, with the growing economy along the Wasatch Front, it appears a reasonable conclusion that housing prices in Roy are going to increase and the need for this type of product is obvious.

I would have preferred to come and speak about the merits of the proposed project in person, unfortunately, I am out of town traveling with my son dealing with an emergency family issue.

Thanks for your consideration on this matter and I hope you will support the proposed development.

Thank You!!!!

- Richard Arnold - Roy Citizen - was concerned about the rezone. Most of the people in the neighborhood were older and had lived in their homes since the 1960's. Some had only received 24 hours' notice about the hearing. He wanted to know what the price point would be. What type of fence would separate this proposed development from the older neighborhood? Would there be community-type facilities, such as a pool or a recreation facility? Would the units have individual backyards, or would it be an open design?
- Jennifer Wiesinger - Roy Citizen - stated she lived right at the end of the 'T' in the road. She was concerned about the older residents in the neighborhood. It was a tight-knit community. One resident remembered that when Mr. and Mrs. Brown were alive the City agreed that 4550 South would not be a through street. Another said that if the street went through, she would move. She wanted to know if her street would be connected to 1900 West. There were small children in the neighborhood. Her home had been struck by a drunk driver. She was concerned that the safety of the children could be compromised by the intoxicated drivers. She asked where the exits and entrances for the development would be located. She felt the children in the area should be able to play without having to worry about vehicles. Her research showed that the student to teacher ratio at North Park Elementary School was 18 to 1, but next year the enrollment was projected to increase. North Park's rating of 46 was slightly lower than average. Roy residents were considered to be either middle income with children under 20 or young professionals. The population was less educated. She moved to Roy so that she could farm on her land and not worry about her children. She was concerned about the type of people the townhomes would bring into the neighborhood and losing her view of the mountains. She knew there would be height restrictions due to the proximity of the Ogden Airport. She asked the developer to consider the existing community when designing the development. The residents in the neighborhood wanted a place to call home where they could feel safe and peace.
- Howard Layton - Salt Lake City - as a Real Estate agent, stated that he had been assisting the Brown Family. They initially considered some type of commercial use. However, the site was not located on a hard corner and the main commercial area was located to the south. When they marketed the property, they received inquiries about residential uses, but not commercial. It became evident that the best use was residential. He felt it was very unlikely that the property would have a commercial use. He recommended that the family market the property for a multi-family site. The market had proven that recommendation. A well-respected developer had put the property under contract.
- Randy Galloway – Ogden - stated that he owned a large commercial building in Roy. It had been for sale for three years without an offer. He also owned property at the end of the east end of 4550 South. He did not feel the Brown property was suited for a commercial use. More access avenues would actually mean fewer cars. He would love to see this property develop.

- Tracy Chalton - Roy Citizen - stated that his main concern was privacy and traffic. He had three young children that played around his home. Traffic was pretty light in the neighborhood. He didn't have to worry about his children. He was also worried about how his property value would be affected by the proposed development. Would it hurt or help his property value?
- Garrett Seely - Double G Investments, Alpine - stated that he was the applicant. UDOT had told them that 4550 South could not be extended through to 1900 West. There was a possibility for them to have an access at 4500 South. UDOT's preferred option was to loop a road between 4450 South and 4550 South with no access onto 1900 West. If that was the site's main access, most traffic would probably head north to the light at 4400 South 1900 West.

With no additional comments the public hearing was closed.

After a small discussion the Commission voted 3-1:

To forward to the City Council a recommendation of approval:

- To amend the General Plan (Future Land Use Map) from Commercial to Very High Density, Multi-Family.
- To amend the Zoning Map from R-1-8 (Single-Family Residential) and CC (Community Commercial) to R-4 (Multi-Family Residential).

However, due to a technicality (Typo) within the notice that was published in the Standard Examiner and sent out to the Community, the Planning Commission was required to re-hold a Public Hearing. The Planning Commission held a second Public Hearing during the June 28, 2016 meeting, the hearing was opened for public comments, which were as follows:

- Gary Bingham - Roy Citizen – asked if the existing homes were to be removed. and How many units would be within the development.
- Bill Packet - Roy Citizen – stated if this gets rezoned what is stopping the developer from making this apartments instead of townhomes.
- Howard Layton - emailed his comments:

June 26, 2016

Dear Planning Commission:

I am writing to express our opinion regarding the 6.2+/- acre parcel being considered for a zoning and land use change. I unfortunately am out of town on business, but attended the last meeting where I had an opportunity to speak. I am hoping to express much of what I said in that meeting through this letter.

My partner and I were engaged to assist the Brown family with consulting and marketing services regarding the property. Part of this was to give an opinion of highest and best use so that the property could be marketed appropriately and to the most likely buyer or user. As an experienced commercial real estate broker and licensed commercial appraiser with the MAI credentials I carefully evaluated both the commercial and residential aspects of the property. Attributes considering the subject's size, depth, frontage, surrounding property uses, traffic count, access from the highway, nearby competition, market supply and demand, financially feasible uses, and other factors have all been considered. It was apparent that a commercial use would not be accepted in the market at this time as there are superior sites with better synergy, exposure, and other physical aspects. There would be limited demand, if any, for the site as an office development, and even less demand for some type of retail use. So much of the immediate market is being met by the commercial core center in Riverdale, and the street retail, commercial, and business uses, further south in Roy.

Over the past several months we have marketed the property as having potential for either a commercial or a possible multi-family use. We have received no interest or calls for use as a commercial property, and considerable interest for multi-family development. This further verified that our initial analysis was correct.

A well designed multi-family townhome type development was concluded to be the highest and best use of the site and would best meet the needs of the city and the surrounding property owners. It is our recommendation that the Planning Commission and City Council adopt the proposed change to the land use and zoning classification that has been submitted by the current potential buyer.

Sincerely,



Howard J. Layton, MAI, CCIM & Kent Kohlase
CBC Advisors – a commercial real estate and consulting company

With no additional comments the public hearing was closed.

After which Commissioner Kirch had the following questions (answers by applicant):

- Orientation of Buildings? (at this point it is unknown, but would look at having the short side of the units towards the homes on the west instead of the wide side)
- Access to 1900 West? (UDOT would prefer no accesses onto 1900 West)
- Concerns with tenants of the existing homes and four-plex? (believes the current owners have informed them of the pending selling of the land)
- What are the price points of these units? (High \$100's to low \$200's)
- How many units would be allowed? (R-4 zoning allows 12 units per acre)

With no further discussion or questions the Commission voted 6-1:

To forward to the City Council a recommendation of approval

- To amend the General Plan (Future Land Use Map) from Commercial to Very High Density, Multi-Family.
- To amend the Zoning Map from R-1-8 (Single-Family Residential) and CC (Community Commercial) to R-4 (Multi-Family Residential), with the understanding that the project is for Townhomes as presented.

ANALYSIS

Background:

These parcels are on the west side of 1900 West, SW of the Ogden Airport and across the street from Sparrow Furniture. Currently the majority of the property is an apple orchard, and belongs to Lou Brown and his family.

Amend Future Land Use Map:

Current Designation: The subject property currently has a land use designation as Commercial (see exhibit "B").

Requested Land Use Designation: The applicant would like to change the Future Land Use Map from the current Commercial designation to a Very High Density, Multi-family designation

Considerations: When considering a proposed amendment to the general plan the Commission and Council shall consider the following factors, as outlined in section 505 "Criteria for approval of General Plan Amendments" of the Zoning Ordinance:

- 1) The effect of the proposed amendment on the character of the surrounding area.
- 2) The effect of the proposed amendment on the public health, welfare, and safety of City residents.
- 3) The effect of the proposed amendment on the interests of the City and its residents.
- 4) The location of the proposed amendment is determined to be suitable for the uses and activities allowed by the proposed amendment, and the City, and all other service providers, as applicable, are capable of providing all services required by the proposed uses and activities in a cost effective and efficient way.
- 5) Compatibility of the proposed uses with nearby and adjoining properties.
- 6) The suitability of the properties for the uses requested.
- 7) The effect of the proposed amendment on the existing goals, objectives, and policies of the General Plan, and

listing any revisions to the City's Land Use Ordinances, this Ordinance, the Subdivision Ordinance, and any other Ordinances required to implement the amendment.

- 8) The community benefit of the proposed amendment.

The above section of the Zoning Ordinance asks some questions mostly looking at the effect the proposed land use designation and compatibility/suitability to the surrounding uses. Staff would like to comment on some these questions

The character of the surrounding areas –

- To the West, there is single-family residential homes.
- To the North, South and East there are Multi-family residential units.

Interests of the City & Residents –

- Having a variety of housing types helps the citizens of every City, stay within the community they have lived in.
- Not everyone wants, or can have a detached home with yard to maintain.
- Some want to downsize not just in home size but in the number of vehicles, thus being close to alternative transportation options gives them their desires.

Location – suitable for uses & activities –

- Transit is active along 1900 West and it is close to businesses and the Ogden Airport.
- The city is able to provide all of the services required for any type of development.

General Plan Goals, Objectives and Policies –

- Within the “Conformance to the General Plan” section of this report it lists two (2) goals and policies that this type of development would satisfy.

Amend Zoning Map:

Current Zoning: Currently majority of the properties are zoned R-4 with small sections zoned R-1-8 and CC. With the exception to two (2) front portions of currently used residential dwellings (non-conforming uses) the rest of the properties at the moment does not match that of the Master Land Use Map.

Requested Zone Change: The applicant would like to have the properties that are not currently zoned R-4 to be changed to R-4 to allow for a multi-family residential development. However the R-4 zone does allow for a mix-use development of allowing office space.

Considerations: When considering a Zoning District Map Amendment, the Commission and the Council shall consider the following factors, as outlined in section 509 “Criteria for Approval of a ... Zoning Map” of the Zoning Ordinance:

- 1) The effect of the proposed amendment to advance the goals and policies of the Roy City General Plan.
- 2) The effect of the proposed amendment on the character of the surrounding area.
- 3) The compatibility of the proposed uses with nearby and adjoining properties.
- 4) The suitability of the properties for the uses requested.
- 5) The overall community benefits.

No amendment to the Zoning Districts Map (rezone) may be recommended by the Commission nor approved by the Council unless such amendment is found to be consistent with the General Plan and Land Use Maps.

The above section of the Zoning Ordinance asks some questions mostly looking at the effect the proposed zone and compatibility/suitability to the surrounding uses. Staff would like to comment on some these questions

General Plan Goals, Objectives and Policies –

- Within the “Conformance to the General Plan” section of this report it lists two (2) goals and policies that this type of development would satisfy.

The character of the surrounding areas –

- To the West, there is single-family residential homes.
- To the North, South and East there are Multi-family residential units.

Compatibility with surrounding area –

- If you look at the current zoning map and look 500 feet in each direction from this property, there are three (3) different residential zones (R-1-6, R-1-7 & R-1-8) and a Manufacturing zone. Rezoning this property to R-4 and the uses allowed are more compatible with the R-1 zones than Light Manufacturing and its allowable uses.

Location – suitable for uses & activities –

- Transit is active along 1900 West and it is close to businesses and the Ogden Airport.
- The city is able to provide all of the services required for any type of development.

Some additional questions that the Commission and Council needs to reflect upon are:

- Does changing or not changing the zoning provide the best options for development of this property or area?
- How can this property best be developed? As single-family dwellings? As multi-family residential? OR as Commercial?

Looking at the leakage study (see exhibit “E”), for this area, Section 7, page 25, talks about the “North Park Business District” . Within the “Sale Tax and Business Development” paragraph it states “The North Park Business District has about 24 businesses in the area, with room for further expansion. Currently, this area accounts for less than one percent of the total City-wide retail sales. It is likely that the sales tax will increase slightly through build out in this area, but because office space is not a significant sales tax generator, huge growth in sales tax is unlikely for this area.”

The Key findings and recommendations for this area are:

- This area accounts for less than one percent of all retail sales city-wide and contains almost two dozen businesses.
- This oldest segment of the City’s population lives in this area, although there is a stark contrast in incomes within that population. To the north of 4000 South, the median household income is \$30-40k, while the median income to the south of 4000 South is double at \$70-80k.
- Additional land exists for the future expansion of office and civic space.
- The City may consider the use of development incentives to attract a large employer who will bring new jobs which pay high salaries. But, because this area provides very little sales tax, incentives should be carefully considered with an appropriate cost benefits analysis.

Within Section 8: Goals and Policies of the Study proposes 4 areas which the City should focus on to promote economic growth and sustainability. Within the fourth area “Expand upon the Existing Class A & B Office Strengths” the first sentence states: “The City should maintain a mix of land uses near office developments, which will promote sustainability by placing rooftops and office space near commercial development.”

