



ROY CITY

Roy City Council Agenda
September 15, 2015 – 6:00p.m.
Roy City Council Chambers
5051 South 1900 West

Moment of Silence and Pledge of Allegiance: Councilmember Cordova

1. Approval of September 1, 2015 City Council Minutes
2. Introduction of New Police Deputy Chief
3. Discussion on Cell Phone Tower Easement near Roy City Aquatic Center
4. Consideration of Resolution No. 15-14 Authorizing a Change to Animal Licensing Fees
5. 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 2449 West 4300 South
6. Consideration of Ordinance 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 2449 West 4300 South
7. City Managers Report
8. Public Comments
9. Mayor and Council Report
10. 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 11th day of September, 2015. A copy was also provided to the Standard Examiner and posted on the Roy City Website on the 11th day of September, 2015.

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 SEPTEMBER 1, 2015, ROY CITY COUNCIL MEETING

1. Approval of August 18, 2015, minutes
2. Recognition of June 2015 Employees of the Month
3. Discussion regarding town hall meetings - tabled
4. Open and Public Meeting Act training
5. Consideration of Resolution No. 15-13 approving an agreement between Roy City and Ormond Construction, Inc. for the George Wahlen North Park Demolition Project
6. City Manager's Report
7. Public comments
8. Mayor and Council reports
9. Adjourn

Minutes of the Roy City Council Meeting held September 1, 2015, 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	City Manager Andy Blackburn
Councilwoman Marge Becraft	City Attorney Clint Drake
Councilman John Cordova	Secretary Michelle Drago
Councilman Brad Hilton	Youth City Council Samantha Jensen
Councilman Dave Tafoya	
Councilwoman Karlene Yeoman	

Also present were: Carl Merino, Police Chief; Travis Flint, Parks and Recreation Director; Gary Empey; Kirk Smith; Greg Sagen; Gennie Kirch; Karch Denney; Cindy Whinham; Kent Price; Bert Visser; Ed Weakland; Brady Gilbert; Casey Wergen; Matt Guyman; Jordan Lee; and Scott George, Parks Supervisor.

Moment of Silence: Councilman Hilton

Pledge of Allegiance: Councilman Hilton

1. APPROVAL OF AUGUST 18, 2015, MINUTES

Councilwoman Becraft moved to approve the minutes of August 18, 2015, as corrected. Councilwoman Yeoman seconded the motion. Council members Becraft, Cordova, Hilton, Tafoya, and Yeoman voted “aye.” The motion carried.

2. RECOGNITION OF JUNE 2015 EMPLOYEES OF THE MONTH

Travis Flint, Parks and Recreation Director; wanted to recognize Brady Gilbert, Casey Wergen, Matt Guyman, and Jordan Lee as the June 2015 Employees of the Month for the outstanding efforts for the Roy City Parks Department. He asked these four employees to help with the construction and installation of twenty-two soccer goals at Emma Russell Park. Due to the construction beginning at George Whalen North Park, the City had to shut down two soccer fields; soccer fields that members of the Roy AYSO (American Youth Soccer Group) utilized. In order to meet the demands of their program, the Parks Department had to reconfigure and add additional playing fields at Emma Russell Park. After the Parks Department received pricing for the needed goals, they found there wasn't enough funds budgeted to make the project happen. The Parks Department was in a bad situation because the AYSO season was about to begin, and there weren't enough fields for their program. Brady Gilbert, Casey Wergen, Matt Guyman and Jordan Lee stepped up to the challenge. They began researching the price of steel and designing templates for the type of soccer goals needed. They

created a design and started constructing all twenty-two soccer goals. Brady Gilbert was an outstanding welder. He did a fabulous job welding the goals while Casey, Matt and Jordan measured, cut and prepared the product. It was truly a team effort. They did all this while completing their normal daily duties. They completed the task of construction in a very short period of time, which was great because they had to get the goals in the ground before the soccer season started. After the goals were constructed, they begin putting them in the ground with assistance from Parks part time staff, Recreation staff members, and members of the Water Department. They were able to complete the daunting task of installing all twenty-two goals in just two days. The project was completed prior to games starting. It was a complete success due to the extra efforts of these four outstanding employees. If that wasn't enough, their efforts saved the city over \$15,000 dollars and provided enough playing fields for the youth of Roy to continue to play AYSO soccer. Their hard work, dedication and out-of-the-box thinking was why he chose to nominate them for the June 2015 Employees of The Month. They helped the City look good every day. They worked hard and went above and beyond the call of duty. He was greatly humbled to work with them.

Councilwoman Yeoman thanked the four men for thinking outside of the box. It was great when employees came up with solutions to difficult situations.

Mayor Cragun stated that he had known these men for quite a while. They epitomized Roy City employees. Thinking outside of the box was something all of the employees did every day. What these men had done wasn't something that would normally be seen or recognized. It was a class act, and he was glad it had been brought forward.

Councilman Cordova moved to recognize Brady Gilbert, Casey Wergen, Matt Guyman, and Jordan Lee as the June 2015 Employees of the Month. Councilman Hilton seconded the motion. Council members Becraft, Cordova, Hilton, Tafoya, and Yeoman voted "aye." The motion carried.

The City Council presented Casey, Brady, Matt, and with recognition plaques.

3. DISCUSSION REGARDING TOWN HALL MEETINGS - TABLED

Councilman Hilton stated that after talking with the City Manager and in light of what the Council discussed regarding agendas, he felt it would be better to discuss town hall meetings in a work session instead of a Council setting.

Councilman Hilton moved to table discussion regarding town hall meetings until it could be done in a work session. Councilwoman Yeoman seconded the motion. Council members Becraft, Cordova, Hilton, Tafoya, and Yeoman seconded the motion.

4. OPEN AND PUBLIC ACT MEETING TRAINING

Clint Drake, City Attorney, wanted to initiate a yearly refresher of the Open and Public Meetings Act (OPMA). Dalai Lama said, "A lack of transparency results in distrust and a

seep sense of insecurity.” Mr. Drake felt Roy City tried to be as open as possible with the citizens and the media. The local media recently graded local governments on their accessibility. Roy City received a low grade, but the newspaper said they would have graded the City better based on its response.

Utah’s Open and Public Meeting Act was contained in 52-4-101. The Declaration of Policy said the Legislature found and declared that the State, its agencies, and political subdivisions existed to aid in the conduct of the peoples’ business. It was the intent of the Legislature that the State, its agencies, and its political subdivisions make their actions and their deliberations openly. Mr. Drake said the Utah Open and Public Meetings Act required government to take actions openly and ensured deliberations allowed for an open public process. Those subject to the law were: State administrative, advisory, or legislative bodies; bodies that were created by the Utah Constitution, statute, rule, ordinance, or resolution; bodies that consisted of two or more persons; bodies that spent, distributed, or were supported by tax money; and bodies that had authority to make decisions about the public’s business. Political parties, groups, caucuses, legislative conference, rules, and sifting committees were not affected.

Mr. Drake said the Act defined a ‘meeting’ as the convening of a public body, with a quorum present, including a workshop or an executive session - whether the meeting was held in person or by means of electronic communications - for the purpose of discussing, receiving comments from the public about, or acting upon a matter over which the public body has jurisdiction or advisory power. A meeting was not a chance meeting or a social meeting. Open meetings could be held electronically or by some other electronic means. Notice requirements still applied to electronic meetings. The public had to have a means to attend or participate. Electronic meetings had to be adopted into existing rules and ordinances.

Councilman Cordova asked if emailing if the entire Council would be considered a meeting. Clint Drake said a Council member should not send a group email to the entire Council. The staff did send reports to the entire Council, but the Council should not have group email discussions. He reminded the Council members that any emails they sent as a Council were a public record if they were talking about the public’s business, even if the emails were sent from their private email accounts.

Mr. Drake stated that meetings could be closed to the public to discuss an individual’s character, professional competence, or physical or mental health; strategy sessions to discuss collective bargaining; discussions regarding security personnel, devices, or systems; investigative proceedings regarding allegations of criminal misconduct; and strategy sessions to discuss the purchase, exchange, lease, or sale of real property. The terms of any sale or lease of property had to be public. There weren’t any meetings that had to be closed. The decision to close a meeting to the public was always discretionary. The law did not require any meeting to be closed. In order to close a meeting, a quorum had to be present, and two-thirds of the Council had to vote to close

the meeting. The Council had to hold a public meeting with proper notice before entering into a closed meeting. The Council had to publicly disclose the vote by name of each member for or against entering into the closed meeting (roll call). The motion to hold a closed meeting needed to include the reasons for holding the closed meeting and the location of the meeting. During the closed meeting, the Council could not approve any ordinance, resolution, rule, regulation, contract, or appointment. It could not interview a person to fill an elected position; and it could not take final action. Final votes must be in an open meeting and on the record.

Mr. Drake stated that public notices must be posted as a written notice at the place where the meeting would be held; must be given to at least one local general circulation newspaper or local media correspondent; and posted to the "Utah Public Notice Website" (not required if a municipality had a budget of less than \$1 million). A public notice had to be posted 24 hours prior to the meeting and include an agenda, date, time, and place. The law allowed for meetings for emergency or urgent matters if the best notice practicable was given and the minutes included a statement regarding the unforeseen circumstances that made the meeting necessary.

Mr. Drake said minutes and recordings of public meetings must be kept. Written minutes and recordings of open meetings were public records. Every public body had to establish and implement procedures for the body's approval of the written minutes for each meeting. All minutes had to include the date; time; place of the meeting; names of all members present or absent; all matters proposed, discussed, or decided; all names and substance of information from individuals giving testimony; individual votes on each matter; and any additional information requested by a member. Minutes of closed meetings had to include the names of others present at the closed meeting, unless it infringed on the purpose of the closed meeting. Pending minutes should be made available to the public within 30 days after holding the open meeting when minutes were awaiting formal approval. Pending minutes should contain a clear indication that the public body had not approved them and were subject to change. Written minutes and recordings of open meetings were public records and should be released within a reasonable amount of time. Minutes and/or recordings of closed meetings were not public records.

