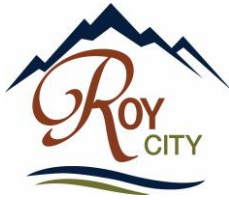


Mayor
• Robert Dandoy

City Manager
• Jason Poulsen



Council Members
• Jan Burrell
• Joe Paul
• Bryon Saxton
• David E. Tafoya
• Karlene Yeoman

ROY CITY COUNCIL MEETING AGENDA

MARCH 20, 2018 - 6:00 P.M.

ROY CITY COUNCIL CHAMBERS – 5051 SOUTH 1900 WEST

A. Welcome & Roll Call

B. Moment of Silence - Councilmember Paul

C. Pledge of Allegiance - Councilmember Paul

D. Consent Items

(These items are considered by the City Council to be routine and will be enacted by a single motion. If discussion is desired on any particular consent item, that item may be removed from the consent agenda and considered separately)

1. Approval of the March 6, 2018 City Council Minutes

E. Action Items

1. **6:00 P.M. PUBLIC HEARING** to Consider Adjustment the Respective Common Boundary between Roy City and Hooper City
 - a. Consideration of Ordinance No. 18-7 – Adjustment the Respective Common Boundary between Roy City and Hooper City

F. Public Comments

G. Presentation

1. Beth Holbrook; Waste Management

H. Reports and Discussion

1. City Managers Report
2. Mayor & Council Reports

I. Adjournment

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 16th day of March, 2018. A copy was also provided to the Standard Examiner and posted on the Roy City Website and Utah Public Notice Website on the 16th day of March, 2018.

Morgan Landholf
City Recorder

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



ORDINANCE NO. 18-7

AN ORDINANCE ROY CITY, UTAH ADJUSTING THE RESPECTIVE COMMON BOUNDARY BETWEEN ROY CITY AND HOOPER CITY, UTAH

WHEREAS, the City of Roy and the City of Hooper share a common boundary; and

WHEREAS, the City of Roy and the City of Hooper desire to adjust their common boundary;
and

WHEREAS, Utah Code Section 10-2-419 provides for the adjustment of common boundaries
between municipalities; and

WHEREAS, on the 19th day of December 2017, the City of Roy, pursuant to Utah Code Section
10-2-419, adopted Resolution No. 17-50, to formally indicate its intent to adjust the common
boundary line between the City of Roy and the City of Hooper; and

WHEREAS, the real property affected by the boundary adjustment is consistent with Roy City's
Annexation Policy Plan and lies contiguous to Roy City; and

WHEREAS, the area within proposed adjustment consists of residential development which
requires the delivery of municipal services that Hooper City is unable to provide and that Roy City
has been providing; and

WHEREAS, where the adjustment of the boundary will also help clarify and reduce confusion
as to municipal boundaries; and

WHEREAS, Roy City held a public hearing on the 20th day of March 2018 with respect to the
proposed adjustment and published notice of the hearing in accordance with the law of the State
of Utah; and

WHEREAS, at or before the conclusion of the public hearing, written protests were filed by
owners of private real property located within the area included in this ordinance proposed for
boundary line adjustment, which were insufficient to prohibit this boundary adjustment from
proceeding; and

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of ROY as
follows:

Section 1 - Boundary Adjustment Enacted

The Roy City Council, in accordance with Utah Code Section 10-2-419 finds that a
boundary adjustment to its common boundary with the City of Hooper is in the best interest of
the residents of Roy City.

Section 2 - New Corporate Limits.

The common boundary between the City of Roy and the City of Hooper is hereby adjusted and the corporate limits of the City of Roy are hereby extended and increased so as to include and embrace within the corporate limits of the City, the territory described in Exhibit A and such territory is hereby declared to be a part of the City of Roy.

Section 3 - Classification for Zoning Purposes.

The map or plat attached to this Ordinance as Exhibit B, designates the zoning classifications as follows:

Area 1: RE-20

Area 2: R-1- 8

Section 4 - Prior Ordinances and Resolutions

The body and substance of any and all prior Ordinances and Resolutions, together with their specific provisions, where not otherwise in conflict with this Ordinance, are hereby reaffirmed and readopted and enforceable within the new city boundaries of Roy City.

Section 5 - Repealer of Conflicting Enactments

All orders, ordinances and resolutions with respect to the changes herein enacted and adopted which have heretofore been adopted by the City, or parts thereof, which are in conflict with any of the provisions of this Ordinance Amendment, are, to the extent of such conflict, hereby repealed, except that this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 6 - Savings Clause

If any provision of this Ordinance shall be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions hereof invalid, inoperative or unenforceable to any extent whatever, this Ordinance and the provisions of this Ordinance being deemed to be the separate independent and severable act of the City Council of Roy City.