CONDITIONS OF APPROVAL

1. Apply and receive Conditional Use & Site Plan approval

FINDINGS

1. That it’s the best use of the land.
2. Provides and supports Roy City Economic Development.

ALTERNATIVE ACTIONS

The Planning Commission can recommend Approval, Approval with conditions, Deny or Table

RECOMMENDATION

Staff recommends that the Planning Commission recommends approval for the request with the conditions as discussed and as outlined within the staff report to:

1. General Plan (Future Land Use Map) from Commercial to Very High Density, Multi-Family
2. Zoning Map from R-1-8 (Single-Family Residential) and CC (Community Commercial) to R-4 (Multi-Family Residential)

EXHIBITS

- A. Aerial Map
- B. Future Land Use Map
- C. Zoning Map
- D. Conceptual Building Exterior and floor plans.
- E. Retail Leakage Study and Analysis Report

EXHIBIT "A" – AERIAL MAP

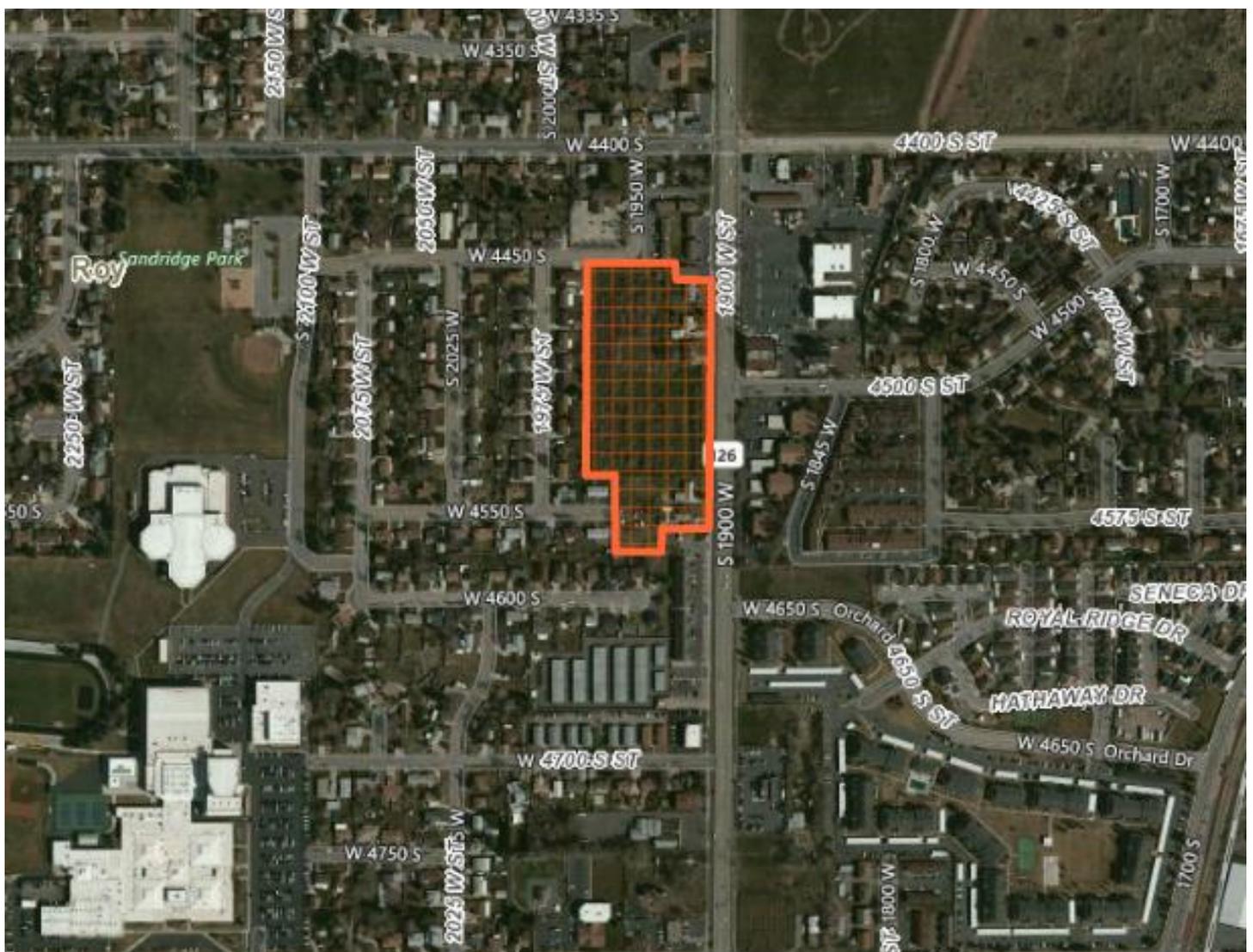
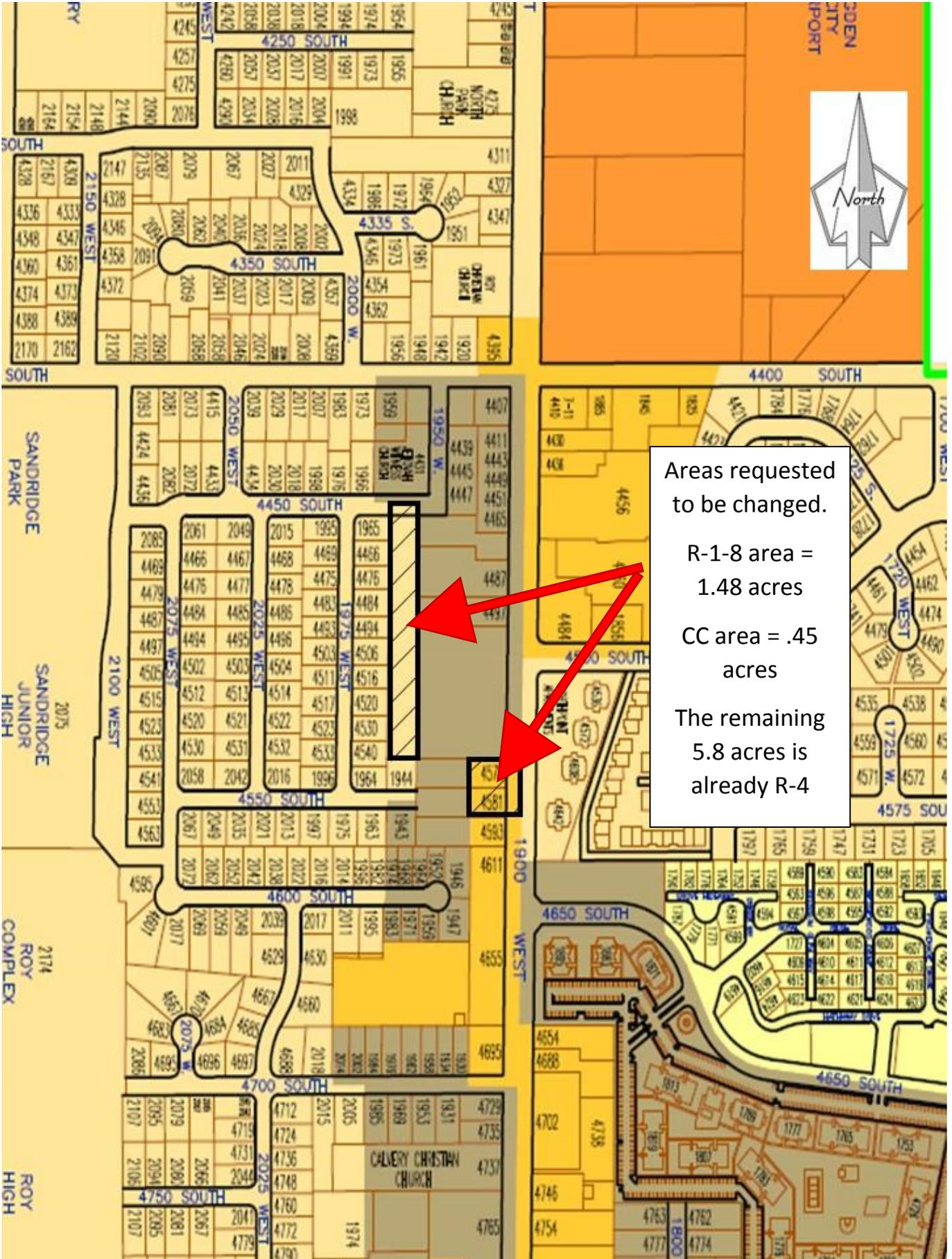
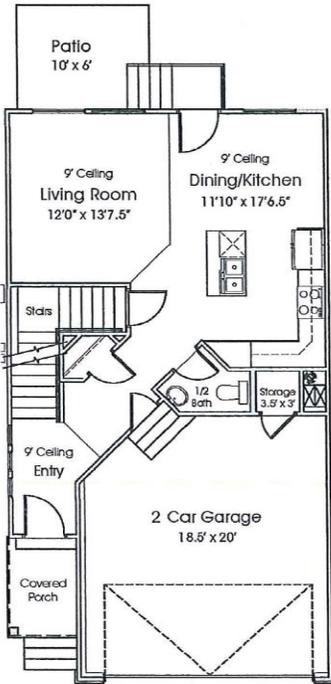


EXHIBIT "C" - ZONING MAP

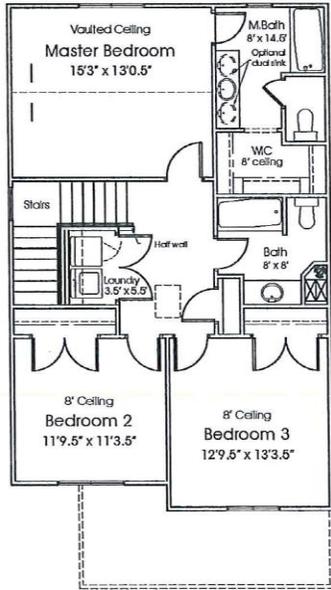


Type C Townhomes

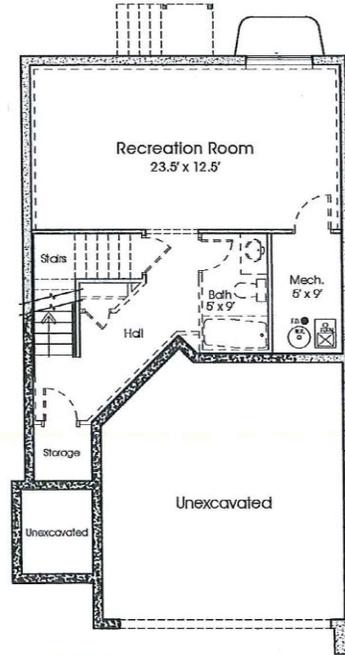
Outer Unit



MAIN FLOOR



UPPER FLOOR



BASEMENT

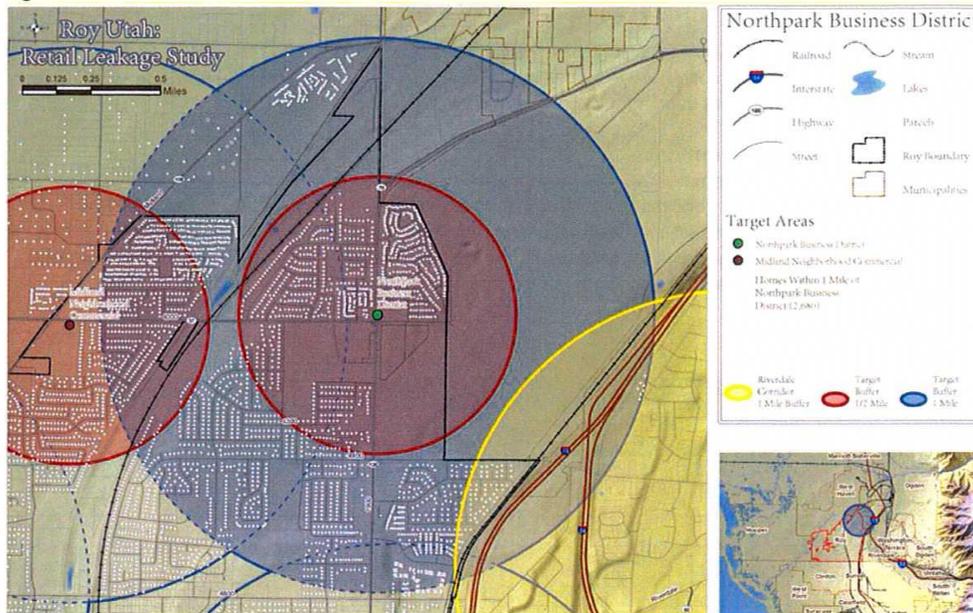
Main Floor	641 sq. ft.
Upper Floor	880 sq. ft.
Basement	641 sq. ft.
Total Sq. Ft.	2,162 sq. ft.
Total Finished	1,521 sq. ft.



SECTION 7: NORTH PARK BUSINESS DISTRICT

The North Park Business District is an established business park within the City. It is located at approximately 4000 South and 1900 West.

Figure 7.1: Illustration of North Park Business District



Current and Future Tenants

The North Park area is an existing office and light industrial park. The largest tenant is the America First Federal Credit Union offices, but Kimball Clark Design, and Focus Services also have space nearby. Citi Group also utilizes space in the America First building. A new school and library are in the plans for this area. There is more than ten acres of undeveloped land to the west of the America First offices which could be developed into civic space or additional office park. The City is currently reconfiguring North Park so that it can be utilized as an expansion area for the business park. The City should work to ensure that the expansion is used for a high-value tenant which will make it cost effective to relocate the park.

The North Park area should be able to develop and find tenants without City help or incentive, but the City may choose to help incentivize a large employer who would provide new, high-paying jobs.

Demographics and Traffic

The North Park area contains 2,680 homes within a one-mile radius. The oldest age demographic in the City resides in this area with a median age of 46 to 50 years. There is also a stark income difference in this area. To the north of 4000 South, the median household income is between \$30-40k. South of 4000 South, the median household income is much higher at \$70-80k. The main traffic corridor serving this area is 1900 West, which has 15,000 to 25,000 average vehicles per day.

Sales Tax and Business Development

The North Park Business District has about 24 businesses in the area, with room for further expansion. Currently, this area accounts for less than one percent of the total City-wide retail sales. It is likely that the sales tax will

increase slightly through buildout in this area, but because office space is not a significant sales tax generator, huge growth in sales tax is unlikely for this area.

Figure 7.2: Taxable Sales by Area

LOCATION	NUMBER OF TAXABLE BUSINESSES	TOTAL TAXABLE SALES	PERCENT OF CITY-WIDE RETAIL SALES
Roy Gateway	115	\$72,754,363	40.27%
Midland	17	\$7,173,873	3.97%
Triple Stop	31	\$15,809,227	8.75%
Southwest	40	\$51,390,591	28.44%
North Park	24	\$1,722,413	0.95%
Other	145	\$31,823,334	17.61%
GRAND TOTAL	372	\$180,673,801	100.00%

KEY FINDINGS AND RECOMMENDATIONS:

- ☐ This area accounts for less than one percent of all retail sales citywide and contains about two dozen businesses.
- ☐ The oldest segment of the City's population lives in this area, although there is a stark contrast in incomes within that population. To the north of 4000 South, the median household income is \$30-40k, while the median income to the south of 4000 South is double at \$70-80k.
- ☐ Additional land exists for the future expansion of office and civic space.
- ☐ The City may consider the use of development incentives to attract a large employer who will bring new jobs which pay high salaries. But, because this area provides very little sales tax, incentives should be carefully considered with an appropriate cost benefit analysis.



SECTION 8: GOALS AND POLICIES

In order to maintain economic vitality and promote continued economic growth in Roy, the City must focus on retail anchors, neighborhood and community scale retail development, Class A and B office park development, the completion of important transportation infrastructure, and the promotion of the unique dynamics of each economic district in the City. The following points illustrate the areas upon which the City should focus to promote economic growth and sustainability:

1. PROMOTE TRANSPORTATION IMPROVEMENTS:

- ☐ The City should continue to promote the completion of important transportation infrastructure including the renovation of the Riverdale Road bridge and new access to Roy from the northbound I-15 off ramp.
- ☐ The City should also explore transportation infrastructure improvements that will increase and maintain access from residential zones along 3500 West to existing and future commercial zones within the City. Residents throughout the City need to maintain convenient access to both Roy Gateway and Midland businesses or they will develop a regular pattern of patronizing businesses outside the City.
- ☐ The City will need to encourage shared parking and cross access agreements within the Midland Neighborhood Commercial area so that as traffic along Midland Drive increases, residents can still access the stores and easily shop at multiple establishments within the same shopping trip.