Mr. Drake stated that in addition to any other penalty under this chapter, a member of a public body who intentionally violated or intentionally abetted or advised a violation of the closed meeting provisions of the Code was guilty of a class B misdemeanor. A court of law could void any action in violation of the law. Sometimes a violation could be 'cured' by discussing and taking a public vote in a subsequent meeting. If a violation occurred, the City might have to pay court costs and attorney fees. The most common violations were closed meetings without members of the body voting first in an open meeting to close the meeting; conducting a closed meeting for reasons other than those allowed by OPMA; taking official or final action in a closed meeting; failing to properly provide notice of a public meeting; or failing to provide adequate notice of a public meeting.

Mr. Drake said the Open and Public Meetings Act could be enforced by the courts, the Attorney General, the Weber County Attorney, or a private citizen who was an aggrieved party. A party had 90 days to pursue corrective action, or 30 days if it involved bonds, notes, or debt.

Councilman Cordova was excused at 6:27 p.m.

5. CONSIDERATION OF RESOLUTION NO. 15-13 APPROVING AN AGREEMENT BETWEEN ROY CITY AND ORMOND CONSTRUCTION, INC. FOR THE GEORGE WAHLEN NORTH PARK DEMOLITION PROJECT

Travis Flint, Parks and Recreation Director, stated that on August 25th bids for the George Wahlen North Park Demolition Project were opened. One bid from Ormond Construction, Inc. for \$8,819.30 was received. The engineer's estimate was \$18,000. Mr. Flint said the engineer recommended that the Council approve Resolution No. 15-13 awarding the contract to Ormond Construction. The City had worked with Ormond Construction in the past and had a good relationship with them. They did outstanding work.

Mr. Flint stated that some of the items being removed were curb and gutter, asphalt, cement, storm drain pipe, and a catch basin. The items being removed were west of the tennis courts.

Councilwoman Becraft asked about the playground equipment. Mr. Flint said they had received four inquiries, and they had posted the equipment on the website. They also wanted to cut the sod and make it available to the public on first-come-first-served basis. Councilman Hilton asked if the sod could be used elsewhere in the City. Mr. Flint said some of it could. They planned to use some in the cemetery, the Public Works Building, and the parks, but there would still be sod left over.

Andy Blackburn said the sod would be just like surplus property.

Councilwoman Yeoman asked how Mr. Flint planned to inform the public. He said it would be posted at the Municipal Building and on the City's website.

Councilman Hilton moved to approve Resolution No. 15-13 approving a contract agreement between Roy City and Ormond Construction, Inc. for the George Wahlen North Park Demolition Project for \$8,819.30 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, Yeoman, Tafoya, and Hilton voted "aye." The motion carried. (Copy filed for record).

6. CITY MANAGER'S REPORT

Andy Blackburn stated that the Utah Taxpayer's Association ranked Roy City seventh overall for how officials controlled public spending. He encouraged the Council members to read the report.

Andy Blackburn stated that the Day of Service would be held on Saturday, April 12th from 8:00 a.m. to 12:00 p.m. There would not be one project in one specific location. There would be some work on the trail and some on Airport Road. At noon, everyone would gather at Sandridge Park for lunch. Travis Flint said the City had asked churches to identify homes in their neighborhoods that needed work. Those who wanted to work on the trail would meet at the Aquatic Center at 8:00 a.m. Roy City would provide juice and donuts.

Andy Blackburn stated that the Economic Development Committee would meet on September 11th with the Vice President of Harmon's to discuss alternatives.

Mr. Blackburn reported that the 4000 South roundabout had been paved before school started, but there were still things that needed to be completed, such as the sidewalk, stamped concrete, and landscaping. Everything should be completed in two weeks.

Mr. Blackburn also reported that the audit was finished. The auditors would begin writing the report, which would be finished in October or November.

Andy Blackburn said the legal descriptions had been provided to the attorney handling the annexation. He hoped they could begin advertising the notice at the end of the month.

Mr. Blackburn stated that there had been some difficulty getting a permit for the water feature in front of Harmon's. The City thought UDOT was going to give them the property. UDOT changed its mind, which meant the City had to go through the approval process. UDOT was classifying the feature as a sign, which could not be longer than 20 feet. The feature was 60 feet long. The City Engineer was working with the State to resolve the issue.

Mr. Blackburn reported that the lights on 1900 West had been installed. The City had entered into a contract with Rocky Mountain Power to provide power for the lights.

Mr. Blackburn said UDOT's Midland Drive project was supposed to have been done in September, but they were running 80 days behind. The project would not be done until the end of December.

Mr. Blackburn stated that the Public Works Building would not be accessible on September 12th and 13th because the parking lot was being repaved. The back access would be used for the Day of Service on the 12th, but no one would be able to get gas.

Mr. Blackburn said the George Wahlen North Park Demolition Project would begin soon.

Mr. Blackburn stated that Roy High had requested that the Council feed the football team on Wednesday, September 16th. The Council would need to meet at 4:30 p.m. to begin cooking at 5:00.

Mr. Blackburn said the senior center had asked that the Council serve lunch to the seniors. Due to Council's September commitments, he suggested the Council look at October. Mayor Cragun suggested the first week of October. The Council agreed.

Mr. Blackburn said he had sent the Council members a report regarding the status of subdivision and commercial sites under construction. He planned to add Public Works projects. Councilman Hilton asked that the report include DRC concerns as well. It was very helpful to know what was going on.

7. PUBLIC COMMENTS

Bert Visser, 4833 South 2500 West, asked what the Council approved during its August 18th meeting. Did the Council consider rezoning the property between the railroad tracks for high density housing? The Council said it did not.

Mayor Cragun stated that the rezone request would be on the next Council agenda.

Mr. Visser felt it was very poor of the Council to only take public comments once everything was passed. There were quite a few people at last week's Planning Commission meeting who were not in favor of what the City was putting in between the tracks. He learned that the City only notified property owners within 300 feet. He felt the City should have notified a lot more. When the City was trying to rezone property from manufacturing it was affecting a lot of people. The hearing should have been advertised in the paper for two to three weeks so that everyone in Roy could be at the public hearing and have a voice. When people were not notified, they became angry. They felt they had no control. Look at what happened in Chicago, Michigan, and Los Angeles when people became frustrated.

Mr. Visser said the people in Roy did not want slum houses, or Section 8 housing. Roy City did not have much open property left. He felt what was left should be used for single-family housing. The more people that were crammed into a small spot, the more crime there would be. People at the Planning Commission's hearing had complained about the crime which resulted from the walkway

Bert Visser was angry about the development which had been approved on 4800 South. Someone was going to get killed because there wasn't any way to get out of the subdivision. If someone was injured or killed, his tax dollars would be used when the City was sued.

Councilwoman Becraft stated that all of the Council agendas were posted on the City's website. Mr. Visser stated that he did not use the computer.

Councilman Hilton stated that the City did not initiate the proposed development. It was simply responding to application filed by the developer.

Mayor Cragun stated that the City was responding to the application by going through the public hearing process. Last week the Planning Commission held a public hearing.

The Council would consider the application and the Planning Commission's recommendation at the next Council meeting. The City did not solicit people to develop; they approached the City.

Ed Weakland stated that he owned property between the railroad tracks near 4000 South. He checked the City's website, but an agenda for tonight's meeting was not posted. He said the new roundabout on 4000 South as too tight. A semi could not get around it nor could school buses. Mr. Blackburn said the City tested the roundabout with an extra-long semi. It was able to make it through the roundabout.

Kirk Smith, 3922 West 4950 South, stated that there wasn't a sign in sheet for tonight's meeting. Clint Drake stated that the City Recorder recently had surgery. He would put out a sheet that people could sign as they left the meeting.

Kirk Smith felt Bert Visser's comments had struck a chord. When the City reconsidered the Aderra project the residents felt that it was suddenly on the agenda again without notification. They felt the developer had more access to the Council members than they did; that they didn't have the Council's ear. When it came to the meeting, the residents packed the Council chambers. There was anger because a decision was made and a vote taken before any public comments were allowed. He felt the Council needed to listen to those who paid the taxes, who voted in the polling booths, and who lived here. The residents felt they were thrown under the bus, although Council members Yeoman and Tafoya supported them. He understood the Council could not make decisions that were popular with everyone. As a resident, he felt the public should take a higher priority on the agenda. Public comments should be taken before decisions were made.

Kent Price, Pony Acres Subdivision on 5700 South, stated that there wasn't any police presence in his area, nor was there a speed limit posted. When he approached the Police Department and asked to speak with the chief, he was told the chief was busy; so he met with another officer. He asked the officer about more police presence in the morning and afternoon. The officer explained that was when people were going to and from work. Mr. Price said the law was the law, and it wasn't up to an officer to interpret. He asked if the Council could do something about it.

Councilman Hilton asked if Mr. Price was referring to the dog park. Mr. Price said he was and the area to the west. Councilman Hilton said that before school started he spoke with the Police Chief about establishing police presence in this area.

Mayor Cragun said it came down to manpower. Mr. Price asked if man power was more important than public safety. It was a moot point.

Councilman Tafoya explained that there were only so many officers on a shift to cover the entire city. It was a man power issue at times. The Police Chief was present and listening. He would make sure there was police presence in this area.

Gary Empey, 4467 South 2300 West, stated that the information on the City's website did not make it to the seniors because they didn't use computers. Mayor Cragun said the City put a lot of information in the newspaper, but newspapers were going by the way side because of the Internet. Agendas were posted on the website and in the Municipal Building, as well as the newspaper. Councilwoman Becraft suggested that an agenda be posted in the senior center.

Cindy Whinham, 4105 South Lily Drive, stated that she did receive notice about the Planning Commission hearing. She would be at the next Council meeting. The trail was behind her home, and her yard was used as a short cut. She had taken steps to secure her yard. Her Neighborhood Watch encouraged all property owners to leave their outside lights on for security reasons. However, the light on the north end of Lily Drive (4000 South and Lilly Drive) was not very bright and didn't light up the area well. She spoke with Chairman Kirch after the Planning Commission meeting. Chairman Kirch suggested that she ask the City to increase the light's wattage. She felt the additional light would help her Neighborhood Watch. Mr. Blackburn said he would look into it.