Section 7 - Date of Effect

This Ordinance shall take effect immediately upon adoption of this ordinance by Roy City and the adoption of a similar ordinance by Hooper City.

Section 8 – Filing with Weber County and the Lieutenant Governor

Copies and verification of the action shall be filed and recorded with Weber County

and the office of the Lieutenant Governor as required by state law.

DATED this 20 day of March, 2018

ROY CITY, a municipal corporation

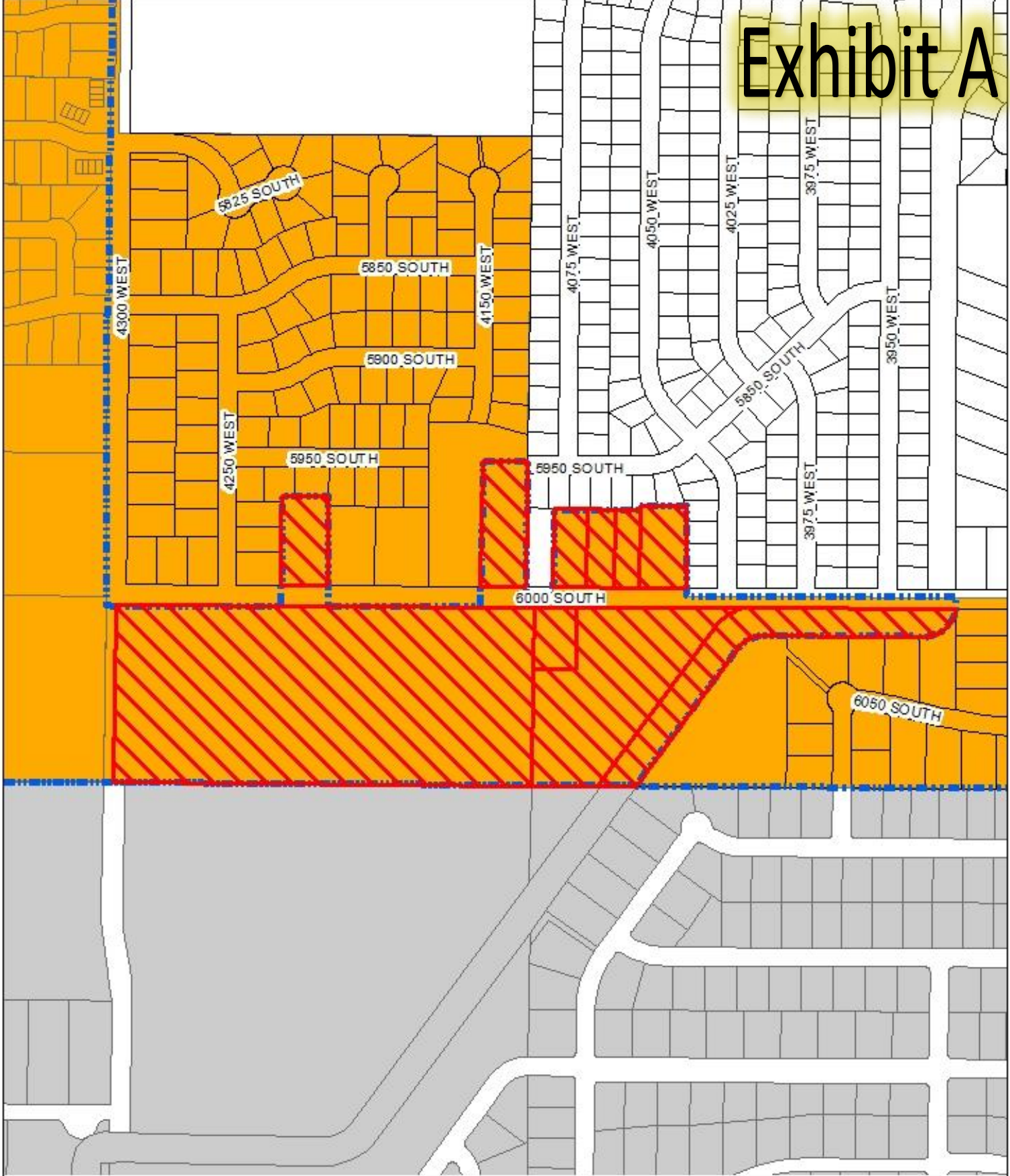
MAYOR

ATTEST:

CITY RECORDER

Councilmember Burrell	_____
Councilmember Paul	_____
Councilmember Saxton	_____
Councilmember Tafoya	_____
Councilmember Yeoman	_____