2. FOSTER A RETAIL ANCHOR BUSINESSES:

- ☐ The nationally recognized retail businesses along Riverdale Road provide strong competition for Roy commercial development. By providing complimentary anchors within Roy Gateway, the City can encourage shoppers from the Riverdale Road area to cross over and spend additional dollars in Roy. A brand name movie theater and a three or four star hotel could provide these anchors in a way that compliments the existing businesses instead of competing with Riverdale Road.

3. ADVANCE NEIGHBORHOOD/COMMUNITY RETAIL:

- ☐ While regional retail development should be promoted, specifically in the Roy Gateway area, neighborhood and community scale development should be pursued to capture incremental growth in demand throughout the rest of the City.
- ☐ Commercial development will likely continue to occur along 3500 West and along 4000 South where additional developable property is located.
- ☐ Recent growth in medical businesses in the Southwest area is likely to spur additional commercial growth without the need for development incentives from the City.
- ☐ Nationally recognized mid-box retail should be encouraged in the Midland Neighborhood Commercial area. It is the only retail area in the City with enough vacant space and distance from other retail centers to house this type of development. Capitalizing on the traffic and shopping patterns generated by the nearby Wal-Mart will allow the City to benefit from commercial growth and sales tax generation.
- ☐ The Triple Stop Neighborhood Commercial area should be encouraged to attract unique, "destination" specialty stores which do not need high visibility and which work well with a grocery



anchor. Convenience businesses would also do well in the Triple Stop area due to the close proximity of the surrounding residential development.

4. EXPAND UPON THE EXISTING CLASS A AND B OFFICE STRENGTHS:

- ☐ The City should explore existing developable and agricultural land surrounding North Park to identify areas for additional development. The City should review the Future Land Use Plan to identify any necessary zoning adjustments that may help facilitate the expansion of Class A office and supporting commercial development.
- ☐ Class A office space is new, well-maintained space which can demand rents at the higher end of the market range. Class B office space includes both lower quality buildings with less desirable locations and aging Class A office space which has been downgraded due to lack of renovation or improvements. Class B office space achieves rents in the middle of the market range. The City currently has a mix of Class A and B space and should work to encourage the development of high quality space. This will help extend the life of the business park area and lengthen the timeframe before significant renovation investment is needed in the future.
- ☐ The City should maintain a mix of land uses near office developments, which will promote sustainability by placing rooftops and office space near commercial development. For example, the area to the east of 1900 West between 4000 South and 4400 South is zoned as business park. The west side of 1900 West in this area is partially zoned business park and partially zoned residential. The business park zoning does not allow for convenience stores, personal care services, retail sales, or hotels as either permitted or conditional uses. Offices need some of these support businesses nearby and there is no regional commercial and very little community commercial land available near the business park where these uses are permitted. Current Class A office development trends are to mix restaurant, hotel, and retail with multi-story office buildings. Current zoning in this area would not support this style of development. Roy City may want to consider allowing greater flexibility in the existing business park zone, provided that office remains the primary use of the land, or the City may want to allow for the rezone of smaller parcels within the business park area if the development is designed to serve in conjunction with the future and existing office tenants.

ORDINANCE NO. 16-6

AN ORDINANCE ESTABLISHING A FUTURE LAND USE DESIGNATION OF VERY HIGH DENSITY, MULTI-FAMILY RESIDENTIAL ON PROPERTIES LOCATED AT APPROXIMATELY 4465 SOUTH 1900 WEST

WHEREAS, Roy City has received a petition to amend the Future Land Use Map by changing the designation on properties comprising approximately 7.73 acres of land located at approximately 4465 South 1900 West from a designation of Commercial to a designation of Very High Density, Multi-Family Residential; and

WHEREAS, the Planning Commission held a public hearing to review the petition and favorably recommended the change; and

WHEREAS, the City Council finds that the proposed amendment will advance the existing goals, objectives and policies of the General Plan and is assured that the change will not be detrimental to the appropriate residential use of the property; and

WHEREAS, the City Council has reviewed and considered the same in a public meeting.

NOW, THEREFORE, be it hereby ordained by the City Council of Roy City, Utah, that the Future Land Use Designation of the properties at 4465 South 1900 West be established as Very High Density, Multi-Family Residential and that the *Roy City Future Land Use Map* be amended to depict the same.

This Ordinance has been approved by the following vote of the Roy City Council:

Councilman Becraft _____
Councilman Dandoy _____
Councilman Hilton _____
Councilman Tafoya _____
Councilman Yeoman _____

This Ordinance shall become effective immediately upon passage, lawful posting, and recording. This Ordinance has been passed by the Roy City Council this ____ Day of _____, 2016.

Willard S. Cragun
Mayor

Attested and Recorded:

Amy Mortenson
City Recorder

ORDINANCE No. 16-7

**AN ORDINANCE ESTABLISHING A ZONING DESIGNATION OF R-4 ON PROPERTIES
LOCATED AT APPROXIMATELY 4465 SOUTH 1900 WEST**

WHEREAS, Roy City has received a petition to change the zoning on a property comprising of approximately 7.73 acres of land located at approximately 4465 South 1900 West from a designation of R-1-8 & CC to a designation of R-4; and

WHEREAS, the Planning Commission held a public hearing to review the petition and favorably recommended the change; and

WHEREAS, the City Council finds that the proposed amendment will advance the existing goals, objectives and policies of the General Plan and is assured that the continued residential use of the properties will be conducted appropriately; and

WHEREAS, the City Council has reviewed and considered the same in a public meeting.

NOW, THEREFORE, be it hereby ordained by the City Council of Roy City, Utah, that the zoning designation of the properties at 4465 South 1900 West be established as an R-4 designation and that the *Roy City Zoning Map* be amended to depict the same.

This Ordinance has been approved by the following vote of the Roy City Council:

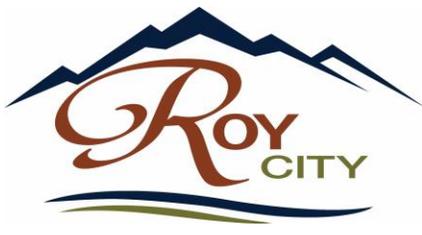
Councilman Becraft _____
Councilman Dandoy _____
Councilman Hilton _____
Councilman Tafoya _____
Councilman Yeoman _____

This Ordinance shall become effective immediately upon passage, lawful posting, and recording. This Ordinance has been passed by the Roy City Council this ____ Day of _____, 2016.

Willard S. Cragun
Mayor

Attested and Recorded:

Amy Mortenson
City Recorder



STAFF REPORT

City Council

July 5, 2016

Agenda Item # 6

SYNOPSIS

Application Information

Applicant: Steve Parkinson

Request: **6:00 p.m. – PUBLIC HEARING** – To amend the Roy City Municipal Code; Title 10 Zoning Regulations comprising of the following chapters: 3 – Administration, 23 – Nonconforming Uses, 25 – Variances and 28 – Appeals. To remove the “Board of Adjustments” from the Title and replace it with “Hearing Officer”.

Staff

Report By: Steve Parkinson; Planning & Zoning Administrator 

Recommendation: Recommends approval

APPLICABLE ORDINANCES

- Roy City Zoning Code; Title 10 chapter 3 – Administration
- Roy City Zoning Code; Title 10 chapter 23 – Nonconforming Uses, Noncomplying Structures and other Nonconformities
- Roy City Zoning Code; Title 10 chapter 25 – Variances
- Roy City Zoning Code; Title 10 chapter 28 – Appeals

PLANNING COMMISSION ACTION

The Planning Commission held a Public Hearing on June 28, 2016, the hearing was opened – the Public made the following comments:

- Lance Hislop – Roy Citizen – he spent eight (8) yrs on the Board of Adjustments and feels that during his time they may not have always done the correct thing but felt it was important to have neighborhoods instead of bureaucrats.

With no further comments the public hearing was closed.

After a small discussion amongst the Commissioners, the Commission voted 6-1:

To forward to the City Council a recommendation of approval to amend the Roy City Municipal Code; Title 10 Zoning Regulations comprising of the following chapters: 3 – Administration, 23 – Nonconforming Uses, 25 – Variances and 28 – Appeals. To remove the “Board of Adjustments” from the Title and replace it with “Hearing Officer”.

ANALYSIS

Background: This item was originally brought to the Planning Commission on April 22, 2016, as a discussion item, because there hasn't been a Board of Adjustment (BOA) case in over twelve (12) years and it is unknown if the five (5) members that served last still live in Roy or are interested in serving if a case is ever filled. The original discussion revolved around replacing the BOA with a Hearing Officer (HO). A few years back the State of Utah passed a bill allowing City's to have HO's in lieu of a BOA.

There are four (4) chapters of the Zoning Code that mention the BOA, those chapters are:

- Chapter 3 – Administration
- Chapter 23 – Nonconforming Uses, Noncomplying structures and other Nonconformities
- Chapter 25 – Variances
- Chapter 28 - Appeals



By in large the proposed changes to the code is just replacing the wordings Board of Adjustments or BOA, directly to Hearing Officer or HO. However in some cases it was felt that in order to help streamline the process of some aspects of the Zoning Code, some of the responsibilities that were once that of the BOA would be given to the Zoning Administrator (ZA) but not with regards to variances or appeals but that of determination of nonconformities. With the understanding that the ZA's decisions could then be appealed to the HO.

Process: Text amendments require public hearing at the Planning Commission. A recommendation will then be forwarded to the City Council for review and a final decision. If the Planning Commission approves language to be added or text to be changed, staff will put those recommended changes into a "Proposed Ordinance" format to be presented to the Council. That ordinance, if approved, can then be adopted, officially amending the text.

Proposed changes: It is proposed to add the following language. Typically the language that is to be removed has been struck through and the language to be added is bolded. See exhibit "A" for the proposed changes.

FINDINGS

- The proposed amendments of Title 10 Zoning Regulations comprising of the following chapters: 3 – Administration, 23 – Nonconforming Uses, 25 – Variances and 28 – Appeals. To remove the "Board of Adjustments" from the Title and replace it with "Hearing Officer" are consistent and in accordance to the discussions of the Planning Commission over the past few meetings.

RECOMMENDATION

Staff recommends approval of the proposed amendments to the Roy City Municipal Code; Title 10 Zoning Regulations comprising of the following chapters: 3 – Administration, 23 – Nonconforming Uses, 25 – Variances and 28 – Appeals. To remove the "Board of Adjustments" from the Title and replace it with "Hearing Officer".

EXHIBITS

- A. Proposed Ordinance changes

EXHIBIT "A" – PROPOSED ORDINANCE CHANGES

Section 304—~~Board of Adjustment:~~ **Hearing Officer**

There is hereby created and established a Roy City ~~Board of Adjustment (BOA):~~ **Hearing Officer (HO)**

- 1) Powers and Duties. The ~~BOA~~ **HO** shall hear and decide:
 - a) Variances from the terms of this Ordinance, with a finding of unreasonable hardship as required by Chapter 10-9a U.C.A., as amended, and as provided by Chapter 25, herein.
 - ~~b) Render decisions on determinations of nonconforming uses and noncomplying structures as provided by Chapter 23, herein.~~
 - ~~c) Requests for the issuance of a building permit authorizing the reconstruction, remodeling, expansion, or enlargement of a noncomplying building or structure, as provided by Chapter 23, herein.~~
 - ~~d) Recommend to the Commission revisions to the Roy City General Plan, this Ordinance, and the Subdivision Ordinance.~~
 - e) To adopt bylaws, policies, and procedures for the conduct of the duties and meetings of the **BOA HO**, for the consideration of applications and for any other purposes deemed necessary by the **BOA HO** provided, that such bylaws, policies, and procedures shall be consistent with all requirements of this Ordinance and the Subdivision Ordinance, which bylaws, policies, and procedures shall first be approved by the Council before taking effect.
- 2) The ~~BOA~~ **HO** shall have no power, jurisdiction, or authority to consider any of the following:
 - a) Any variances or waivers to any of the standards governing the approval of a General Plan Amendment Application, Zoning Ordinance Amendment Application, Zoning Districts Map

- Amendment Application, Subdivision Ordinance Amendment Application or any other approval, permit or license.
- b) Amendments to the General Plan, any element or map thereof, or any provision, requirement or map of this Ordinance, or any provision or requirement of the Subdivision Ordinance.
 - c) Make any decisions or determinations that would have the effect of authorizing a use, which is not identified in Table 17-1 and Table 17-2, Table of Uses, herein.
- 3) **Qualifications for Membership. The Members of the BOA HO shall be appointed by the City Manager Mayor, with advice and consent of the Council.**
- 4) ~~Membership: Appointment, Removal, Terms, and Vacancies.~~
- a) ~~The BOA shall be composed of five (5) members with two (2) alternates.~~
 - b) ~~The members of the BOA shall be residents of Roy. No member of the BOA shall be an elected or appointed official, or employee of Roy City.~~
 - c) ~~The Mayor, with advice and consent of the Council, may remove any member of the BOA for violation of this Ordinance or any policies or procedures adopted by the BOA following receipt of a written complaint filed against the member.~~
 - d) ~~A BOA member shall be automatically removed if three (3) consecutive or twenty-five (25) percent of the BOA meetings in a calendar year are missed. If the absence of a BOA member is due to an extended illness or vacation, the BOA member is responsible to provide written notice to the City Manager prior to the time the absence will occur. If such notice is given, the removal requirements do not apply.~~
 - e) ~~Members of the BOA shall serve with compensation, as adopted by the Council, and the Council shall provide for reimbursement to BOA members for approved actual expenses incurred, upon presentation of proper receipts and vouchers.~~
 - f) ~~All members shall serve a term of five (5) years, provided that the term of one (1) member shall expire each year. No member shall serve more than two (2) consecutive terms.~~
 - g) ~~At an annual organizational meeting, held the first regular meeting of the year, and at other times as required, the members of the BOA shall recommend one (1) of their members as chair and one (1) of their members as vice chair to the Council. The Mayor with advice and consent of the Council shall appoint the BOA chair and vice chair. The chair and vice chair shall serve a term of one (1) year. In the absence of the chair, the vice chair shall act as chair and shall have all powers of the chair.~~
 - h) ~~The chair, or in the chair's absence, the vice chair of the BOA shall be in charge of all proceedings before the BOA, and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the BOA.~~
 - i) ~~BOA vacancies occurring for any reason shall be filled by appointment by the Mayor with advice and consent of the Council. Vacancies of the BOA occurring in ways other than through the expiration of terms shall be filled for the remainder of the unexpired term.~~
- 5) **Recording Secretary.** The City Manager shall assign the City Recorder or other Staff member to act as the recording secretary to serve the **BOA HO**. The Recording Secretary shall keep the minutes of all proceedings of the **BOA HO**, which minutes shall be the official record of all proceedings before the **BOA HO**, attested to by a majority vote of the members of the **BOA HO**. The minutes of all meetings of the **BOA HO** shall be filed in the office of the City Recorder. All such records shall be available for public review and access in accordance with the Government Records and Access Management Act, §63-2-101 et. seq. U.C.A., as amended. The Recording Secretary shall be compensated as approved by the Council.
- 6) ~~Quorum and Necessary Vote. No meeting of the BOA may be called to order, nor may any business be transacted without a quorum consisting of at least three (3) members of the BOA being present. The chair shall be included for purposes of establishing a quorum and shall act as a voting member of the BOA. All decisions and recommendations by the BOA shall require a minimum of three (3) votes. The BOA shall transmit reports of its decisions and recommendations to the Council. Any member of the BOA may also make a concurring or dissenting report or recommendation to the Council.~~
- 7) **Decisions Final on Meeting Date, Exceptions.** All decisions of the **BOA HO** shall be final and shall take effect on the date of the meeting when the decision is made, unless a different date is designated at the time the decision is made.