8. MAYOR AND COUNCIL REPORTS

Mayor Cragun stated that the Day of Service was usually very successful. This year the City asked churches to clean up their neighborhoods throughout the City. They had more contact with what was needed in their areas. The City would have refuse containers available. He asked the citizens to look around the community to see what needed to be done then get in touch with their church. The City had been pushing beautification on 1900 West and the residential neighborhoods.

Councilwoman Becraft asked if the staff had found out if volunteers could work on 1900 West. Travis Flint said they could.

Samantha Jensen, Youth City Council, had nothing to report.

9. ADJOURN

Councilwoman Becraft moved to adjourn at 7:08 p.m. Councilman Hilton seconded the motion. Council members Becraft, Cordova, Hilton, and Tafoya voted "aye." The motion carried.

Attest:

Willard Cragun
Mayor

Amy Mortenson
Recorder

RESOLUTION NO. 15-14
A Resolution of the Roy City Council
Authorizing a Change to Animal Licensing Fees

WHEREAS, Roy City Code Title 5-1-5 requires that all dogs over four (4) months of age kept, harbored, or maintained by any person in the City be licensed and registered each year; and

WHEREAS, Roy City Code Title 5-1-7 in part states that the City Council shall from time to time determine the amount to be charged or assessed for dog licenses; and

WHEREAS, the Roy City Council determined by Ordinance in April 2013 that cats would be licensed in the same manners as dogs; and

WHEREAS, the City intends to cover its cost of issuing a license; and

WHEREAS, the City wants to register animals at all times throughout the year to maintain an accurate list;

NOW THEREFORE, be it resolved by the City Council of Roy, Utah that the Animal Licensing fees be set as shown in the attached fee schedule including changes to reduced tags for animals under one year, spayed/neutered animals, and owner's age 55 and above be increased from \$1.00 to \$5.00; reduced tags for non-spayed/neutered animals increase from \$1.00 to \$7.50; and transfer tags increase from \$1.00 to \$5.00. And, be it resolved the new reduced tags will be charged to citizens entering the City between September 1st and November 30th.

Passed this 15th day of September, 2015.

Willard S. Cragun, Mayor

Attested and Recorded:

Amy Mortenson, City Recorder

Council Members Voting "Aye"

Council Members Voting "Nay"

ROY CITY CORPORATION
ANIMAL LICENSING FEE SCHEDULE

<i>Dogs and Cats</i>	<i>Fee</i>	<i>*Renewals With Late Fee</i>
<i>Under "1" Year</i>	\$15.00	N/A
Spayed or Neutered	\$15.00	\$35.00
Non-Spayed/Neutered	\$30.00	\$50.00
Dangerous Dog (Noted by Animal Control)	\$50.00	\$70.00
Animals Owned by Seniors (55+):		
Spayed or Neutered	\$10.00	\$30.00
Non-Spayed/Neutered	\$20.00	\$40.00
Reduced Price Tags (For new owners only, licensing between September 1st to November 30th)		
<i>Under "1" Year</i>	\$5.00	
Spayed or Neutered	\$5.00	
Animals Owned by Seniors (55+)	\$5.00	
Non-Spayed/Neutered	\$7.50	

**A late fee of \$20.00 will be added to any renewal not completed by the last day of January of each year.*

¹ Owners receiving a citation for unregistered animals will be charged the licensing and late fees because the animal should have been registered and was not.

² For license renewals delinquent for one year or more, the owner will be charged the current license fee and a late fee for each year the license was not renewed.

<i>Other</i>	<i>Fee</i>
Replace Lost Tag	\$5.00
Transfer Tag from another City (Customer must have proof of licensing in the current year with the other agency)	\$5.00

This fee schedule was updated by Resolution No. 15-14 of the Roy City Council on September 15, 2015.

RESOLUTION NO. 15-14
A Resolution of the Roy City Council
Authorizing a Change to Animal Licensing Fees

WHEREAS, Roy City Code Title 5-1-5 requires that all dogs over four (4) months of age kept, harbored, or maintained by any person in the City be licensed and registered each year; and

WHEREAS, Roy City Code Title 5-1-7 in part states that the City Council shall from time to time determine the amount to be charged or assessed for dog licenses; and

WHEREAS, the Roy City Council also requires that cats be licensed in the same manner as dogs; and

WHEREAS, registering and licensing animals places an administrative burden on the City; and

WHEREAS, the City desires to cover its costs of registering animals and issuing a license; and

WHEREAS, the City finds that registering and licensing animals on an annual basis in order maintain an accurate list of animals in the City is in the interests of the health, safety and welfare of its citizens;

NOW THEREFORE, be it resolved by the City Council of Roy, Utah that the Animal Licensing fees be set as shown in the attached fee schedule including changes to reduced tags for animals under one year, spayed/neutered animals, and owner's age 55 and above be increased from \$1.00 to \$5.00; reduced tags for non-spayed/neutered animals increase from \$1.00 to \$7.50; and transfer tags increase from \$1.00 to \$5.00. And, be it resolved the new reduced tags will be charged to citizens entering the City between September 1st and November 30th.

Passed this 15th day of September, 2015.

Willard S. Cragun, Mayor

Attested and Recorded:

Amy Mortenson, City Recorder

Council Members Voting "Aye"

Council Members Voting "Nay"

ORDINANCE No. 15-5

AN ORDINANCE ESTABLISHING A FUTURE LAND USE DESIGNATION OF VERY HIGH DENSITY, MULTI-FAMILY RESIDENTIAL ON PROPERTIES LOCATED AT APPROXIMATELY 2449 WEST 5430 SOUTH

WHEREAS, Roy City has received a petition to amend the Future Land Use Map by changing the designation on properties comprising approximately 10 acres of land located at approximately 2748 West 5600 South from a designation of Light Manufacturing 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 2449 West 4300 South 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 Cordova _____
- 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 _____, 2015.

Willard S. Cragun
Mayor

Attested and Recorded:

Amy Mortenson
City Recorder



SYNOPSIS

Application Information

Applicant: James Anderson
Request: Conditional Use allowing a Commercial Recreation (Indoor) – “classic coin-op video arcade”
Address: 3626 West 5600 South

Land Use Information

Current Zoning: CC; Community Commercial
Adjacent Land Use: North: Residential; CC zoning South: Residential; R-I-10 zoning.
East: Residential; CC zoning West: Residential; CC zoning

Staff

Report By: Steve Parkinson
Recommendation: Recommends approval

APPLICABLE ORDINANCES

- Roy City Zoning Ordinance Title 10, Chapter 15 (Conditional Uses)

PLANNING COMMISSION ACTION

The Planning Commission held a Public Hearing on September 8, 2015, the hearing was opened – public comments were as follows:

- No public comments were made.

With no comments the public hearing was closed.

After a small discussion, the Commission voted of 7-0 to forward to the City Council a recommendation to grant Conditional Use approval of the Commercial Recreation (Indoor) – “classic coin-op video arcade” located at 4626 W. 5600 S, with the conditions as outlined in report.

ANALYSIS

Background:

Mr. Anderson has applied for approval of a conditional use for a “Commercial Recreation (Indoor)” business. The use is a classic coin-op video arcade with old machines.

Conditional Use Standards: The standards for granting Conditional Uses as contained in the Zoning Ordinance can be summarized by the following:

1. The requested use must be listed as a Conditional Use.
2. The use must comply with setbacks and other zoning standards.
3. The use must be conducted in compliance with the ordinance and any other regulations.
4. The property must be of adequate size to allow the use in a manner that is not detrimental to the surrounding uses.
5. Must be consistent with the goals and policies of the City’s General Plan.

Staffs review of the criteria above:

- The use is listed as a Conditional Use
- The use will be within an existing building
- The use will be conducted in accordance with all regulations
- The use will be within an existing building
- The use is consistent with the goals and policies of the General Plan

Location: The proposed location Lot 3 of the Kent's Market Commercial development. (see Exhibit "A")

Parking & Access: The building on which this use is within was developed with the number of parking stalls required for the size of the building, plus there are several more stalls within 200 feet. Access is from 5600 South and 3500 West.

Zoning: Zoning on the property is CC, Community Commercial. The use of "Commercial Recreation (Indoor)" is a conditional use, and is compatible with surrounding uses within the complex.

CONDITIONS OF APPROVAL

1. The applicant receives a building permit to remodel the existing space, and
2. The applicant receives a business license

FINDINGS

1. The proposed Conditional Use is in keeping with the goals and intent of the General Plan.
2. The proposed Conditional Use meets the requirements as set by the Zoning Ordinance.

ALTERNATIVE ACTIONS

The Planning Commission can Approve, Approve with conditions, Table or Deny.