Exhibit A



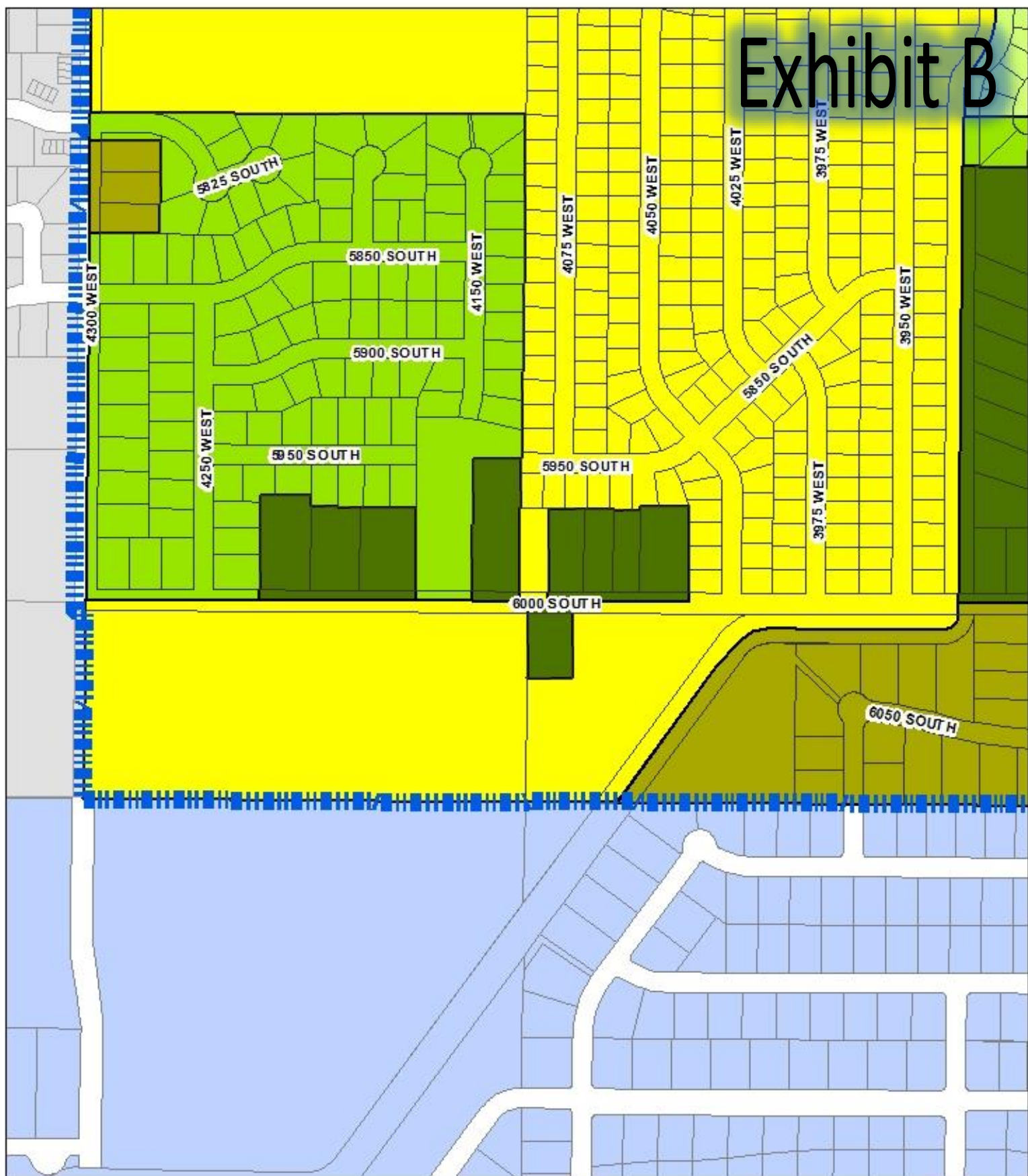
Legend

- 1984 Declaration
- 1990 Amended
- Davis County
- City Boundary
- Selected Parcel
- Parcels

MASTER ANNEXATION POLICY DECLARATION



Exhibit B



Legend

- City Boundary
- R-1-8
- R-1-10
- R-1-15
- RE-20
- Hooper
- Clinton

Zoning Map



ROY CITY PLANNING COMMISSION

November 14, 2017

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on November 14, 2017, at 6:00 p.m.

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

The following members were in attendance:

Lindsey Ohlin, Chair
Torris Brand
Leland Karras
Doug Nandell
Claude Payne
Jason Sphar

Steve Parkinson, City Planner

Excused: Commissioner Joe Paul, Brody Flint; Assistant City Attorney

Others in attendance: Tami Yeoman, Korry Green, Bruce Illum, Judy Illum, Natalie Benton

Pledge of Allegiance: Commissioner Payne

1. DECLARATIONS OF CONFLICT

There were none.