- 8) Meetings, Hearings, and Procedure.
 - a) ~~Regular~~ meetings of the **BOA HO** shall be held as ~~required~~ **needed**.
 - b) ~~Special meetings may be requested by a majority vote of the BOA, or the chair of the BOA.~~
 - c) When a matter is postponed ~~due to lack of a quorum, the chair of the BOA HO~~ shall reschedule the matter ~~to at the next available meeting time~~. The recording secretary shall notify all interested parties and ~~all members of the BOA HO~~ of the date when the rescheduled matter will be heard.

Section 305—Zoning Administrator:

The Council shall designate a person to carry out the administrative responsibilities of this Ordinance, and the Subdivision Ordinance. The person so designated is referred to herein as the “Zoning Administrator.”

- l) Powers and Duties. It is the responsibility of the Zoning Administrator to ensure all administrative processes, procedures and other provisions of this Ordinance and the Subdivision Ordinance are consistently and equitably applied. The Zoning Administrator shall have the following powers and duties:
 - f) **Render decisions on determinations of nonconforming uses and noncomplying structures as provided by Chapter 23, herein.**
 - g) **Requests for the issuance of a building permit authorizing the reconstruction, remodeling, expansion, or enlargement of a noncomplying building or structure, as provided by Chapter 23, herein.**

Section 307—Support:

The officers and staff of the City shall provide support and assistance to the Council, Commission, **BOA HO**, DRC, and Zoning Administrator, as required to effectively implement the General Plan, this Ordinance, and the Subdivision Ordinance.

Section 2302 – Approval Authority:

As provided for by the Act, the ~~BOA~~ **Zoning Administrator (ZA)** is authorized by the Council as the Land Use Authority with the responsibility to determine the existence of any legal nonconforming use, a legal noncomplying structure, or other legal nonconformity,

Section 2303—Application Initiation and Application Completeness:

- l) Requests for a determination by the ~~BOA~~ **ZA** of the existence of a legal nonconforming use, legal noncomplying structure, or other legal nonconformity shall be made on the applicable application form.

Section 2304—Determination of a Legal Nonconforming Use/Legal Noncomplying Structure/Other Legal Nonconformity Application Review Procedures and Approval Standards:

- 1) The procedures for the approval or denial of the Application for a Determination of a Legal Nonconforming Use/Legal Noncomplying Structure/Other Legal Nonconformity are identified by Figure 23-1, herein.
- 2) The ~~BOA~~ **ZA** shall review the Application for a Determination of a Legal Nonconforming Use/Legal Noncomplying Structure/Other Legal Nonconformity and determine if the application:
- 3) Upon a finding by the ~~BOA~~ **ZA** that the use, structure, lot, sign, or other nonconformity, which is the subject of the application, legally existed on the date of adoption of this Ordinance, and complied with all prior enactments of this Ordinance, the applicant may present any other necessary applications that may be required by this Ordinance, or the Building Codes, as adopted, as provided by Section 2308 below.
- 4) Upon a finding by the ~~BOA~~ **ZA** that the use, structure, lot, sign, or other nonconformity, which is the subject of the application, did not legally exist on the date of adoption of this Ordinance, and did not

legally comply with all prior enactments of this Ordinance, the applicant shall present an application to correct the illegality. No other action shall be taken by the City until the use, structure, lot, sign, or other nonconformity complies with the requirements of this Ordinance, as adopted.

Section 2305—Terms and Conditions for Nonconforming Uses:

Following a determination by the ~~BOA~~ **ZA** of the existence of a legal nonconforming use, the use shall comply with the following terms and conditions:

Section 2306— Terms and Conditions for Noncomplying Structures:

Following a determination by the ~~BOA~~ **ZA** of the existence of a legal noncomplying structure, the structure shall comply with the following terms and conditions:

Section 2307—Approved Determinations of a Legal Nonconforming Use/Legal Noncomplying Structure/Other Legal Nonconformity Applications to be on File:

The Zoning Administrator/~~BOA~~ Recording Secretary shall maintain all Determinations of a Legal Nonconforming Use/Legal Noncomplying Structure/Other Legal Nonconformity Application approvals on file.

Section 2308—Effect of Approval:

- 1) A finding by the ~~BOA~~ **ZA** of a legal noncomplying use, noncomplying structure, lot, sign, or other nonconformity shall not authorize the establishment, restoration, reconstruction, extension, alteration, expansion, or substitution of any nonconforming use, noncomplying structure, lot, sign, or other nonconformity.
- 2) Following a decision by the ~~BOA~~ **ZA**, the Recording Secretary shall provide the applicant with a written notice of the decision. The written record of all applications shall be maintained on file by the BOA Recording Secretary.
- 3) A finding by the ~~BOA~~ **ZA** of a legal noncomplying use, noncomplying structure, lot, sign, or other nonconformity shall not be deemed an approval of any application, permit, or license.
- 4) A finding by the ~~BOA~~ **ZA** of a legal noncomplying use, noncomplying structure, lot, sign, or other nonconformity shall allow the filing of an application for any necessary approval, permit, or license, as may be required by the City's Land Use Ordinances.

Section 2309—Termination of a Nonconforming Use due to Abandonment:

- 3) The property owner may rebut the presumption of abandonment under this Subsection and shall have the burden of establishing that any claimed abandonment under this Subsection has not in fact occurred. The ~~BOA~~ **ZA** shall have authority to review and decide all disputes relating to abandonment of structures associated with a nonconforming use or noncomplying structures.

Section 2501—General:

The ~~Board of Adjustment (BOA)~~ **Hearing Officer (HO)**, as provided by §10-9a *et. seq.* U.C.A., as amended, is hereby authorized to consider applications for variances, as defined. If the ~~BOA~~ **HO** finds that an unreasonable hardship, as defined herein, will result from the strict compliance with the provisions of this Ordinance, the ~~BOA~~ **HO** may approve a variance to the requirements of this Ordinance so that substantial justice may be done and the public interest secured, provided the variance shall not have the effect of nullifying in any way the intent and purpose of this Ordinance.

Section 2503—Use Variance Prohibited:

The **BOA HO** may not authorize the establishment of a use other than those uses as identified in the Table of Uses, Chapter 17.

Section 2504—Standards:

The **BOA HO** shall not approve a variance application unless, based upon the evidence presented, it finds that all of the following apply (as per UC 10-9a-702);

- 1) Literal enforcement of the ~~provisions of this Ordinance~~ would cause an unreasonable hardship for the applicant ~~with the applicant providing evidence that the hardship is located on, or associated with the subject property, for which the variance is sought, and is peculiar to the property rather than conditions generally existing on other properties in the in same zoning district or immediate area.~~ **that is not necessary to carry out the general purpose of the land use ordinance.**
- ~~2) The identified hardship is not self-imposed.~~
- ~~3) The identified hardship is not economic in nature.~~
- 4) **2) There exist are** special circumstances attached to the property that do not **generally** apply to other properties in the same zoning district. ~~The BOA may find an unreasonable hardship exists only if the alleged hardship is located on or associated with the property for which the variance is sought and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.~~
- 5) **3) Granting** ~~t~~The variance is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district. ~~The BOA may find that special circumstances are attached to the property exist only if the special circumstances relate to the hardship complained of and deprive the property of privileges granted to other properties in the same zoning district.~~
- ~~6) 4) The granting of the variance will not substantially affect the general plan and will not be contrary to the public interest; and~~
- 5) The spirit of the land use ordinance is observed and substantial justice done**

Section 2505—Conditions:

In approving any Variance Application, the **BOA HO** may require such conditions that in the judgment of the **BOA HO** are necessary to mitigate any negative effects of granting the variance and to secure the purposes of this Ordinance.

Section 2506—Effect of Granting a Variance:

Following a final decision of a Variance Application, the ~~BOA HO~~ Recording Secretary shall provide the applicant with a written notice of the decision. The record of all variance applications shall be maintained by the **BOA HO** Recording Secretary and the City Recorder. The granting of a variance shall not authorize the establishment or extension of any use, nor the development, construction, reconstruction, alteration or moving of any building or structure, but is a prerequisite to the preparation, filing, review, and determination of any approval, permit, or license that may be required by this Ordinance.

Section 2802—District Court:

- 2) Any person aggrieved by a decision of the ~~Board of Adjustment (BOA)~~ **Hearing Officer (HO)** in administering or interpreting this Ordinance may file a petition with District Court, as provided herein.

Section 2803—Council:

- 1) Any person aggrieved by a decision of the Commission in administering or interpreting this Ordinance may file an appeal with the ~~Council~~ **HO**.

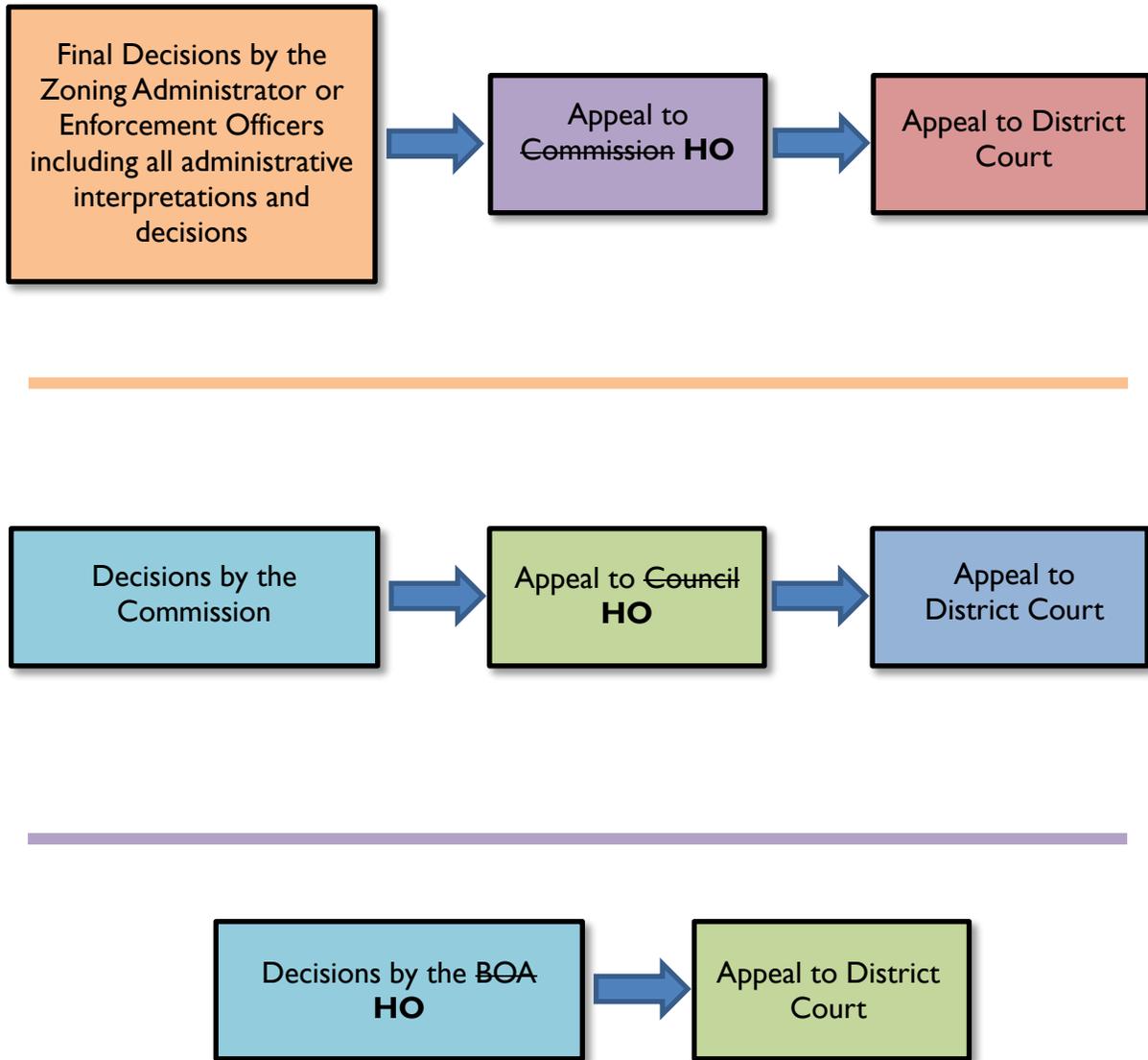
Section 2804—Commission:

- 1) Any person aggrieved by a decision of the Zoning Administrator in administering or interpreting this

Ordinance may file an appeal with the ~~Commission~~ **HO**.

- 2) Any person aggrieved by an action of the Enforcement Officers, as identified by Chapter 27 herein, may file an appeal with the ~~Commission~~ **HO**.

Figure 28-1 – Appeal Authorities



ORDINANCE NO. 16-8

AN ORDINANCE AMENDING TITLE 10 OF THE ROY CITY MUNICIPAL CODE BY ESTABLISHING CHANGES REGARDING THE HEARING OFFICER

WHEREAS, the Roy City Council finds that it is advisable and beneficial to make an update to Chapter 3 – Administration; Chapter 23 – Nonconforming Uses, Noncomplying Structures and or Nonconformities; Chapter 25 – Variances and Chapter 28 - Appeals.

WHEREAS, the Roy City Council finds that the modifications regulating the Hearing Officer will be of benefit and use in enhancing and increasing long-term viability of development within residential, commercial and manufacturing areas which is important to the City; and

WHEREAS, the Roy City Planning Commission held a public hearing as required by law and has favorably recommended an amendment to the City Council; and

WHEREAS, the Roy City Council has received and reviewed the recommendation of the Planning Commission and City Staff, finding it to be consistent with the goals and policies of the Roy City Zoning Ordinance and General Plan, and has reviewed and considered the same in a public meeting.

NOW, THEREFORE, Be it hereby ordained by the City Council of Roy City, Utah, that Chapter 3 – Administration; Chapter 23 – Nonconforming Uses, Noncomplying Structures and or Nonconformities; Chapter 25 – Variances and Chapter 28 – Appeals, as attached:

Note - Language to be added has been **bolded** and language to be removed has been ~~struck~~ through.