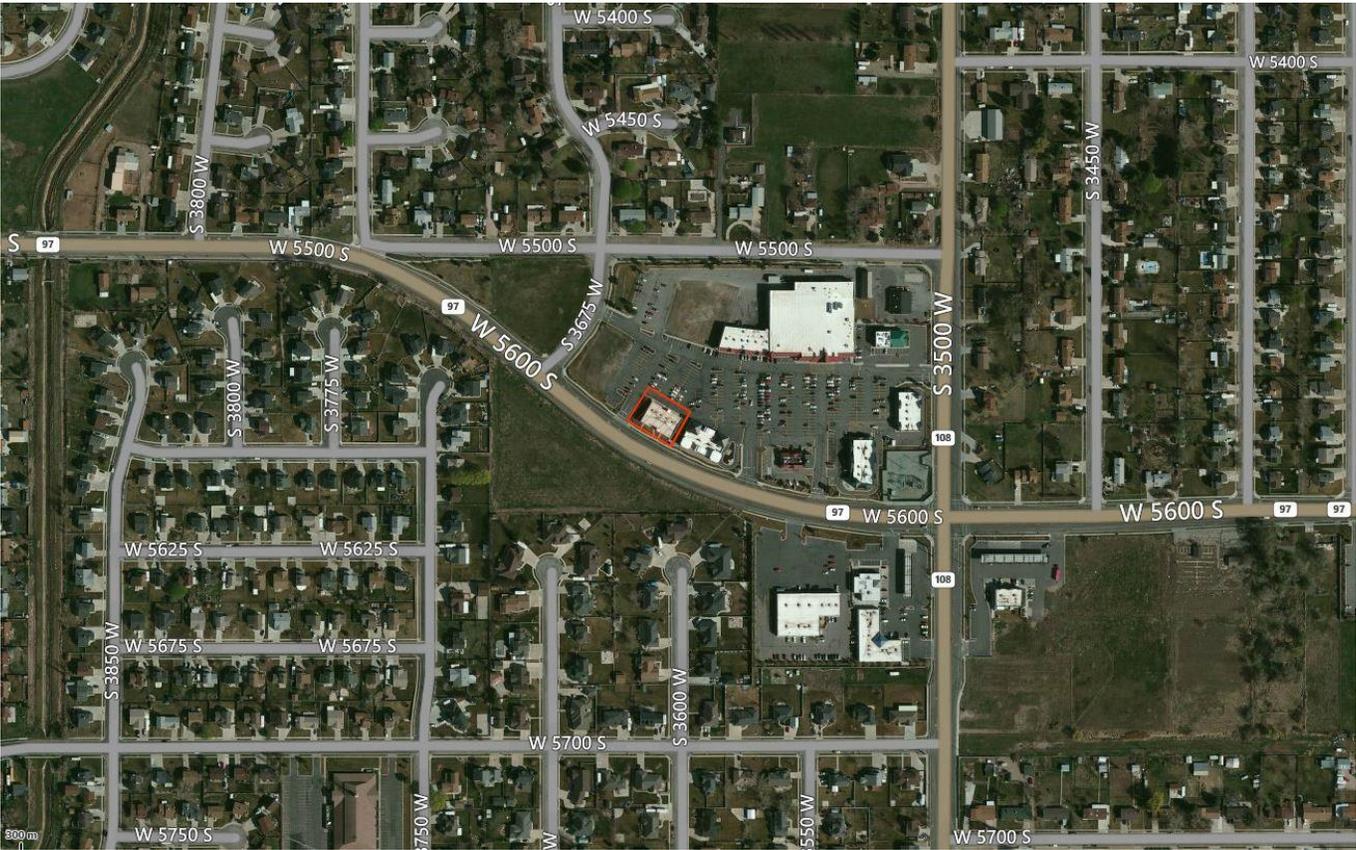
RECOMMENDATION

Staff recommends that the Planning Commission **recommend approval** of this request for Conditional Use allowing a "Commercial Recreation (Indoor) [Classic Video game arcade]" type business at the property located at 3626 West 5600 South as outlined in this report and discussed.

EXHIBITS

- A. Aerial Map

EXHIBIT "A" – AERIAL MAP



ORDINANCE No. 15-6

**AN ORDINANCE ESTABLISHING A ZONING DESIGNATION OF R-3 & RIO ON PROPERTIES
LOCATED AT APPROXIMATELY 2449 WEST 4300 SOUTH**

WHEREAS, Roy City has received a petition to change the zoning on a property comprising of approximately 10 acres of land located at approximately 2449 West 4300 South from a designation of RE-20 to a designation of R-3 and RIO; 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 2449 West 4300 South be established as an R-3 and RIO 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 Cordova _____

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 _____, 2015.

Willard S. Cragun
Mayor

Attested and Recorded:

Amy Mortenson
City Recorder



Application Information

Applicant: Robert Helmand: West Coast Funding LLC
Ryan Anderson; Anderson Holdings LLC
Request: Requests to approve
1. Ord. No. 15-5; to amend the General Plan (Future Land Use Map) from Light Manufacturing to Very High Density, Multi-Family
2. Ord. no. 15-6; to amend the Zoning Map from RE-20 (Residential Estates) to R-3 (Multi-Family Residential) and RIO (Residential Infill Overlay)
Approximate Address: 2449 West 4300 South

Land Use Information

Current Zoning: RE-20
Adjacent Land Use: North: LM; Light Manufacturing South: LM; Light Manufacturing
East: R-1-8; Single-Family Residential West: R-1-6; Single-Family Residential

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
- 2) Roy City Zoning Ordinance Title 10, Chapter 8 – Special Purpose District – Residential In-fill Overlay

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 on August 25, 2015, the hearing was opened at 18:26 – public comments were as follows:

- Byron Burnett – Roy Citizen – he thinks that the land should be developed as single-family to be consistent with the surrounding area. Has concerns with privacy, his view of sunsets, etc.. The children that attended Valley View Elementary School were bused from below the tracks, but they had to walk home. They took the shortest route and cut through his neighborhood and across the tracks. If multi-family developed on this property, there could be a safety concern about children. He felt all of the arguments said multi-family did not fit. He submitted a letter to be given to the Council (See Exhibit “D”)
- Bert Visser – Roy Citizen – stated that he has been fighting all of the building between the tracks. For the property to develop it needed a road. The developer had talked to the adjoining property owner and was quickly thrown out. The adjacent property was not for sale. The owners of the private right-of-way weren’t selling. He felt the stupidest thing in the world would be to rezone this property. If the property was rezoned, there would be 500 additional people accessing 4000 South. In 10 to 15 years it would be low income housing with more crime. Mr. Visser didn’t feel the

additional property taxes would cover the cost of additional residents. He felt someone in the City was making money because developers kept pushing this area.

- Ed Weakland – Roy Citizen – stated that his property was located between 4000 South and the site under consideration. It looked like the developer was setting up a scenario to allow Roy City to exercise eminent domain to get access. If the City approved this rezone, the developer could then come to the City and ask for land to be condemned. He worked for 55 years to be able to purchase his property. He did not want a developer to tell him to get out.
- Shelly Abbott – Roy Citizen – stated that she lived just west of the D&RG Trail. She purchased her home because of the trail and the absence of neighbors behind her. Since the walking trail was put in, she had experienced property damage. If this property was zoned for multi-family housing, it would drive her property value down, and crime would go up. If more people came in, the City would not be able to control the crime. Multi-family housing would be detrimental to people in the immediate area.
- Todd Potter – Roy Citizen – stated that he owned Kwik City Muffler on 4000 South. There was a 30-foot right-of-way that ran south from 4000 South so property owners could have ingress and egress to their properties. If the zoning changed, the 30-foot right-of-way would not be adequate for multiple cars and emergency equipment. Years ago, the City turned down a business south of him because he needed a 60-foot access with curb and gutter. Now someone wanted to put in multi-family housing without any access. It was not a smart thing. Roy City already had no businesses because it was not business friendly. The City needed to stop getting rid of commercial property and allow commercial to build. Concerned about the traffic situation on 4000 South. Five to six of his customers had been rear-ended while they were waiting to turn into his business because drivers could not see until they came over the hill.
- Chris Weakland – Roy Citizen – stated that he owned property just south of Kwik City Muffler. Even if the applicant was able to get a road to 4000 South, how would the traffic get on and off of 4000 South? He didn't feel it was feasible to put a road that close to the tracks. A 60-foot right-of-way would run down the center of his building. At what point would the City become involved in helping the applicant acquire access? If the zone was changed, he and the other property owners would be forced out. Was there even enough room in the schools for more children? Did the City have plans for new schools?
- Greg Sagen – Roy Citizen – stated that the West Park Subdivision had caused 4800 South to be a fiasco. Now someone was talking about adding to it. He didn't feel this was an area that should have a lot of housing. He felt a park or cemetery would be better uses for the area. A park or cemetery would be quiet and not bring in a lot of people. Right now the future land use designation was light manufacturing. Businesses would be good, especially stores and restaurants; but not doctors. He felt the City really needed to think about this area, and the people who lived in the area.
- Bret Arave – Roy Citizen – asked many people per acre there would be. Would this be government subsidized housing? He felt only low income people would live between the tracks. If the number of people in the area quadrupled, there would be police and fire calls. Why couldn't they find another place for multi-family? Did they have to stuff people everywhere? He felt the City Council was just a rubber stamp.
- Tammy Smith – Roy Citizen – stated that she had noticed an increase in crime in her neighborhood since the walking trail opened. Eggs had been thrown at her house. She felt multi-family would decrease the value of her home. She built her home here because of the right-of-way behind her. Traffic on 4000 South was a problem. She had almost been hit when she stopped to turn into her neighborhood. Traffic was also a problem on 4800 South. She would like to see a cemetery or a single-family subdivision rather than multi-family.
- Cindy Whinham – Roy Citizen – stated that the right-of-way next to Kwik City Muffler was only wide enough for one car. She had driven it a night during her Neighborhood Watch patrol.
- Misti Potter – Roy Citizen – stated that she owned property on 4000 South. She didn't feel it was fair that the City only notified property owners within 300 feet. Her property would be affected by the rezone.
- No further public comments were made.

With no further comments the public hearing was closed at 19:13.

After a discussion amongst the Commissioners, the Commission voted 5-0, as follows:

1. To recommend denial of the request to amend the General Plan (Future Land Use Map) from Light Manufacturing to Very High Density, Multi-Family
2. To recommend denial of the request to amend the Zoning Map from RE-20 (Residential Estates) to R-3 (Multi-Family Residential) and RIO (Residential Infill Overlay)

ANALYSIS

Background:

These parcels are in between the D & RG trail on the West and the railroad tracks on the east, it is also in between 4000 South on the north and 4800 South on the south. The entire site is 10 acres (435,600 sq.-ft.) and is currently vacate.

It is however located not too far from the Front runner station, and as everyone knows the Front Runner is a high speed train that goes from Harrisville (future Brigham City) to the north to Provo to the south. North of Salt Lake was the first section to be built and ridership has increased every year. With five stations between downtown Salt Lake and downtown Ogden two of those stations (Layton and Farmington) have become community hubs, with lots High density and commercial development occurring around these them and Clearfield having just approved and large mix use development will soon have a similar synergy.

The other two stations are Woods Cross and Roy, and despite the distance a part from each other they have some similarities. Both are the station just before or just after a large metropolitan city. Both stations are near large areas of single family residential, which the other three station were not. However there is one difference that Roy has over Woods Cross and that is vast areas of undeveloped or under developed land around the station. The prime area is that area surrounding the actual station, but the next prime area is between the D & RG rail trail and the railroad tracks, and south of 4000 South and north of 4800 South. In 2013 the City rezoned about one third of this area to R-3, changing its ideas of the potential for this unique area.

On a side note, and not many people know this or understand. UTA owns the D & RG line, and has retained the ability to convert the entire line back to rail, for a future light rail system if the need arises.

Amend Future Land Use Map:

Current Designation: The subject property currently has a land use designation as Light Manufacturing.

Requested Land Use Designation: The applicant would like to change the Future Land Use Map from the current Light Manufacturing 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 East and to the West, there is single-family residential homes and an orchard, however this is once you are beyond the active and inactive rail lines.
- To the north there are what appears to be warehousing and storage.
- To the immediate south the land is vacate, but a little further there is the West Park subdivision development.

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 –

- With the Front Runner station not too far away, the uses would complement that station.
- The rail lines act as a good buffer between the single-family residential and multi-family, very similar to arterial roads.
- 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 the property is zoned RE-20, which at the moment does not match that of the Master Land Use Map.

Requested Zone Change: The applicant would like to have the properties zoned R-3, and include the RIO (Residential Infill Overlay) to allow for a multi-family residential development.

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 East and to the West, there is single-family residential homes and an orchard, however this is once you are beyond the active and inactive rail lines.
- To the north there are what appears to be warehousing and storage.
- To the immediate south the land is vacate, but a little further there is the West Park subdivision development.

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-3 and the uses allowed are more compatible with the R-1 zones than Light Manufacturing and it allowable uses.

Location – suitable for uses & activities –

- With the Front Runner station not too far away, the uses would complement that station.
- The rail lines act as a good buffer between the single-family residential and multi-family, very similar to arterial roads.
- 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 are 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 Manufacturing?
- What types of development (Zoning) surrounding the Front Runner station should allowed?

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 Front Runner station.

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 Light Manufacturing to Very High Density, Multi-Family
2. Zoning Map from RE-20 (Residential Estates) to R-3 (Multi-Family Residential) and RIO (Residential Infill Overlay)

EXHIBITS

- A. Aerial Map
- B. Future Land Use Map
- C. Zoning Map
- D. Letter from Byron & Beth Burnett

EXHIBIT "A" – AERIAL MAP

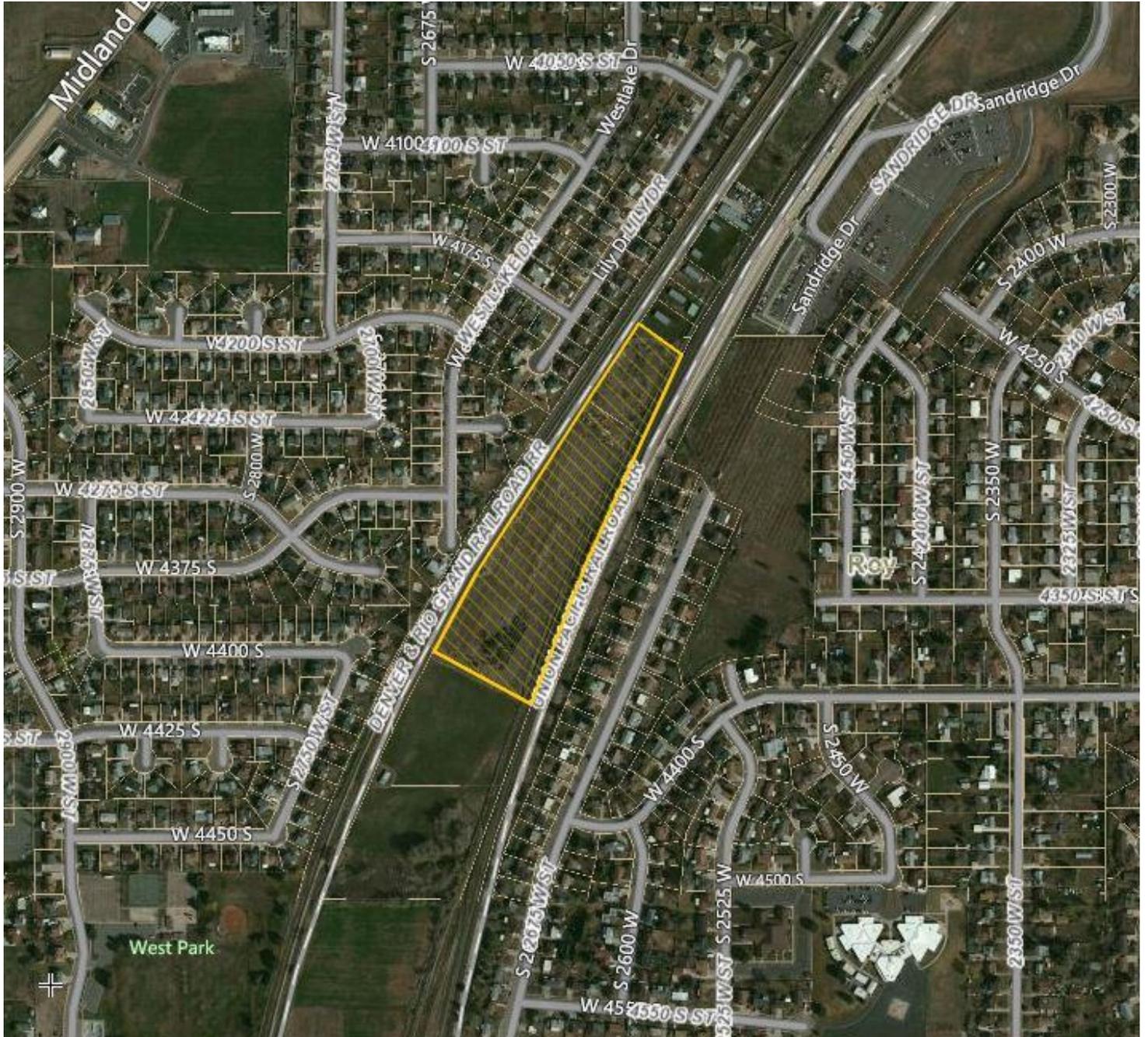
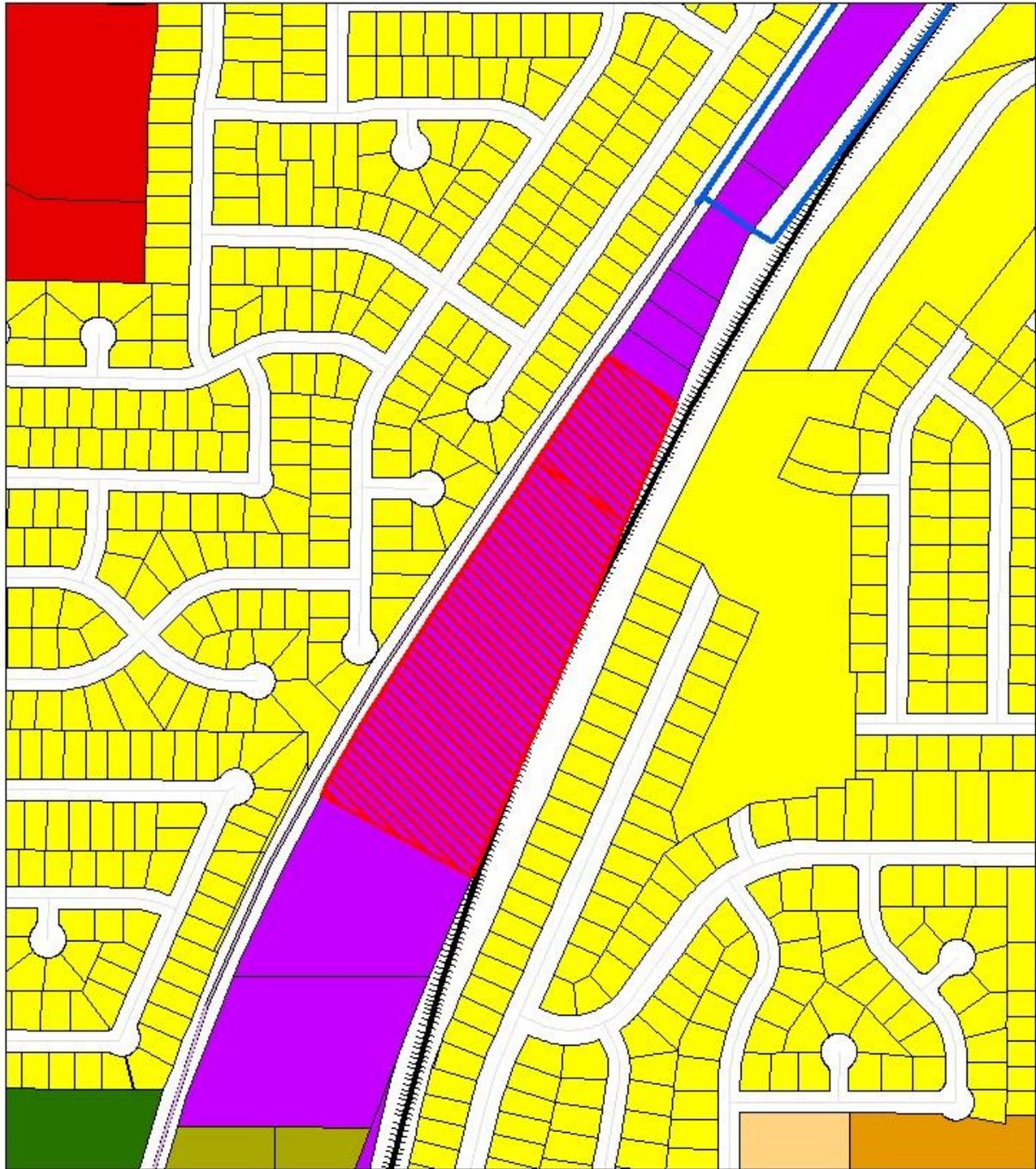