This Ordinance has been approved by the following vote of the Roy City Council:

	AYE	NAY	ABSTAIN
Councilman Becraft	_____	_____	_____
Councilman Dandoy	_____	_____	_____
Councilman Hilton	_____	_____	_____
Councilman Tafoya	_____	_____	_____
Councilman Yeoman	_____	_____	_____

This Ordinance shall become effective immediately upon passage, lawful posting, and recording. This Ordinance has been passed by the Roy City Council this _____ day of _____, 2016.

Willard S. Cragun; Mayor

Attested and Recorded:

Amy Mortenson; City Recorder

Section 304—Board of Adjustment: Hearing Officer

There is hereby created and established a Roy City Board of Adjustment (BOA). **Hearing Officer (HO)**

- 1) Powers and Duties. The **BOA HO** shall hear and decide:
 - a) Variances from the terms of this Ordinance, with a finding of unreasonable hardship as required by Chapter 10-9a U.C.A., as amended, and as provided by Chapter 25, herein.
 - b) ~~Render decisions on determinations of nonconforming uses and noncomplying structures as provided by Chapter 23, herein.~~
 - c) ~~Requests for the issuance of a building permit authorizing the reconstruction, remodeling, expansion, or enlargement of a noncomplying building or structure, as provided by Chapter 23, herein.~~
 - d) ~~Recommend to the Commission revisions to the Roy City General Plan, this Ordinance, and the Subdivision Ordinance.~~
 - e) To adopt bylaws, policies, and procedures for the conduct of the duties and meetings of the **BOA HO**, for the consideration of applications and for any other purposes deemed necessary by the **BOA HO** provided, that such bylaws, policies, and procedures shall be consistent with all requirements of this Ordinance and the Subdivision Ordinance, which bylaws, policies, and procedures shall first be approved by the Council before taking effect.
- 2) The **BOA HO** shall have no power, jurisdiction, or authority to consider any of the following:
 - a) Any variances or waivers to any of the standards governing the approval of a General Plan Amendment Application, Zoning Ordinance Amendment Application, Zoning Districts Map Amendment Application, Subdivision Ordinance Amendment Application or any other approval, permit or license.
 - b) Amendments to the General Plan, any element or map thereof, or any provision, requirement or map of this Ordinance, or any provision or requirement of the Subdivision Ordinance.
 - c) Make any decisions or determinations that would have the effect of authorizing a use, which is not identified in Table 17-1 and Table 17-2, Table of Uses, herein.
- 3) Qualifications for Membership. **The Members of the BOA HO shall be appointed by the City Manager Mayor, with advice and consent of the Council.**
- 4) ~~Membership: Appointment, Removal, Terms, and Vacancies.~~
 - a) ~~The BOA shall be composed of five (5) members with two (2) alternates.~~
 - b) ~~The members of the BOA shall be residents of Roy. No member of the BOA shall be an elected or appointed official, or employee of Roy City.~~
 - c) ~~The Mayor, with advice and consent of the Council, may remove any member of the BOA for violation of this Ordinance or any policies or procedures adopted by the BOA following receipt of a written complaint filed against the member.~~
 - d) ~~A BOA member shall be automatically removed if three (3) consecutive or twenty-five (25) percent of the BOA meetings in a calendar year are missed. If the absence of a BOA member is due to an extended illness or vacation, the BOA member is responsible to provide written notice to the City Manager prior to the time the absence will occur. If such notice is given, the removal requirements do not apply.~~
 - e) ~~Members of the BOA shall serve with compensation, as adopted by the Council, and the Council shall provide for reimbursement to BOA members for approved actual expenses incurred, upon presentation of proper receipts and vouchers.~~
 - f) ~~All members shall serve a term of five (5) years, provided that the term of one (1) member shall expire each year. No member shall serve more than two (2) consecutive terms.~~
 - g) ~~At an annual organizational meeting, held the first regular meeting of the year, and at other times as required, the members of the BOA shall recommend one (1) of their members as chair and one (1) of their members as vice chair to the Council. The Mayor with advice and consent of the Council shall appoint the BOA chair and vice chair. The chair and vice chair shall serve a term of one (1) year. In the absence of the chair, the vice chair shall act as chair and shall have all powers~~

- of the chair.
- ~~h) The chair, or in the chair's absence, the vice chair of the BOA shall be in charge of all proceedings before the BOA, and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the BOA.~~
 - ~~i) BOA vacancies occurring for any reason shall be filled by appointment by the Mayor with advice and consent of the Council. Vacancies of the BOA occurring in ways other than through the expiration of terms shall be filled for the remainder of the unexpired term.~~
- 5) Recording Secretary. The City Manager shall assign the City Recorder or other Staff member to act as the recording secretary to serve the **BOA HO**. The Recording Secretary shall keep the minutes of all proceedings of the **BOA HO**, which minutes shall be the official record of all proceedings before the **BOA HO**, attested to by a majority vote of the members of the **BOA HO**. The minutes of all meetings of the **BOA HO** shall be filed in the office of the City Recorder. All such records shall be available for public review and access in accordance with the Government Records and Access Management Act, §63-2-101 et. seq. U.C.A., as amended. The Recording Secretary shall be compensated as approved by the Council.
 - 6) ~~Quorum and Necessary Vote. No meeting of the BOA may be called to order, nor may any business be transacted without a quorum consisting of at least three (3) members of the BOA being present. The chair shall be included for purposes of establishing a quorum and shall act as a voting member of the BOA. All decisions and recommendations by the BOA shall require a minimum of three (3) votes. The BOA shall transmit reports of its decisions and recommendations to the Council. Any member of the BOA may also make a concurring or dissenting report or recommendation to the Council.~~
 - 7) Decisions Final on Meeting Date, Exceptions. All decisions of the **BOA HO** shall be final and shall take effect on the date of the meeting when the decision is made, unless a different date is designated at the time the decision is made.
 - 8) Meetings, Hearings, and Procedure.
 - a) ~~Regular meetings of the BOA HO shall be held as required needed.~~
 - b) ~~Special meetings may be requested by a majority vote of the BOA, or the chair of the BOA.~~
 - c) When a matter is postponed due to lack of a quorum, the chair of the **BOA HO** shall reschedule the matter to at the next available meeting time. The recording secretary shall notify all interested parties and all members of the **BOA HO** of the date when the rescheduled matter will be heard.

Section 305—Zoning Administrator:

The Council shall designate a person to carry out the administrative responsibilities of this Ordinance, and the Subdivision Ordinance. The person so designated is referred to herein as the “Zoning Administrator.”

- l) Powers and Duties. It is the responsibility of the Zoning Administrator to ensure all administrative processes, procedures and other provisions of this Ordinance and the Subdivision Ordinance are consistently and equitably applied. The Zoning Administrator shall have the following powers and duties:
 - f) **Render decisions on determinations of nonconforming uses and noncomplying structures as provided by Chapter 23, herein.**
 - g) **Requests for the issuance of a building permit authorizing the reconstruction, remodeling, expansion, or enlargement of a noncomplying building or structure, as provided by Chapter 23, herein.**

Section 307—Support:

The officers and staff of the City shall provide support and assistance to the Council, Commission, ~~BOA~~

HO, DRC, and Zoning Administrator, as required to effectively implement the General Plan, this Ordinance, and the Subdivision Ordinance.

Section 2302 – Approval Authority:

As provided for by the Act, the ~~BOA~~ **Zoning Administrator (ZA)** is authorized by the Council as the Land Use Authority with the responsibility to determine the existence of any legal nonconforming use, a legal noncomplying structure, or other legal nonconformity,

Section 2303—Application Initiation and Application Completeness:

- 1) Requests for a determination by the ~~BOA~~ **ZA** of the existence of a legal nonconforming use, legal noncomplying structure, or other legal nonconformity shall be made on the applicable application form.

Section 2304—Determination of a Legal Nonconforming Use/Legal Noncomplying Structure/Other Legal Nonconformity Application Review Procedures and Approval Standards:

- 1) The procedures for the approval or denial of the Application for a Determination of a Legal Nonconforming Use/Legal Noncomplying Structure/Other Legal Nonconformity are identified by Figure 23-1, herein.
- 2) The ~~BOA~~ **ZA** shall review the Application for a Determination of a Legal Nonconforming Use/Legal Noncomplying Structure/Other Legal Nonconformity and determine if the application:
- 3) Upon a finding by the ~~BOA~~ **ZA** that the use, structure, lot, sign, or other nonconformity, which is the subject of the application, legally existed on the date of adoption of this Ordinance, and complied with all prior enactments of this Ordinance, the applicant may present any other necessary applications that may be required by this Ordinance, or the Building Codes, as adopted, as provided by Section 2308 below.
- 4) Upon a finding by the ~~BOA~~ **ZA** that the use, structure, lot, sign, or other nonconformity, which is the subject of the application, did not legally exist on the date of adoption of this Ordinance, and did not legally comply with all prior enactments of this Ordinance, the applicant shall present an application to correct the illegality. No other action shall be taken by the City until the use, structure, lot, sign, or other nonconformity complies with the requirements of this Ordinance, as adopted.

Section 2305—Terms and Conditions for Nonconforming Uses:

Following a determination by the ~~BOA~~ **ZA** of the existence of a legal nonconforming use, the use shall comply with the following terms and conditions:

Section 2306— Terms and Conditions for Noncomplying Structures:

Following a determination by the ~~BOA~~ **ZA** of the existence of a legal noncomplying structure, the structure shall comply with the following terms and conditions:

Section 2307—Approved Determinations of a Legal Nonconforming Use/Legal Noncomplying Structure/Other Legal Nonconformity Applications to be on File:

The Zoning Administrator/~~BOA~~ Recording Secretary shall maintain all Determinations of a Legal Nonconforming Use/Legal Noncomplying Structure/~~Other Legal Nonconformity Application~~ approvals on file.

Section 2308—Effect of Approval:

- 1) A finding by the ~~BOA~~ **ZA** of a legal noncomplying use, noncomplying structure, lot, sign, or other nonconformity shall not authorize the establishment, restoration, reconstruction, extension, alteration, expansion, or substitution of any nonconforming use, noncomplying structure, lot, sign, or other nonconformity.
- 2) Following a decision by the ~~BOA~~ **ZA**, the Recording Secretary shall provide the applicant with a written notice of the decision. The written record of all applications shall be maintained on file by the BOA Recording Secretary.
- 3) A finding by the ~~BOA~~ **ZA** of a legal noncomplying use, noncomplying structure, lot, sign, or other nonconformity shall not be deemed an approval of any application, permit, or license.
- 4) A finding by the ~~BOA~~ **ZA** of a legal noncomplying use, noncomplying structure, lot, sign, or other nonconformity shall allow the filing of an application for any necessary approval, permit, or license, as may be required by the City's Land Use Ordinances.

Section 2309—Termination of a Nonconforming Use due to Abandonment:

- 3) The property owner may rebut the presumption of abandonment under this Subsection and shall have the burden of establishing that any claimed abandonment under this Subsection has not in fact occurred. The ~~BOA~~ **ZA** shall have authority to review and decide all disputes relating to abandonment of structures associated with a nonconforming use or noncomplying structures.

Section 2501—General:

The ~~Board of Adjustment (BOA)~~ **Hearing Officer (HO)**, as provided by §10-9a et. seq. U.C.A., as amended, is hereby authorized to consider applications for variances, as defined. If the ~~BOA~~ **HO** finds that an unreasonable hardship, as defined herein, will result from the strict compliance with the provisions of this Ordinance, the ~~BOA~~ **HO** may approve a variance to the requirements of this Ordinance so that substantial justice may be done and the public interest secured, provided the variance shall not have the effect of nullifying in any way the intent and purpose of this Ordinance.

Section 2503—Use Variance Prohibited:

The ~~BOA~~ **HO** may not authorize the establishment of a use other than those uses as identified in the Table of Uses, Chapter 17.

Section 2504—Standards:

The ~~BOA~~ **HO** shall not approve a variance application unless, based upon the evidence presented, it finds that all of the following apply (as per UC 10-9a-702);

- 1) Literal enforcement of the ~~provisions of this Ordinance~~ would cause an unreasonable hardship for the applicant ~~with the applicant providing evidence that the hardship is located on, or associated with the subject property, for which the variance is sought, and is peculiar to the property rather than conditions generally existing on other properties in the in same zoning district or immediate area.~~ **that is not necessary to carry out the general purpose of the land use ordinance.**
- ~~2) The identified hardship is not self-imposed.~~
- ~~3) The identified hardship is not economic in nature.~~
- 4) **2) There exist are** special circumstances attached to the property that do not **generally** apply to other properties in the same zoning district. ~~The BOA may find an unreasonable hardship exists only if the alleged hardship is located on or associated with the property for which the variance is sought and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.~~
- 5) **3) Granting** ~~t~~The variance is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district. ~~The BOA may find that special circumstances are attached to the property exist only if the special circumstances relate to the hardship complained of and deprive the property of privileges granted to other properties in the same zoning district.~~
- 6) **4) The granting of the variance will not substantially affect the general plan and will not be contrary to the public interest;; and**
- 5) The spirit of the land use ordinance is observed and substantial justice done**

Section 2505—Conditions:

In approving any Variance Application, the ~~BOA~~ **HO** may require such conditions that in the judgment of the ~~BOA~~ **HO** are necessary to mitigate any negative effects of granting the variance and to secure the purposes of this Ordinance.

Section 2506—Effect of Granting a Variance:

Following a final decision of a Variance Application, the ~~BOA~~ **HO** Recording Secretary shall provide the applicant with a written notice of the decision. The record of all variance applications shall be maintained by the ~~BOA~~ **HO** Recording Secretary and the City Recorder. The granting of a variance shall not authorize the establishment or extension of any use, nor the development, construction, reconstruction, alteration or moving of any building or structure, but is a prerequisite to the preparation, filing, review, and determination of any approval, permit, or license that may be required by this Ordinance.

Section 2802—District Court:

- 2) Any person aggrieved by a decision of the ~~Board of Adjustment (BOA)~~ **Hearing Officer (HO)** in administering or interpreting this Ordinance may file a petition with District Court, as provided herein.

Section 2803—Council:

- 1) Any person aggrieved by a decision of the Commission in administering or interpreting this Ordinance may file an appeal with the ~~Council~~ **HO**.