EXHIBIT "B" – FUTURE LAND USE MAP



Legend

- | | |
|---|---|
|  Low Density Residential |  Schools |
|  Medium Density Residential |  Government |
|  High Density Residential |  Industrial |
|  Very High Density Residential |  Business Park |
|  Parks |  Commercial |
|  Churches |  Utility |



Future Land Use

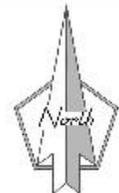
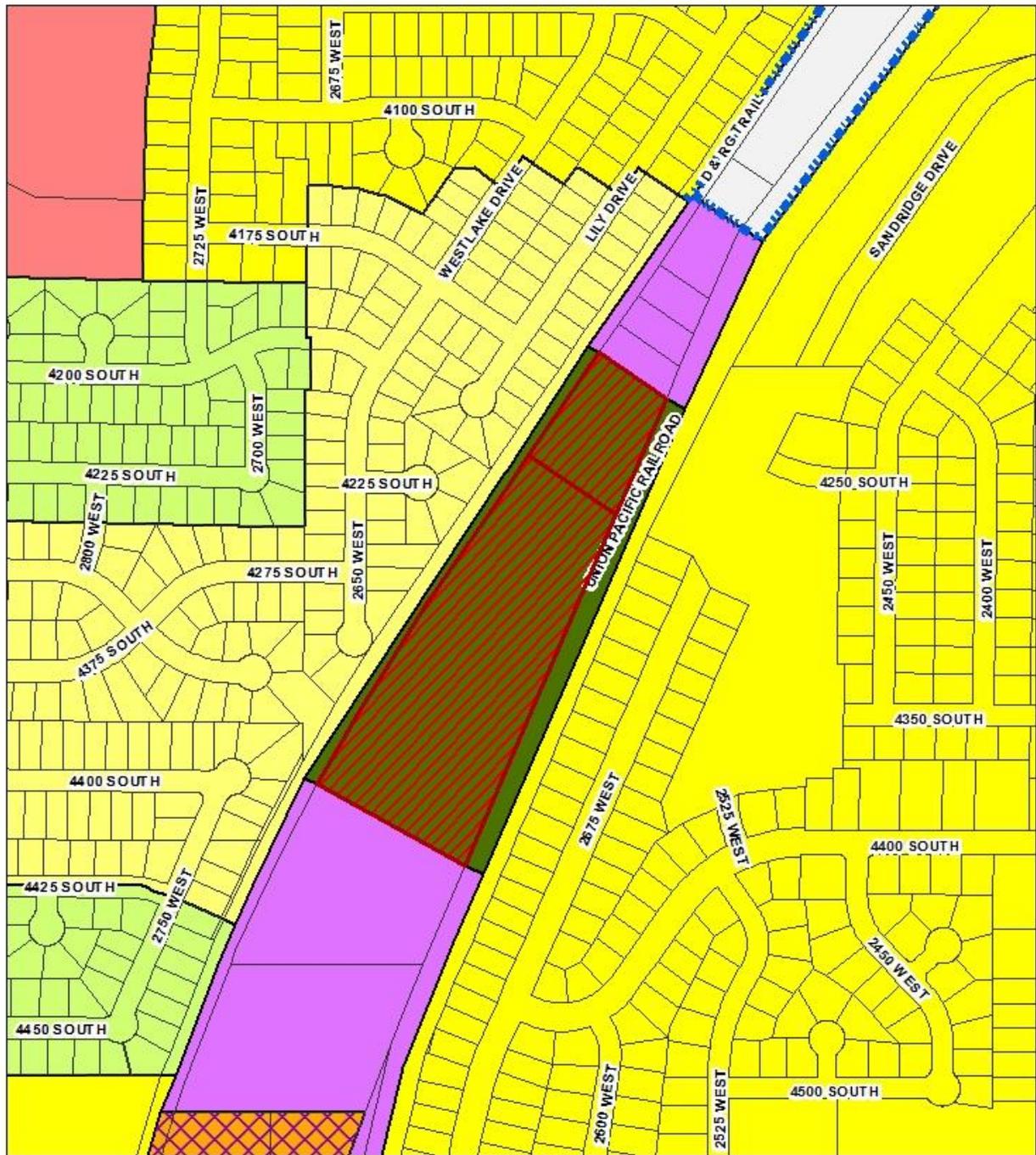


EXHIBIT "C" – ZONING MAP



Legend

	CC		R-1-6		R-2		City Boundary
	RC		R-1-7		R-3		Parcels
	BP		R-1-8		R-4		
	M		R-1-10		RIO		
	LM		R-1-15		RMH-1		
	R		RE-20				


Zoning Map

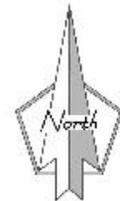


EXHIBIT "D" – LETTER FROM BYRON & BETH BURNETT

Date: August 24, 2015

Subject: Proposed Very High Density, Multi-Family Residential

2449 W 4000 S

To: Roy City Planning Commission

We are writing this letter in opposition of the proposed zone change that would allow **Very High Density, Multi-Family Residential** housing just west of the RR tracks west of my home. Our back yard is against RR land and the tracks. We have marked our home on the attached map sent with your letter. We assume this type of housing **could be several stories tall**, based on the proposal being R-3 rather than R-1 or R-2 zoning? The only current R-3 zoning on the attached Roy City Zoning map has mostly multiple level housing, multiple family housing.

Just a little background information.

I have retired from the USPS where I finished my career as the Postmaster of Ogden, My wife is currently the head secretary of Valley View Elementary.

We have lived in this house since it was built in 1973 and raised our five children. In about 1995 we considered building a new home that was accessible for our son Chad, who has Cerebral Palsy but instead decided to build a 540 square foot (both up and down) addition to our home and to remodel the existing home. By staying in Roy we were also able to add a nice 36X18 in ground pool in our backyard with plenty of privacy. The investment, in terms of money, far out weighed any increase in property value increase. However the investment in time with our family, the acceptance of Chad in the community and church, and in improving the neighborhood has been worth it.

We are in opposition to the changes being proposed because an R-3 zoning is in contradiction to the RIO designation and could allow multi-level buildings behind my home.

- We enjoy our **privacy** in the back **not having back yard neighbors**. My kids and 11 grandchildren swim often in the summer months without being spied upon. I never wanted a back yard neighbor looking over and through our fence and this change **will add many back yard neighbors** looking down from the third story at our pool area.
- We also have a nice deck that has privacy. Several of our neighbors have built beautiful

attached pictures of several sunsets from our deck) These views are very important to both me and my wife as they add greatly to our day. This proposal will block out the views we so much enjoy. (We have attached pictures of similar residential buildings on Midland Drive that show what my view could look like) Even built on the west side of the property, **they will block the view of the sun going down**.

- In consulting *with a reactor*, nice views also adds **marketing value** and curb appeal *when* selling a home. Though a dollar amount can't be placed on a nice view, it does help in selling a home and can impact value.

We propose the change be limited to R-1 single family residential that would protect our privacy and protect our view of the lake, mountains and sunsets. Homes are built next to the tracks through Roy, Sunset and Clinton. Some are new areas such as the homes just off of 4800 S on 2675 W. A nice subdivision of affordable homes near Roy West Park would be a nice addition to the City.

In reviewing Section 8 of the Roy City Planning Guide the following should apply in this situation and should require the change be to R-1 zoning, in the middle of current R-1 zoning.

SPECIAL PURPOSE DISTRICT- RESIDENTIAL INFILL OVERLAY (RIO) DISTRICT Section

The Residential Infill Overlay (RIO) District is provided by the City to allow and encourage appropriate residential infill developments on remaining vacant areas in existing, mostly developed or established neighborhoods. Compliance with all provisions of this Chapter and all other applicable requirements of Roy City Ordinances shall be required.

- 4) Does not create any incompatibilities with existing adjacent uses or creates any negative impacts to the surrounding neighborhood area.
- 5) Not adversely affect any adjacent uses by the establishment of e Residential Infill Overlay (RIO) District. As approved by the Roy City Council 06.07.05 8-1 CHAPTER 8
- 6) The property which is the subject of the Zoning Districts Map Amendment Application is bordered on at least two-thirds (2/3rds) of its boundary by existing development.

Overlay District shall be the same as allowed in the underlying Zoning District, in compliance with ail ordinances, licenses, and permits as may be applicable

- 2) Density. The establishment of a Residential Overlay District (RIO) shall not amend or alter the density allowed by the underlying Residential Zoning District. The number of dwelling units that may be allowed *by a RIO shall be the same as the number permitted by the cot area requirements of the zone in which the proposed RIO subdivision is located.*
- 2) Building Height Regulations. Building height regulations for a residential development located in a RIO District shall be the same as for the underlying Zoning District. As approved by the Roy City Council 06.07.05 8-2

Based on the RESIDENTIAL INFU OVERLAY (RIO) DISTRICT designation in the letter, I assume I don't have anything to worry about, but **want this letter to be on record if any multi-level housing is proposed.**

Thanks for you consideration

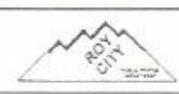
Byron and Beth Burnett

4275 S 2675 W

801-731-2421



Map of
Zoning Districts





Legend

-  City Boundary
-  Parcels
-  Selected Parcels

X My home 4375 S 2675 W

Roy city



Backyard view of my house at 4375 S 2675 W from the RR tracks. Shows the pool and 540 sq/ft (on each level) addition.

View from the apartment's third level will tower over the back of my yard, taking away privacy and the view of the lake, mountains and sunsets.





My pool and the need for privacy, one of my grandkids.