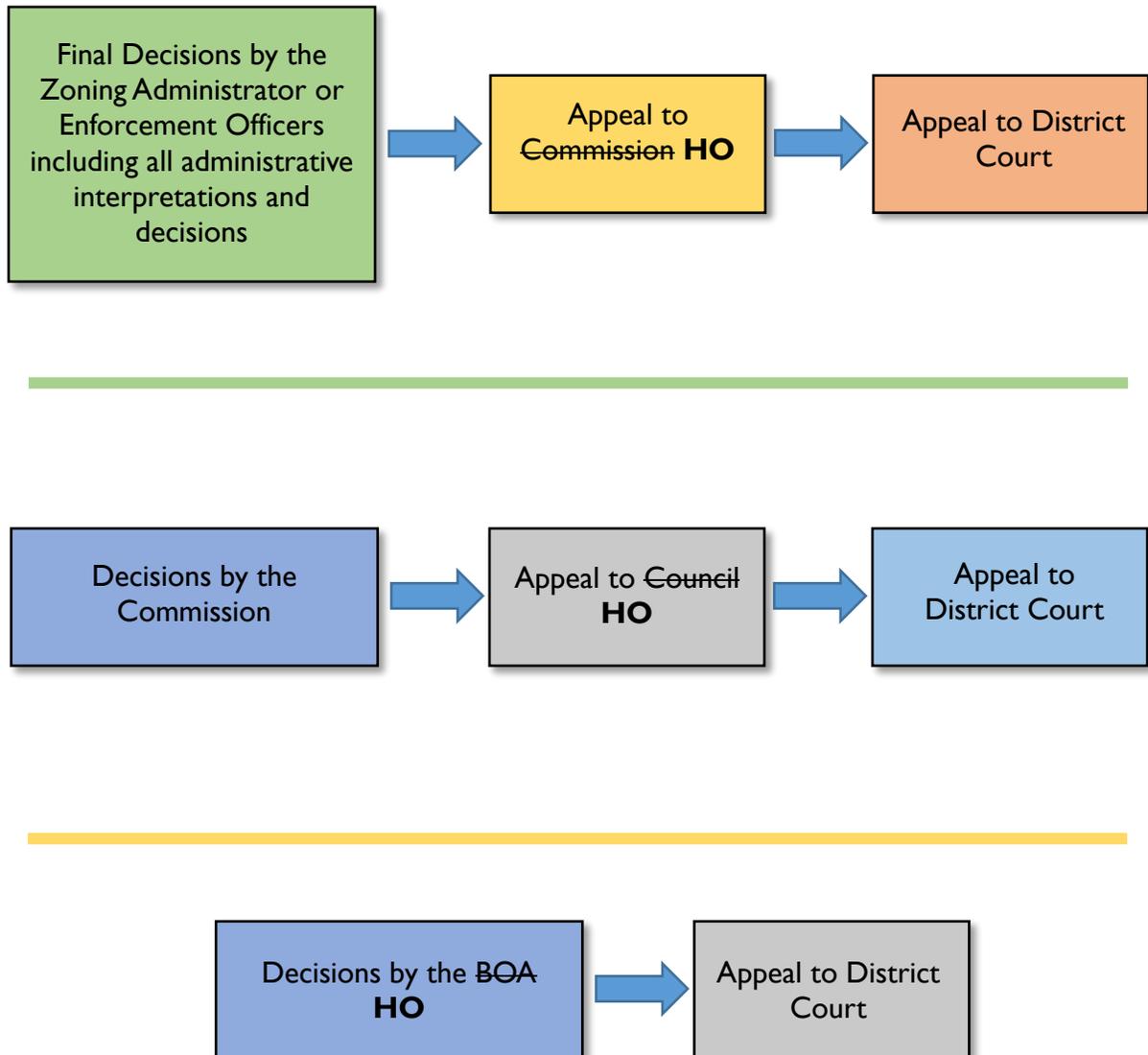
Section 2804—Commission:

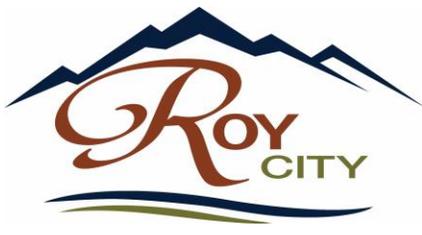
- 1) Any person aggrieved by a decision of the Zoning Administrator in administering or interpreting this

Ordinance may file an appeal with the ~~Commission~~ **HO**.

- 2) Any person aggrieved by an action of the Enforcement Officers, as identified by Chapter 27 herein, may file an appeal with the ~~Commission~~ **HO**.

Figure 28-1 – Appeal Authorities





STAFF REPORT

City Council

July 5, 2016

Agenda Item # 8

SYNOPSIS

Application Information

Applicant: Steve Parkinson
Request: **6:00 p.m. – PUBLIC HEARING** – To amend the Roy City Municipal Code; Title 13 Sign Regulations; chapter 4 – Regulations of Signs. To remove from 13-4-3 B 3 b 5) & 13-4-3 B 4 a 2) “site or development” and replace it with “business entity”. To add in 13-2-1 a definition of “business entity”.

Staff

Report By: Steve Parkinson; Planning & Zoning Administrator 
Recommendation: Recommends approval

APPLICABLE ORDINANCES

- Roy City Zoning Code; Title 13 chapter 4 – Regulations of Signs

PLANNING COMMISSION ACTION

The Planning Commission held a Public Hearing on June 28, 2016, the hearing was opened – the Public made the following comments:

- No Public comments were made.

With no further comments the public hearing was closed.

After a small discussion amongst the Commissioners, the Commission voted 7-0:

To forward to the City Council a recommendation of approval to amend the Roy City Municipal Code; Title 13 Sign Regulations; chapter 4 – Regulations of Signs. To remove from 13-4-3 B 3 b 5) & 13-4-3 B 4 a 2) “site or development” and replace it with “business entity”. To add in 13-2-1 a definition of “business entity”.

ANALYSIS

Background: After nearly a year of meetings and discussions it was believed that we had written a sign ordinance that would cover all aspect. However, there were some concerns that some wording within the Title restricted signs where the intent of the Commission was to allow them.

It is felt that the Commissions intent can be achieved with a small word change and then introduce a new definition.

Process: Text amendments require public hearing at the Planning Commission. A recommendation will then be forwarded to the City Council for review and a final decision. If the Planning Commission approves language to be added or text to be changed, staff will put those recommended changes into a “Proposed Ordinance” format to be presented to the Council. That ordinance, if approved, can then be adopted, officially amending the text.

Proposed changes: It is proposed to add the following language. Typically the language that is to be removed has been struck through and the language to be added is bolded. See exhibit “A” for the proposed changes.



FINDINGS

- The proposed amendments of Title 13 Sign Regulations; chapter 4 – Regulations of Signs. To remove from 13-4-3 B 3 b 5) & 13-4-3 B 4 a 2) “site or development” and replace it with “business entity”. To add in 13-2-1 a definition of “business entity”, are consistent and in accordance to the discussions of the Planning Commission during the last meeting.

RECOMMENDATION

Staff recommends approval of the proposed amendments to Title 13 of the Roy City Municipal Code; Chapter 4 – Regulations of Signs. To remove from 13-4-3 B 3 b 5) & 13-4-3 B 4 a 2) “site or development” and replace it with “business entity”. To add in 13-2-1 a definition of “business entity”,

EXHIBITS

- A. Proposed Ordinance changes

EXHIBIT “A” – PROPOSED ORDINANCE CHANGES

13-2-1: DEFINITIONS

Business Entity: Is a separate Business that is contained within a separate building.

13-4-3: SIGNS THAT REQUIRE A PERMIT:

- B. Types of signs allowed
 - 3. Pole Signs:
 - b. General Requirements
 - 5) Number of Signs. No ~~site or development~~ **business entity** may have more than one (1) Pole Sign as defined herein.
 - 4. Electronic Message Center (EMC) Signs.
 - a. General Requirements
 - 2) Number Allowed. No ~~site or development~~ **business entity** shall have more than one (1) Electronic Message Center Sign.

ORDINANCE No. 16-9

AN ORDINANCE AMENDING TITLE 13 OF THE ROY CITY MUNICIPAL CODE BY ESTABLISHING CHANGES REGARDING A BUSINESS ENTITY

WHEREAS, the Roy City Council finds that it is advisable and beneficial to make an update to Chapter 4 – Regulations of Signs

WHEREAS, the Roy City Council finds that the modifications regulating a Business Entity will be of benefit and use in enhancing and increasing long-term viability of development within residential, commercial and manufacturing areas which is important to the City; and

WHEREAS, the Roy City Planning Commission held a public hearing as required by law and has favorably recommended an amendment to the City Council; and

WHEREAS, the Roy City Council has received and reviewed the recommendation of the Planning Commission and City Staff, finding it to be consistent with the goals and policies of the Roy City Sign Ordinance and General Plan, and has reviewed and considered the same in a public meeting.

NOW, THEREFORE, Be it hereby ordained by the City Council of Roy City, Utah, that Chapter 4 – Regulations of Signs, to read as follows:

Note - Language to be added has been **bolded** and language to be removed has been ~~struck~~ through.

13-2-1: DEFINITIONS

Business Entity: Is a separate Business that is contained within a separate building.

13-4-3: SIGNS THAT REQUIRE A PERMIT:

B. Types of signs allowed

3. Pole Signs:

b. General Requirements

5) Number of Signs. No ~~site or development~~ **business entity** may have more than one (1) Pole Sign as defined herein.

4. Electronic Message Center (EMC) Signs.

a. General Requirements

2) Number Allowed. No ~~site or development~~ **business entity** shall have more than one (1) Electronic Message Center Sign.

This Ordinance has been approved by the following vote of the Roy City Council:

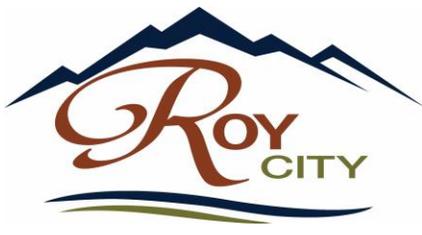
	AYE	NAY	ABSTAIN
Councilman Becraft	_____	_____	_____
Councilman Dandoy	_____	_____	_____
Councilman Hilton	_____	_____	_____
Councilman Tafoya	_____	_____	_____
Councilman Yeoman	_____	_____	_____

This Ordinance shall become effective immediately upon passage, lawful posting, and recording. This Ordinance has been passed by the Roy City Council this _____ day of _____, 2016.

Attested and Recorded:

Amy Mortenson; City Recorder

Willard S. Cragun; Mayor



STAFF REPORT

City Council

July 5, 2016

Agenda Item # 10

SYNOPSIS

Application Information

Applicant: James & Karen Duffy
Request: **6:00 p.m. – PUBLIC HEARING** – To amend the Roy City Municipal Code; Title 10 Zoning Regulations; chapter 17 - Table of Uses. To remove “Grooming” from the use description of “Kennel” and then make it its own category, to include that there is no boarding, breeding or selling of pets.

Staff

Report By: Steve Parkinson; Planning & Zoning Administrator 
Recommendation: Recommends approval

APPLICABLE ORDINANCES

- Roy City Zoning Code; Title 10 chapter 17 – Table of Uses

PLANNING COMMISSION ACTION

The Planning Commission held a Public Hearing on June 28, 2016, the hearing was opened – the Public made the following comments:

- Turner – Roy Citizen – stated that he is in favor of the proposed changes to the ordinance.
- James Duffy – Applicant – thanked the Commission for taking their time to review his request.
- Tracy – Roy Citizen – stated that this will be a great asset to the Community
- Rushmore – Roy Citizen – stated that she is here to support Karen, she does a great job.
- Pauc – Roy Citizen – stated that he is here to support Karen, she does a great job.
- Morgan – Roy Citizen – Recommends Karen, her shop is always clean.
- Thompson – Roy Citizen – Recommends Karen, her shop is always clean.
- Westfield – Roy Citizen – Recommends Karen, she is a great friend.

With no further comments the public hearing was closed.

After a small discussion amongst the Commissioners, the Commission voted 7-0; to forward to the City Council a recommendation of approval to amend the Roy City Municipal Code; Title 10 Zoning Regulations; chapter 17 - Table of Uses. To remove “Grooming” from the use description of “Kennel” and then make it its own category, to include that there is no boarding, breeding or selling of pets.

ANALYSIS

Background: The applicant first applied for a business license to open a pet grooming business. However upon reviewing the Title 10, more specifically chapter 17 – Table 17-2, grooming was mentioned within the “Kennel” use and was not allowed within either a CC or RC zone. Currently the wording reads as such: “Kennel”. A commercial establishment having three (3) or more dogs for boarding, breeding, buying, grooming, letting for hire, training for profit, or selling.

Staff and applicant understood the reasoning behind a Kennel use not being allowed, but could not figure out why “grooming” was lumped in with it. Staff informed the applicant that they could petition to amend the ordinance to allow grooming as a separate use within table 17-2.

Process: Text amendments require public hearing at the Planning Commission. A recommendation will then be forwarded to the City Council for review and a final decision. If the Planning Commission approves language



to be added or text to be changed, staff will put those recommended changes into a “Proposed Ordinance” format to be presented to the Council. That ordinance, if approved, can then be adopted, officially amending the text.

Proposed changes: It is proposed to add the following language. Typically the language that is to be removed has been struck through and the language to be added is bolded. See exhibit “A” for the proposed changes.

FINDINGS

- The proposed amendments of Title 10 of the Roy City Municipal Code ; Chapter 17 - Table of Uses. To remove “Grooming” from the use description of “Kennel” and then make it its own category, to include that there is no boarding, breeding or selling of pets, are consistent with other aspects of the code.

RECOMMENDATION

Staff recommends approval of the proposed amendments to Title 10 of the Roy City Municipal Code ; Chapter 17 - Table of Uses. To remove “Grooming” from the use description of “Kennel” and then make it its own category, to include that there is no boarding, breeding or selling of pets.

EXHIBITS

- A. Proposed Ordinance Changes

EXHIBIT “A” – PROPOSED ORDINANCE CHANGES

Section 1701 – Table of Uses

17-2 – Non-Residential Zoning Districts

USE	CC	RC	LM	M	BP	R
Kennel. A commercial establishment having three (3) or more dogs for boarding, breeding, buying, grooming, letting for hire, training for profit, or selling.	X	X	X	C	X	X
Pet Grooming. A commercial establishment for the grooming of pets. No boarding, breeding, buying, letting for hire, training or selling.	C	P	X	X	X	X

ORDINANCE NO. 16-10

AN ORDINANCE AMENDING TITLE 10 OF THE ROY CITY MUNICIPAL CODE BY ESTABLISHING CHANGES REGARDING PET GROOMING

WHEREAS, the Roy City Council finds that it is advisable and beneficial to make an update to Chapter 17 – Table of Uses, Table 17-2

WHEREAS, the Roy City Council finds that the modifications regulating Pet Grooming will be of benefit and use in enhancing and increasing long-term viability of development within residential, commercial and manufacturing areas which is important to the City; and

WHEREAS, the Roy City Planning Commission held a public hearing as required by law and has favorably recommended an amendment to the City Council; and

WHEREAS, the Roy City Council has received and reviewed the recommendation of the Planning Commission and City Staff, finding it to be consistent with the goals and policies of the Roy City Sign Ordinance and General Plan, and has reviewed and considered the same in a public meeting.

NOW, THEREFORE, Be it hereby ordained by the City Council of Roy City, Utah, that Chapter 17 – Table of Uses, Table 17-2, to read as follows:

Note - Language to be added has been **bolded** and language to be removed has been ~~struck~~ through.

Section 1701 – Table of Uses

17-2 – Non-Residential Zoning Districts

USE	CC	RC	LM	M	BP	R
Kennel. A commercial establishment having three (3) or more dogs for boarding, breeding, buying, grooming, letting for hire, training for profit, or selling.	X	X	X	C	X	X
Pet Grooming. A commercial establishment for the grooming of pets. No boarding, breeding, buying, letting for hire, training or selling.	C	P	X	X	X	X

This Ordinance has been approved by the following vote of the Roy City Council:

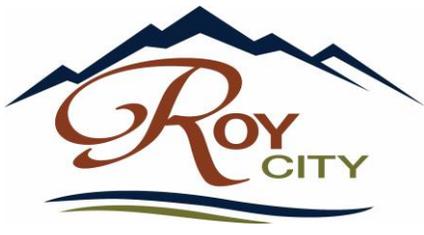
	AYE	NAY	ABSTAIN
Councilman Becraft	_____	_____	_____
Councilman Dandoy	_____	_____	_____
Councilman Hilton	_____	_____	_____
Councilman Tafoya	_____	_____	_____
Councilman Yeoman	_____	_____	_____

This Ordinance shall become effective immediately upon passage, lawful posting, and recording. This Ordinance has been passed by the Roy City Council this _____ day of _____, 2016.

Attested and Recorded:

Amy Mortenson; City Recorder

Willard S. Cragun; Mayor



COMMUNITY DEVELOPMENT DEPARTMENT

MEMO

Date: 1 July 2016

To: Mayor and City Council members

From: Steve Parkinson – Planning & Zoning Administrator 

Subject: Agenda Items # 12 – Request from Doug Terry, for property located at approximately 5154 S 2700 W, to amend the

1. General Plan (Future Land Use Map) from Medium Density, Single-Family Residential to Very High Density, Multi-Family
2. Zoning Map from R-1-8 (Single-Family Residential) and CC (Community Commercial) to R-3 or R-4 (Multi-Family Residential)

This item was noticed as a Public Hearing and scheduled to be on the July 5, 2016 City Council meeting. However the applicant will be out of town and not able to attend the meeting, he would like to have the item tabled until August 2, 2016

With that said because it was noticed in the paper to be on the Council's July 5, 2016 agenda as a Public Hearing, you will need to open the Public Hearing, allow anyone to make comments regarding the proposed changes, close or table the Public hearing and then table the item without discussing it until the August 2, 2016 meeting.

Thank you



Resolution No. 16-28

**A Resolution of the City of Roy City Council
Declaring Certain Property as Surplus and Authorizing its Sale**

WHEREAS, the Roy City Management Services and Parks Departments own equipment or property that has exceeded its useful life and no longer serves the needs of the City, a list of which is attached here to as Exhibit “A” and incorporated herein by this reference; and

WHEREAS, the Roy City Management Services and Parks Departments desire the equipment or property to be declared as surplus by the Roy City Council; and

NOW, THEREFORE, the Roy City Council does hereby resolve as follows:

The equipment/property described on the attached Exhibit “A” is declared surplus to the needs of the City. Staff is instructed to sell all items for the best available price or properly dispose of items that it is unable to sell.

Passed and adopted this 5 day of July, 2016.

Willard Cragun, Mayor

Attest:

Amy Mortenson
City Recorder

Councilwoman Becraft

Councilman Dandoy

Councilman Hilton

Councilman Tafoya

Councilwoman Yeoman

“Exhibit A”

Management Services:

Tab Burster
Asset Tag Number: 02169
Serial Number: 5702

Signature Machine/Endorser
Asset Tag Number: 01274
Serial Number: 924

Parks Department:

2003 Grasshopper Mower

16' Rough Mower

Adams 5-Ton Fertilizer Spreader

2003 Chevy Silverado Truck 4x4 1 Ton
VIN # 1GBJK34103E122551

2000 Dodge Truck ¾ Ton
VIN# 3B6KC26ZOXM590990

Main - ROY CITY CORPORATION

System Number: 3881.000

Entity:

Status: Active

General Information

>Items in bold are required fields

Co Asset/Tag No.	02169	Description	BURSTER,FORMAX, TAB
Location in Deptmt	FN-STORAGE	G/L Asset Expense	10-46-773
Department		G/L Acc'd Depr'n	
Type of Asset	EQ	G/L Depr'n Expense	ND
Purchase Order No	13478	Insurance Category	
Vendor/Mfg	KRICK CORPORATION	Mfg Serial No	5702
User Numeric 1	0	Custodian/Dept	Finance
Replacement Value	\$0.00	RV Override?	No
User Field 1		User Field 2	
User Field 3		User Field 4	
User Field 5		User Field 6	
User Field 7		User Field 8	
User Field 9		User Field 10	
Warranty Date	MM/DD/YYYY	Acquisition Date	06/29/1999

Book Information

Acquisition Date: 06/29/1999

Acquired by: Purchase

	Tax	Internal					
Property Type	P	P					
Placed-in-Service Date	06/29/1999	06/29/1999					
Acquisition Value	\$4,987.00	\$4,987.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Depreciation Method	SL	NO					
Estimated Life	05 yrs 00 mos	00 yrs 00 mos					
ADS Life	00 yrs 00 mos	N/A					
Business Use %	100.00	100.00	0.00	0.00	0.00	0.00	0.00
179 Deduction	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
168 Allowance %	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Salvage Value	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Investment Tax Credit	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Beginning Date	MM/YYYY	MM/YYYY					
Beginning YTD	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Beginning Accum	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Depreciation Calculations							
Current Through Date	06/2015	06/2011					
168 Allowance Amount	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Current YTD	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Current Accum	\$4,987.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Net Book Value	\$0.00	\$4,987.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Period Close Date	06/2015	06/2011					
Period Close YTD	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Period Close Accum	\$4,987.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Main - ROY CITY CORPORATION

System Number: 4641.000

Entity:

Status: Active

General Information

>Items in bold are required fields

Co Asset/Tag No.	01274	Description	SIGNATURE MACHINE/ENDORSER
Location in Deptmt	FN-DIRECTOR'S OFFICE	G/L Asset Expense	10-46-773
Department		G/L Acc'd Depr'n	
Type of Asset	EQ	G/L Depr'n Expense	ND
Purchase Order No.	13975	Insurance Category	
Vendor/Mfg	CUMMINS-ALLISON	Mfg Serial No	924
User Numeric 1	0	Custodian/Dept	Finance
Replacement Value	\$0.00	RV Override?	No
User Field 1		User Field -2	
User Field 3		User Field -4	
User Field 5		User Field -6	
User Field 7		User Field -8	
User Field 9		User Field -10	
Warranty Date	MM/DD/YYYY	Acquisition Date	02/21/2002

Book Information

Acquisition Date: 02/21/2002

Acquired by: Purchase

	Tax	Internal					
Property Type	P	P					
Placed-in-Service Date	02/21/2002	02/21/2002					
Acquisition Value	\$2,524.19	\$2,524.19	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Depreciation Method	SL	NO					
Estimated Life	05 yrs 00 mos	00 yrs 00 mos					
ADS Life	00 yrs 00 mos	N/A					
Business Use %	100.00	100.00	0.00	0.00	0.00	0.00	0.00
179 Deduction	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
168 Allowance %	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Salvage Value	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Investment Tax Credit	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Beginning Date	MM/YYYY	MM/YYYY					
Beginning YTD	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Beginning Accum	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Depreciation Calculations							
Current Through Date	06/2015	06/2011					
168 Allowance Amount	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Current YTD	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Current Accum	\$2,524.19	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Net Book Value	\$0.00	\$2,524.19	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Period Close Date	06/2015	06/2011					
Period Close YTD	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Period Close Accum	\$2,524.19	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Main - ROY CITY CORPORATION

System Number: 4942.000

Entity:

Status: Active

General Information

>Items in bold are required fields

Co Asset/Tag No.	02750	Description	MOWER - ZD21 F-60
Location in Deptmt	RC	G/L Asset Expense	10-46-785
Department		G/L Acc'd Depr'n	
Type of Asset	EQ	G/L Depr'n Expense	ND
Purchase Order No	13843	Insurance Category	
Vendor/Mfg	SUNSET KABOTA	Mfg Serial No	41057
User Numeric 1	0	Custodian/Dept	Parks
Replacement Value	\$0.00	RV Override?	No
User Field 1		User Field 2	
User Field 3		User Field 4	
User Field 5		User Field 6	
User Field 7		User Field 8	
User Field 9		User Field 10	
Warranty Date	MM/DD/YYYY	Acquisition Date	07/02/2002

Book Information

Acquisition Date: 07/02/2002

Acquired by: Purchase

	Tax	Internal					
Property Type	P	P					
Placed-in-Service Date	07/02/2002	07/02/2002					
Acquisition Value	\$8,995.00	\$8,995.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Depreciation Method	SL	NO					
Estimated Life	15 yrs 00 mos	00 yrs 00 mos					
ADS Life	00 yrs 00 mos	N/A					
Business Use %	100.00	100.00	0.00	0.00	0.00	0.00	0.00
179 Deduction	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
168 Allowance %	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Salvage Value	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Investment Tax Credit	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Beginning Date	MM/YYYY	MM/YYYY					
Beginning YTD	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Beginning Accum	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Depreciation Calculations							
Current Through Date	06/2015	06/2011					
168 Allowance Amount	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Current YTD	\$599.67	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Current Accum	\$7,795.71	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Net Book Value	\$1,199.29	\$8,995.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Period Close Date	06/2015	06/2011					
Period Close YTD	\$599.67	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Period Close Accum	\$7,795.71	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Main - ROY CITY CORPORATION

System Number: 5643.000

Entity:

Status: Active

General Information

>Items in bold are required fields

Co Asset/Tag No.	3025	Description	MOWER, 16' ROUGH
Location in Deptmt	PARKS	G/L Asset Expense	10-73-740
Department		G/L Acc'd Depr'n	
Type of Asset	EQ	G/L Depr'n Expense	
Purchase Order No	14734	Insurance Category	
Vendor/Mfg	ROCKY MOUNTAIN TURF	Mfg Serial No	7052901756
User Numeric 1	0	Custodian/Dept	Parks
Replacement Value	\$0.00	RV Override?	No
User Field 1		User Field 2	
User Field 3		User Field 4	
User Field 5		User Field 6	
User Field 7		User Field 8	
User Field 9		User Field 10	
Warranty Date	MM/DD/YYYY	Acquisition Date	06/30/2006

Book Information

Acquisition Date: 06/30/2006

Acquired by: Purchase

	Tax	Internal					
Property Type	P	P					
Placed-in-Service Date	06/30/2006	06/30/2006					
Acquisition Value	\$60,452.44	\$60,452.44	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Depreciation Method	SL	NO					
Estimated Life	05 yrs 00 mos	05 yrs 00 mos					
ADS Life	00 yrs 00 mos	N/A					
Business Use %	100.00	100.00	0.00	0.00	0.00	0.00	0.00
179 Deduction	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
168 Allowance %	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Salvage Value	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Investment Tax Credit	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Beginning Date	MM/YYYY	MM/YYYY					
Beginning YTD	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Beginning Accum	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Depreciation Calculations							
Current Through Date	06/2015	06/2011					
168 Allowance Amount	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Current YTD	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Current Accum	\$60,452.44	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Net Book Value	\$0.00	\$60,452.44	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Period Close Date	06/2015	06/2011					
Period Close YTD	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Period Close Accum	\$60,452.44	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Main - ROY CITY CORPORATION

System Number: 5773.000

Entity:

Status: Active

General Information

>Items in bold are required fields

Co Asset/Tag No.	3217	Description	FERTILIZER SPREADER, ADAMS 5-TON
Location in Deptmt		G/L Asset Expense	10-73-740
Department		G/L Acc'd Depr'n	
Type of Asset	EQ	G/L Depr'n Expense	
Purchase Order No	14756	Insurance Category	
Vendor/Mfg	AG WEST DISTRIBUTING	Mfg Serial No	14397
User Numeric 1	0	Custodian/Dept	Parks
Replacement Value	\$0.00	RV Override?	No
User Field 1		User Field 2	
User Field 3		User Field 4	
User Field 5		User Field 6	
User Field 7		User Field 8	
User Field 9		User Field 10	
Warranty Date	MM/DD/YYYY	Acquisition Date	06/30/2007

Book Information

Acquisition Date: 06/30/2007

Acquired by: Purchase

	Tax	Internal					
Property Type	P	P					
Placed-in-Service Date	06/30/2007	06/30/2007					
Acquisition Value	\$9,340.00	\$9,340.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Depreciation Method	SL	NO					
Estimated Life	05 yrs 00 mos	00 yrs 00 mos					
ADS Life	00 yrs 00 mos	N/A					
Business Use %	100.00	100.00	0.00	0.00	0.00	0.00	0.00
179 Deduction	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
168 Allowance %	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Salvage Value	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Investment Tax Credit	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Beginning Date	06/2008	MM/YYYY					
Beginning YTD	\$1,868.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Beginning Accum	\$1,868.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Depreciation Calculations							
Current Through Date	06/2015	06/2011					
168 Allowance Amount	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Current YTD	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Current Accum	\$9,340.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Net Book Value	\$0.00	\$9,340.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Period Close Date	06/2015	06/2011					
Period Close YTD	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Period Close Accum	\$9,340.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Main - ROY CITY CORPORATION

System Number: 4823.000

Entity:

Status: Active

General Information

>Items in bold are required fields

Co Asset/Tag No.	02694	Description	2003 CHEV SILVERADO, 4 x 4, 3500, WHITE
Location in Deptmt	RC-#P-23	G/L Asset Expense	10-46-785
Department		G/L Acc'd Depr'n	
Type of Asset	AU	G/L Depr'n Expense	ND
Purchase Order No.	13834	Insurance Category	
Vendor/Mfg	YOUNG CHEV, H & K TRUCK	Mfg Serial No	1GBJK34103E122551
User Numeric 1	0	Custodian/Dept	Parks
Replacement Value	\$0.00	RV Override?	No
User Field 1		User Field 2	
User Field 3		User Field 4	
User Field 5		User Field 6	
User Field 7		User Field 8	
User Field 9		User Field 10	
Warranty Date	MM/DD/YYYY	Acquisition Date	08/28/2002