Current views from my deck





**Picture taken from the east side of a RR track near Midland and I 900 S
My future view!! Below shows sunset would be blocked even with buildings far away.**





Picture shows how close these apartments on Midland are built to the property line and to the RR tracks behind the fence. The red building is on the east side of the tracks

Based on this, the new apartments could be much closer to my backyard, taking away any privacy and any view I have now.

EXHIBIT "E" – AUGUST 25, 2015 PLANNING COMMISSION MINUTES

3. PUBLIC HEARING TO CONSIDER A REQUEST TO AMEND THE GENERAL PLAN'S FUTURE LAND USE MAP FROM LIGHT MANUFACTURING TO VERY HIGH DENSITY, MULTI-FAMILY AND THE ZONING MAP FROM RE-20 TO R-3 WITH A RESIDENTIAL INFILL OVERLAY FOR PROPERTY LOCATED AT APPROXIMATELY 2449 WEST 4300 SOUTH

Steve Parkinson stated that the City had received a two-part request regarding property located at approximately 2449 West 4300 South. The address was approximate because there wasn't road access to the property. The first part of the request was an amendment to the General Plan's Future Land Use Map. The applicant was asking that the land use designation be changed from Light Manufacturing to Very High Density, Multi-Family. The second part was a request to change the zoning from RE-20 (Residential Estates) to R-3 (Multi-Family Residential) with a Residential Infill Overlay (RIO). The property in question was located between the D&RG Trail and the Union Pacific right-of-way. It was about ten acres in size, was currently vacant, and the Front Runner station was just on the other side of the Union Pacific right-of-way.

Mr. Parkinson stated that Section 505 of the Zoning Ordinance contained specific criteria the Planning Commission was to use when considering amendments to the General Plan's Future Land Use Map:

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, the Subdivision Ordinance, and any other Ordinances required to implement the amendment.
8. The community benefit of the proposed amendment.

Mr. Parkinson described the character of the surrounding area. Beyond the D&RG Trail and the Union Pacific right-of-way, there were single-family residential homes and an orchard. To the north there was warehousing, storage, and a business on 4000 South. The land immediately to the south was vacant. Further south was the Hooper Water Tank and the West Park Subdivision.

Mr. Parkinson stated that having a variety of housing types helped citizens stay in the community. Not everyone wanted or could have a detached home with a yard to maintain. Some wanted to downsize, not just in home size, but in the number of vehicles. Living close to an alternative transportation option allowed them to fulfill their desires. The requested General Plan amendment conformed to goals in 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.

The requested Very High Density, Multi-Family designation would complement the Front Runner Station that was not very far away. The rail lines would act as a good buffer between the single-family residential and multi-family uses; very similar to the way arterial roads did. The City would be able to provide all of the services required for any type of development.

Mr. Parkinson said that the applicant did not know what type of development would be going in. He was simply requesting that the property be rezoned. The Zoning Ordinance did not require a development plan to accompany a rezone application. The property in question was currently zoned RE-20, which did not match the Future Land Use Map. The rezone would satisfy the previously mentioned goals of the General Plan. There was a variety of zones, lot depths, and densities within 500 feet of the property; R-1-6, R-1-7, R-1-8, and Manufacturing. Rezoning the property to R-3 would be more compatible with the single-family zones than Light Manufacturing.

The Planning Commission and the City Council needed to consider whether changing or not changing the zoning would provide the best options for development of the property and the area. How could the property best be developed: As single-family dwellings; as multi-family residential, or as manufacturing? What type of zoning and development should be allowed around the Front Runner Station? Manufacturing could be noisy. The staff didn't feel RE-20 was the best use either. This area was very isolated. A multi-family use here would be contained. The R-3 Zone allowed for single-family residential lots of 6,000 square feet, which was how the West Park Subdivision was developing.

Mr. Parkinson stated that Section 509 of the Zoning Ordinance contained criteria for the Planning Commission and Council to use when considering an amendment to the Zoning Map:

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.

Mr. Parkinson felt a manufacturing use would have a greater impact on the surrounding areas than multi-family would. The maximum building height would be 35 feet, no matter what the zoning was. When looking at the overall area, what was the best use for the property, and what would provide the best development opportunities? This area had been vacant and used for farm land. When development occurred, it looked for opportunities.

Mr. Parkinson said this area was close to the Front Runner Station. He felt it would be good to look at compatible uses that would help the Front Runner succeed. There were five stations between Salt Lake and Ogden. The stations in Layton and Farmington had become community hubs, with a mix of high density multi-family and commercial around them. Clearfield just approved a similar mixed use development. There wasn't vacant land around the Woods Cross Station, but Roy still had a lot of open land around its station. The stops were developing as the market demanded. He felt the demand would shift to Roy when Clearfield was built out. The applicant wanted to start developing a plan.

Chairman Kirch asked about the occupancy rates of the areas around the other stations. Mr. Parkinson did not know.

Commissioner Nandell asked if West Park was the subdivision being constructed on 4800 South and what it was zoned. Mr. Parkinson said West Park was located on 4800 South and was currently under construction. It was zoned R-3 with a RIO. A RIO did not change the underlying zone. It added some flexibility with lot widths and street lengths.

Commissioner Nandell asked how many properties were located between West Park and the property under consideration. Mr. Parkinson said there were two parcels. One was owned by Hooper Water District. The applicant had been in contact with the other property owner.

Commissioner Dandoy asked about access for the property in question. Mr. Parkinson the property was accessible from 4000 South through a 30-foot private right-of-way. The current property owner had rights to use the private access road. There wasn't right-of-way access through the properties to the south. The developer would be responsible to solve the access issue. Without a development plan, the staff did not know how the access issue would be solved.

Chairman Kirch asked about the distance between the property in question and 4000 South. Mr. Parkinson said the distance was about three city blocks.

Steve Parkinson stated that the staff recommended that the Planning Commission recommend approval of the request to amend the General Plan's Future Land Use Map by changing the land use designation for property located at 2449 West 4300 South from Light Manufacturing to Very High Density, Multi-Family; and to rezone the property from RE-20 to R-3 with a RIO.

Commissioner Dandoy asked if the City would have some responsibility or obligation to help with the access issue if it rezoned the property. Mr. Parkinson said it would not. The developer would be responsible to get access to the property. Commissioner Dandoy felt a lot would have to happen before there could be any roads. Any development would have to have access for emergency services. Mr. Parkinson said the Development Review Committee reviewed each development plan to make sure there was adequate access for utilities, fire, and police and that there weren't building code issues.

Commissioner Dandoy felt the Planning Commission needed to think about what was next. What was next might be more difficult than a change in land use designation.

Commissioner Dandoy moved to open the public hearing at 6:25 p.m. Commissioner Nandell seconded the motion. Commission members Dandoy, Kirch, Nandell, Ohlin, and Payne voted "aye." The motion carried.

Chairman Kirch opened the floor for public comments.

Byron Burnett, 4375 South 2675 West, felt that Mr. Parkinson made it sound like the property in question was boxed in. It was not. He referred to Council minutes from December when the Council approved a RIO for the whole area.

Chairman Kirch explained that a Residential Infill Overlay did not change the regulations of the underlying zone. The only RIO approved in the area was for the West Park Subdivision.

Byron Burnett felt rezoning this property would affect the surrounding neighborhoods. He was concerned a multi-family development would take away his view and his privacy. He didn't want a multi-level multi-family going up behind him to stare down at him. He felt the proposed rezone and RIO disagreed with the City's own code. The criteria for a RIO said that it could not be approved if it created incompatibilities with surrounding neighborhoods or adversely affected adjoining properties. If the City was going to be consistent, the land in question would be single-family because that is what the surrounding area was. Multi-family was not consistent. He had lived in Roy for 42 years. He chose to stay here and over-built for his neighborhood. He had been happy, but he didn't want to lose his privacy or his view. Mr. Parkinson made it sound like the railroad right-of-way created a big gap, but it really didn't. Even though West Park was zoned R-3, it was being developed as a single-family subdivision.

Bert Visser, 4833 South 2500 West, stated that he had been fighting all of the building between the tracks. It had always been commercial because it was between the tracks. UTA still owned the trail. Someday it would become tracks again. He tried to stop the development of West Park. It did not have good access, and someone was going to get killed. He felt the access to West Park had been falsified so the zoning could be approved. Mr. Visser stated that for the property in question to develop it needed a road. The developer had talked to the adjoining property owner and was quickly thrown out. The adjacent property was not for sale. The owners of the private right-of-way weren't selling. He felt the stupidest thing in the world would be to rezone this property. If the property was rezoned, there would be 500 additional people accessing 4000 South. In 10 to 15 years it would be low income housing with more crime. Mr. Visser didn't feel the additional property taxes would cover the cost of additional residents. He felt someone in the City was making money because developers kept pushing this area. The City would be liable if people in West Park could not get out in an emergency. People buying homes there didn't know they could be trapped. He still felt the traffic from West Park was going to cause problems.

Ed Weakland, 2449 West 4000 South, stated that his property was located between 4000 South and the site under consideration. It looked like the developer was setting up a scenario to allow Roy City to exercise eminent domain to get access. If the City approved this rezone, the developer could then come to the City and ask for land to be condemned. He worked for 55 years to be able to purchase his property. He did not want a developer to tell him to get out. He said there were actually two businesses between this site and 4000 South.

Shelly Abbott, 4373 South Westlake Drive, stated that she lived just west of the D&RG Trail. She purchased her home because of the trail and the absence of neighbors behind her. Since the walking trail was put in, she had experienced property damage. A hole had been torn in her fence so people could access the trail. The trail wasn't even level with the ground, but people still cut through her property on bikes to get to and from the trail. Her car had been broken into. No one at the City cared about her property damage. It didn't do any good to call the police because the perpetrators just disappeared down the trail. If this property was zoned for multi-family housing, it would drive her property value down, and crime would go up. If more people came in, the City would not be able to control the crime. Multi-family housing would be detrimental to people in the immediate area.