Book Information

Acquisition Date: 08/28/2002

Acquired by: Purchase

	Tax	Internal					
Property Type	P	P					
Placed-in-Service Date	08/28/2002	08/28/2002					
Acquisition Value	\$35,284.38	\$35,284.38	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Depreciation Method	SL	NO					
Estimated Life	05 yrs 00 mos	00 yrs 00 mos					
ADS Life	00 yrs 00 mos	N/A					
Business Use %	100.00	100.00	0.00	0.00	0.00	0.00	0.00
179 Deduction	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
168 Allowance %	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Salvage Value	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Investment Tax Credit	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Beginning Date	MM/YYYY	MM/YYYY					
Beginning YTD	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Beginning Accum	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Depreciation Calculations							
Current Through Date	06/2015	06/2011					
168 Allowance Amount	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Current YTD	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Current Accum	\$35,284.38	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Net Book Value	\$0.00	\$35,284.38	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Period Close Date	06/2015	06/2011					
Period Close YTD	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Period Close Accum	\$35,284.38	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Main - ROY CITY CORPORATION

System Number: 4389.000

Entity:

Status: Active

General Information

>Items in bold are required fields

Co:Asset/Tag No.	02506	Description	'2000 DODGE, 3/4 TON, WHITE
Location in Deptmt	P-12	G/L Asset Expense	10-46-785
Department		G/L Acc'd Depr'n	
Type of Asset	AU	G/L Depr'n Expense	ND
Purchase Order No	13681	Insurance Category	
Vendor/Mfg	ROBERT H. HINCKLEY	Mfg Serial No	3B6KC26ZOXM590990
User Numeric 1	0	Custodian/Dept	Parks
Replacement Value	\$0.00	RV Override?	No
User Field 1		User Field 2	
User Field 3		User Field 4	
User Field 5		User Field 6	
User Field 7		User Field 8	
User Field 9		User Field 10	
Warranty Date	MM/DD/YYYY	Acquisition Date	09/07/2000

Book Information

Acquisition Date: 09/07/2000

Acquired by: Purchase

	Tax	Internal					
Property Type	P	P					
Placed-in-Service Date	09/07/2000	09/07/2000					
Acquisition Value	\$20,332.00	\$20,332.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Depreciation Method	SL	NO					
Estimated Life	05 yrs 00 mos	00 yrs 00 mos					
ADS Life	00 yrs 00 mos	N/A					
Business Use %	100.00	100.00	0.00	0.00	0.00	0.00	0.00
179 Deduction	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
168 Allowance %	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Salvage Value	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Investment Tax Credit	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Beginning Date	MM/YYYY	MM/YYYY					
Beginning YTD	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Beginning Accum	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Depreciation Calculations							
Current Through Date	06/2015	06/2011					
168 Allowance Amount	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Current YTD	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Current Accum	\$20,332.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Net Book Value	\$0.00	\$20,332.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Period Close Date	06/2015	06/2011					
Period Close YTD	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Period Close Accum	\$20,332.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

RESOLUTION NO. 16-29
A Resolution of the Roy City Council Amending the Amount Presented as the FY 2017
Operating Budget for the Water and Sewer Utility Enterprise Fund

Whereas, the Roy City Council on June 7, 2016, held a public hearing to determine the revenue and expenditure budgets for all budgetary funds; and

Whereas, the City has followed all procedures required by the Utah State Code for developing and approving a budget; and

Whereas, the City approved the FY 2017 Budget with Resolution No. 16-23; and

Whereas, Resolution No. 16-23 presented the Water and Sewer Utility Operations budget to be \$6,909,800 when the preliminary budget document had it publicized as \$7,538,613;

Now, Therefore, Be It Resolved by the Roy City Council that the operating, debt service and capital budgets stated by resolution for the Water and Sewer Utility Enterprise Fund for the fiscal year ending June 30, 2017 agree to the preliminary budget document and be as follows:

Fund	Operations	Debt Service	Capital	Increase Fund Balance	Total
Water & Sewer Utility	7,538,613	571,140	1,172,640	-	9,282,393

Approved and adopted by the Roy City Council on the 5th day of July, 2016.

 Willard S. Cragun, Mayor

Attested and Recorded:

 Amy Mortenson, City Recorder

Council Members Voting "Aye"

Council Members Voting "Nay"

Resolution No. 16-30

**A Resolution of the Roy City Council
Approving an Agreement between Roy City Corporation and Sunset City for the
Provision of Management and Collection Procedures for Sewer Services**

WHEREAS, Utah Code Ann. §11-13-101 et. seq., permits governmental entities to enter into cooperation agreements with each other; and

WHEREAS, Roy City recognizes the importance and need for joint cooperation with local entities to provide and receive services from neighboring communities which is a necessary and needed service to the City and surrounding communities; and

WHEREAS, Roy City wishes to, and recognizes the importance of, participating in any efforts designed to jointly help each other; and

WHEREAS, the Roy City Council has fully reviewed the attached Interlocal Agreement between Sunset City and Roy City and agrees to all the terms and conditions contained therein; and

NOW THEREFORE, the Roy City Council hereby approves the attached Interlocal Agreement (attached hereto and incorporated by this reference) as written and authorizes the Mayor of Roy City to execute this Agreement on behalf of the City.

Passed this 5th day of July, 2016.

Willard Cragun
Mayor

Attest:

Amy Mortenson
City Recorder

Voting:

	Aye	Nay	Absent	Excused
Councilmember Marge Becraft	_____	_____	_____	_____
Councilmember Robert Dandoy	_____	_____	_____	_____
Councilmember Brad Hilton	_____	_____	_____	_____
Councilmember Dave Tafoya	_____	_____	_____	_____
Councilmember Karlene Yeoman	_____	_____	_____	_____

**INTERLOCAL COOPERATION AGREEMENT
FOR THE MANAGEMENT AND COLLECTION
PROCEDURES FOR SEWER SERVICES**

This is an agreement by and among the undersigned parties for joint and cooperative action in managing and collection procedures for sewer services (hereinafter “ICA” or “Agreement”). The Agreement will be considered signed and effective as of the 1st day of August, 2016, even though the actual signatures may be placed on the agreement on different dates. The Agreement is made and executed by and among the following undersigned jurisdictions and entities:

Sunset City
Roy City

RATIONALE FOR ESTABLISHING THE ICA

WHEREAS, 11-13-101 et seq., Utah Code Annotated, 1953, as amended, commonly known as the Interlocal Cooperation Act, authorizes public agencies to enter joint agreements for the coordination and providing of services to local communities; and

WHEREAS, all of the parties hereto are public agencies as defined by the Interlocal Cooperation Act; and

WHEREAS, within the municipality of Sunset City therein lies some real estate named Sunset Place Townhomes, a PUD. Given the elevation of this real estate, it is not practical for Sunset City to provide sewer services to the property; and

WHEREAS, within the municipality of Roy City therein lies a Roy City sewer line that has an appropriate elevation and available capacity for the above mentioned Sunset Place Townhomes property;

NOW THEREFORE, the parties hereto mutually agree, pursuant to the terms and provisions of the Interlocal Cooperation Act, as follows:

**SECTION ONE
OPERATION OF ICA**

- 1.1 The parties agree to act cooperatively to facilitate sewer services to the land known in Sunset City as the Sunset Place Townhomes, a PUD, comprising of two parcels totaling

approximately 4.78 acres. The land is being developed by Sunset Development, LLC, and it will ultimately contain 76 townhomes.

- 1.2 Pursuant to 11-13-202.5(2)(b), this Agreement does not contemplate the creation of a separate legal entity to provide for its administration and none shall be required.

SECTION TWO ICA OPERATION

- 2.1 Property owners shall be responsible to pay directly Roy City for sewer services, registering for sewer services at the Roy City Offices. Roy shall be responsible for (1) the transporting of the sewage, after the sewage has reached the public sewer main line at 6000 South, Roy; and (2) for the repair and maintenance of the public main line at 6000 South, Roy. The charges for the services shall include any Roy City sewer impact fees or charges, and the recurring, nonresidential Roy sewer rate. Failure to pay for these sewer services to Roy City would result in the shutoff by Sunset City of other utility services provided by Sunset City to the property owner.
- 2.2 The line and all sewer laterals comprising the sanitary sewer system within the listed property are privately owned, operated and maintained by the HOA of the property and/or the neighboring property owner(s) who are serviced by the same sewer main lateral line (the "Neighbors"). In the event of a blockage, maintenance or repair necessary to the sanitary sewer system, it shall be the responsibility of, and a common expense of the Association (not Roy City or Sunset City) to make needed repairs to the sewer system until it reaches the public sewer main line at 6000 S., Roy, Utah.
- 2.3 Should any individual or entity fail to pay the sewer charges/fees to Roy City, Sunset City agrees, upon request from Roy City, to shut off the water service to that property. Such service shall not be resumed until a release is received from Roy City, evidencing (1) full and complete satisfaction of any obligation to Roy City connected in any way to sewer services; or (2) a written payment arrangement that is acceptable by Roy City. Sunset City may charge Roy City a reconnection fee which may be passed on to the property owner.
- 2.4 Any North Davis Sewer Improvement impact fees shall be paid to North Davis Sewer. Any Roy City sewer impact fee shall be paid to Roy City prior to the time of a building permit being issued by Sunset City.
- 2.5 The nonresidential Roy rate shall be determined by Roy City; it is currently double the residential Roy rate, covering both the recurring Roy sewer expense and the North Davis Sewer recurring expense.
- 2.6 Should Sunset City become aware of any potential water system leakage that could impact the sewer system, Sunset will investigate and repair, if necessary, any water system affecting the sewer system. Should Sunset City become aware of any groundwater infiltration that exceeds

the amount allowed by State standards, Sunset City shall be responsible to repair the system prior to the 6000 South line.

- 2.7 When a property owner begins or changes any utility service in Sunset City on property in the Sunset Place Townhomes, Sunset City will enter into an agreement with the property owner regarding the providing of sewer services by Roy City as contained herein. Sunset City will advise Roy City of the existence of a new or different landowner that is registering or canceling service with Sunset City on the subject property. Roy City and Sunset City will coordinate lists of customers to help assure that all usage is accounted for.
- 2.8 Sunset City will assure that any development on this listed property, including any recorded HOA bylaws, shall include all material provisions of this Agreement to carry out the intent of this Agreement
- 2.9 This Agreement shall be in effect for an indefinite period of time not to exceed 50 years.

SECTION THREE MISCELLANEOUS

- 3.1 This Agreement may be changed, modified or amended by written agreement of the Parties and by complying with all applicable requirements of the Interlocal Cooperation Act. Neither party shall assign this Agreement without written consent of the other party, which consent will not be unreasonably withheld.
- 3.2 Effective Date. This Interlocal Agreement shall become effective on the date above stated unless each of items (i) through (iii) of this section are not met as of that date, in which case this agreement shall become effective immediately upon:
 - (i) Adoption and execution of a resolution approving this Agreement by each of the Parties;
 - (ii) Approval as to form by each of the respective Parties agency's Attorneys; and
 - (iii) Executed copies of this Interlocal Agreement are placed on file with the Keeper of the Records of each of the Parties.
- 3.3 It is understood and agreed by the parties hereto that this agreement shall be governed by the laws of the State of Utah both as to interpretation and performance.
- 3.4 If any provision of this agreement is held invalid, the remainder of this agreement shall not be affected thereby if the remaining agreement conforms to the terms and requirements of applicable law.
- 3.5 The captions and headings herein are for convenience of reference only and in no way define, limit or describe the scope or intent of any sections or provisions of this Agreement.

3.6 Except as provided herein, no Party agrees or contracts to be held responsible for any claims made against any other Party. The Parties intend to operate the ICA only within the scope herein set out and have not herein created as between Party and Party any relationship of partnership, surety, indemnification, or responsibility for the debts of or claims against any other Party .

SECTION FOUR
INTERLOCAL COOPERATION ACT

This Agreement shall become affective as set out above provided it has been approved as appropriate by the above mentioned parties, and in accordance with the provisions of Section 11-13-101 et seq., Utah Code Annotated, 1953, as amended. In accordance with the provisions of Section 11-13-202.5(3), this Agreement shall be submitted to the attorney authorized to represent each party for review as to proper form and compliance with applicable law before this agreement may take effect.

(Interlocal Cooperation Agreement)

IN WITNESS WHEREOF, the parties have affixed their signature hereto upon resolution of their governing body as required by law and join and give effect to this Agreement to be effective as of the date above stated.

SUNSET CITY

By _____
Mayor

Date _____

ATTEST:

Sunset City Recorder

Approved as to form and compatible with state law:

Attorney for Sunset City

(Interlocal Cooperation Agreement)

ROY CITY

By _____
Mayor
Date _____

ATTEST:

Roy City Recorder

Approved as to form and compatible with state law:

Attorney for Roy City

Resolution No. 16-31
A Resolution of the Roy City Council Announcing Roy City's Intent to
Annex Unincorporated Islands and Peninsulas

WHEREAS, the City Council of Roy City, Utah, hereby desires to adopt a Resolution to formally indicate its intent to annex the area described in the attached Exhibit A, and

WHEREAS, Utah Code Section 10-2-418 allows Roy City to annex islands and peninsulas without a petition for annexation, and

WHEREAS, the area to be annexed consists of one or more unincorporated islands within or unincorporated peninsulas contiguous to the municipality, each of which has fewer than 800 residents and the municipality has provided one or more municipal-type services to the area for at least one year, and

WHEREAS, in adopting this resolution the City has determined that if required annexing part of the unincorporated islands or peninsulas is in the municipality's best interest so long as the entire island of unincorporated area, of which a portion is being annexed, complies with the requirement related to the required number of residents, and

WHEREAS, the city will publish a notice once a week for three consecutive weeks in the Standard Examiner, will publish notice for three weeks on the Utah Public Notice website, will send written notice to each special district that services the area, and will send written notice to the county, pursuant to Utah Code Section 10-2-418, and will hold a public hearing no earlier than thirty (30) days after the adoption of this Resolution to consider its adoption and the annexation of the areas described in Exhibit A,

NOW, THEREFORE, Be It Resolved that the City Council of Roy City, Utah, pursuant to Utah Code 10-2-418, intends to annex the area formally described in Exhibit A, subject to the requirements set by law.

PASSED AND APPROVED by the Roy City Council this 5th day of July, 2016

Councilmember Becraft
Councilmember Dandoy
Councilmember Hilton
Councilmember Tafoya
Councilmember Yeoman

Willard Cragun - Mayor

ATTEST:

Amy Mortenson - City Recorder

EXHIBIT A

1
9
3
7

Established