Todd Potter, 5863 South 2950 West, stated that he owned Kwik City Muffler on 4000 South. There was a 30-foot right-of-way that ran south from 4000 South so property owners could have ingress and egress to their properties. If the zoning changed, the 30-foot right-of-way would not be adequate for multiple cars and emergency equipment. Years ago, the City turned down a business south of him because he needed a 60-foot access with curb and gutter. Now someone wanted to put in multi-family housing without any access. It was not a smart thing. Mr. Potter said he was not going anywhere. He planned to work for a few more years then turn the business over to his sons. Neither he nor his sons planned to sell. He had a 70-year contract. It would take a lot of money to buy him out. He felt the City should build more commercial, not houses. Roy City already had no businesses because it was not business friendly. The City needed to stop getting rid of commercial property and allow commercial to build. There would be more tax money from commercial than residential. Mr. Potter was also concerned about the traffic situation on 4000 South. Five to six of his customers had been rear-ended while they were waiting to turn into his business because drivers could not see until they came over the hill. He asked the City to make the applicant prove they had access before they received any approval. If they couldn't get access, why change the zone?

Chris Weakland stated that he owned property just south of Kwik City Muffler. Even if the applicant was able to get a road to 4000 South, how would the traffic get on and off of 4000 South? He didn't feel it was feasible to put a road that close to the tracks. He felt the City was giving the applicant the cookie before they had earned it. They were putting the cart before the horse. A 60-foot right-of-way would run down the center of his building. At what point would the City become involved in helping the applicant acquire access? If the zone was changed, he and the other property owners would be

forced out. Was there even enough room in the schools for more children? Did the City have plans for new schools?

Greg Sagen, 4027 West 4900 South, stated that the West Park Subdivision had caused 4800 South to be a fiasco. Now someone was talking about adding to it. He didn't feel this was an area that should have a lot of housing. He felt a park or cemetery would be better uses for the area. A park or cemetery would be quiet and not bring in a lot of people. Right now the future land use designation was light manufacturing. Businesses would be good, especially stores and restaurants; but not doctors. He felt the City really needed to think about this area, and the people who lived in the area. He didn't feel high rises were the answer. There was already enough high density housing in the City.

Byron Burnett stated that the RIO regulations in Section 8 in the Zoning Ordinance required the development to be consistent with the surrounding neighborhood. The only use around this property was single-family residential. The children that attended Valley View Elementary School were bused from below the tracks, but they had to walk home. They took the shortest route and cut through his neighborhood and across the tracks. If multi-family developed on this property, there could be a safety concern about children. He felt all of the arguments said multi-family did not fit.

Bret Arave, 4175 Lily Drive, asked many people per acre there would be. Would this be government subsidized housing? He felt only low income people would live between the tracks. If the number of people in the area quadrupled, there would be police and fire calls. Why couldn't they find another place for multi-family? Did they have to stuff people everywhere? He felt the City Council was just a rubber stamp. He felt the City should do a comparable between Ferguson, Missouri and Roy City.

Chairman Kirch stated that the City had not initiated the rezone. It was simply responding to an application which had been filed.

Steve Parkinson stated that the R-3 Zone allowed a density of 12 units per acre.

Tammy Smith, 4280 South Westlake Drive, stated that she had noticed an increase in crime in her neighborhood since the walking trail opened. Eggs had been thrown at her house. Her neighborhood established a Neighborhood Watch. She felt multi-family would decrease the value of her home. She built her home here because of the right-of-way behind her. Traffic on 4000 South was a problem. She had almost been hit when she stopped to turn into her neighborhood. Traffic was also a problem on 4800 South. She felt the City should look at the crime and traffic before considering multi-family. She would like to see a cemetery or a single-family subdivision rather than multi-family. Multi-family would bring noise and people who didn't care for their homes or their yards.

Cindy Whinham, 4152 South Lily Drive, stated that the walking trail was in her backyard. It really did allow vandals to disappear. The right-of-way next to Kwick City Muffler was only wide enough for one car. She had driven it a night during her Neighborhood Watch patrol. There was also a hole in the fence behind the park. If more people were added to this area access would be affected and crime would increase. Her Neighborhood Watch was doing the best it could.

Misti Potter, 4433 South 2900 West, stated that she owned property on 4000 South. She heard about the hearing only one hour earlier. She didn't feel it was fair that the City only notified property owners within 300 feet. Her property would be affected by the rezone.

Chairman Kirch invited the proponent to speak.

Ryan Anderson, Anderson Development, stated that they understood that a rezone did not give them a permit to build, and that they were not anywhere close to development. They wanted to understand the City's goals. When they did understand, they would develop a plan and market it. The Front Runner Station had changed the City's future. They understood that access was a concern. The

City's ordinances made the use of eminent domain unlikely. He hoped the City would be proactive and not reactive. The owner of the property in question had rights. The property would be developed one way or another, and not everyone would be happy about it. Mr. Anderson felt development would help solve the vandalism problems because it would light the area up. They would work with the City's staff to put in design guidelines. He wanted to learn about the City's vision.

Chairman Kirch asked if they would develop the property. Mr. Anderson stated that Anderson Development was a master builder. They would study the City's regulations and policies. Their job was to solve the development problems and market the property.

Chairman Kirch asked if the property could be developed as manufacturing. Mr. Anderson didn't feel manufacturing was a viable use because of the limited access.

Chairman Kirch asked about timing. Ryan Anderson stated that they would have to solve the access first. Their goal was to come from the south.

Commissioner Ohlin moved to close the public hearing at 7:14 p.m. Commissioner Dandoy seconded the motion. Commission members Dandoy, Kirch, Nandell, Ohlin, and Payne voted "aye." The motion carried.

Commissioner Dandoy stated that even though the property was currently zoned RE-20, the City's long range plan for it was manufacturing, which wasn't necessarily compatible with residential or high density residential. He felt there were compelling arguments on both sides. He was looking for a reason for the land use designation to be different. The owner of the property had rights, but there really was a bigger picture. High density residential did create challenges in itself. He did not feel the Future Land Use Map had to be changed to make the property work.

Steve Parkinson pointed out that the current RE-20 zoning did not conform with the Future Land Use Map. Commissioner Dandoy felt the Future Land Use Map was created after the area was zoned.

Chairman Kirch asked how this property was different from the West Park Subdivision on 4800 South. Commissioner Dandoy stated that he supported West Park's current development plan only because it reduced the density from 144 to 72. The City had required a traffic study to point out that there was a problem. The subdivision was approved with traffic restrictions of right in and right out. The developer was required to participate in the construction of a roundabout. He did not feel the left hand turn restriction would hold. He felt people would drive over the median rather than use the roundabout.

Chairman Kirch stated that the property on 4800 South had direct access. The property in question did not. She asked about the private right-of-way. It was currently only 26 feet wide. If the property in question developed, the access would have to be widened to 60 feet. Was there room for a 60-foot right-of-way? Mr. Parkinson did not know.

Chairman Kirch felt there were many negatives that precluded this site from being R-3.

Steve Parkinson stated that any use proposed on this property would have the same problem. There would be access issues regardless of the use. Someone would have to deal with it. A developer would have to purchase access, or the proposal would die. The access issue would not change if the zone changed. The applicant understood the access issue.

Commissioner Dandoy stated that the Planning Commission had to look at a piece of property and consider the 'what ifs.' If there were 12 units per acre and four people in each unit, the applicant was talking about a significant number of people on ten acres. The RE-20 would allow 20 homes on 10 acres. The property owner had the right to do that if he could get access. He felt the Planning Commission needed to think this through before making a recommendation. Without a plan, the

Planning Commission had to consider the worst case scenario. He was reluctant to change the land use without seeing the end goal. He did not feel that multi-family fit. A three-story building did not fit with him.

Commissioner Nandell did not feel multi-family fit with the neighborhood.

Steve Parkinson stated that the maximum building height was 35 feet. It didn't matter if the structure was commercial, single-family, or multi-family. He didn't feel height was an issue.

Commissioner Dandoy was concerned about the number of people that could be making left hand turns and impacting the traffic. Steve Parkinson stated that until there was a plan and a traffic study, the City did not know what traffic restrictions there might be. Commissioner Dandoy felt traffic would be restricted to right in and right out. He felt it would be appropriate to ask for a traffic study. An R-3 Zone would give the developer a lot of latitude. A traffic study could point out unique circumstances regarding this property.

Chairman Kirch felt a traffic study at this point would be inconclusive because the City did not know what the proposed use would be.

Commissioner Nandell stated that a new roundabout had been constructed on 4000 South to the east of this area. If there was a right in and right out restriction, there was already a roundabout in place.

Commissioner Dandoy felt the proximity of an intersection on 4000 South with the railroad right-of-way would create a problem. If this property accessed 4800 South, it would change the dynamics there.

Chairman Kirch asked if the applicant could bring this property back. Mr. Parkinson said he could. He just could not advertise that the property was zoned R-3.

Chairman Kirch understood that people cut across the tracks and through the neighborhoods adjacent to the trail. People cut through her yard to access 1900 West. She felt this was a difficult matter, and that the Planning Commission was weighing it out. There wasn't a clear cut path. The property was owned by people who wanted to sell it, and they wanted the best value. She asked the Planning Commission to rely on the criteria in the Zoning Ordinance. This property was located between the railroad right-of-way and the D&RG Trail. She didn't feel commercial was a viable use because it was not readily accessible. It was close to the Front Runner Station, and there were people who wanted to live near mass transit.

Commissioner Nandell felt safety and access were the biggest issues. He felt the RE-20 Zone was the best use.

Commissioner Dandoy moved to recommend that the City Council deny the request to amend the land use designation of property located at approximately 2449 West 4300 South from Light Manufacturing to Very High Density. Commissioner Ohlin seconded the motion. A roll call vote was taken: Commission members Nandell, Payne, Ohlin, Kirch, and Dandoy voted "aye." The motion carried.

Commissioner Ohlin moved to recommend that the City Council deny the request to amend the zone of property located at approximately 2449 West 4300 South from RE-20 to R-3. Commissioner Nandell seconded the motion. A roll call vote was taken: Commission members Payne, Kirch, Ohlin, Dandoy, and Nandell voted "aye." The motion carried.