2. APPROVAL OF OCTOBER 10, 2017, MINUTES

Commissioner Karras moved to approve the October 10, 2017, minutes as written. Commissioner Nandell seconded the motion. Commissioners Brand, Karras, Nandell, Ohlin, Payne, and Sphar voted “aye.” The motion carried.

3. PUBLIC HEARING: REQUEST TO ANNEX INTO ROY CITY A 5.56 ACRE PARCEL LOCATED AT APPROXIMATELY 4047 WEST 6000 SOUTH

A Representative from KW Advisory Group, South Ogden, came forward and explained that they requested to annex the aforementioned property into Roy because they were unable to obtain utilities through Hooper City. The Representative stated Hooper City officials had held several meetings to discuss the matter, and an informal vote indicated they supported the request.

City Planner, Steve Parkinson, presented the staff report as well as an aerial map of the subject property. He said the parcel in question was not included in the future land use and zoning map, most likely because it was part of Hooper City. However, the parcel was included in the City's Annexation Policy in 1984. He explained that it was the Planning Commission's job to make a recommendation on what the zoning should be, and the City Council would then ratify their recommendation.

Mr. Parkinson said the property to the east was zoned R-1-15, and the property to the north was zoned R-1-8. There were also adjacent properties zoned R-1-10 and RA-20. The property was currently zoned R2 according to Hooper's zoning ordinance, which was medium density residential. In Roy, the applicant was requesting the property to be zoned R-1-8. Staff recommended approval of the annexation as well as the proposed R-1-8 zoning request, based on the findings included in the staff report.

Commissioner Karras moved to open the public hearing at 6:08 p.m. Commissioner Brand seconded the motion. Commissioners Brand, Karras, Nandell, Ohlin, Payne, and Sphar voted "aye." The motion carried.

Chair Ohlin opened the floor for public comments.

Natalie Benton, 3903 West 6000 South, Hooper, explained that her property had gone back and forth between Roy and Hooper for several decades. She said she did not want to be annexed into Roy. She provided a brief historical overview of the area. She asked for further clarification on the density of the R-1-8 zone, and wanted to know what differences there were in living in Roy City limits versus Hooper City limits.

Bruce Illum, 3904 West 6000 South, Hooper, expressed concerns with the development of the subject property, and how his property would be affected. He was primarily concerned with the proposed lot sizes and the transient nature of high density housing.

Tami Yeoman, 4047 West 6000 South, Hooper, stated that her parents purchased the subject property in the mid-1960s. She said the property was still located in green belt and that it never had any wetlands. She said three quarters of an acre of their property was located in Davis County; however, this was not the portion they were requesting to annex into Roy. They currently were serviced by North Davis Sewer and received culinary from Roy City. Two of the acres also received secondary water. The garbage service was previously serviced privately; however, Hooper City presently provided that service. They received mail from the post office in Roy. On the general use land map for Hooper, the Yeoman property, as well as the adjacent property to the west, was marked for high density housing. Unfortunately, Hooper did not have the infrastructure in place to service the property. Ms. Yeoman said based on the nature of the property, they will never be able to sell it as farmland. She believed their proposal would fit with other development taking place in the area.

Commissioner Nandell moved to close the public hearing at 6:25 p.m. Commissioner Sphar seconded the motion. Commissioners Brand, Karras, Nandell, Ohlin, Payne, and Sphar voted "aye." The motion carried.

Mr. Parkinson presented the land use map and described the nature of the zones depicted therein. He addressed the following issues:

- Any potential devaluation of other properties in the area would be miniscule.
- The property was part of the green belt; however, the owner could remove it from the green belt simply by sending a letter to the State. If the owner were to do this, they would be required to pay back taxes. In short, farmland could be removed at any time by the property owner.
- Wetlands would be surveyed during the subdivision process.

- The canal was not located in unincorporated Weber County. While he could not recall the exact owner, Mr. Parkinson stated that the canal was either owned by Weber County or Roy City. If it was owned by Weber County, Roy City would have had sent a notification regarding the annexation. He said it was not unheard of for cities to own land outside of its own boundaries; the Ogden Hinckley Airport was one such example.
- Mr. Parkinson could not provide a definitive answer regarding the transiency, or stability of R-1-8 zoning versus R-1-15 zoning. He said this varied based on the preferences and changing needs of homeowners.
- In regards to utilities, Hooper City could not provide sewer or water services.

Commissioner Brand stated that he had previously conducted business with the Yeomans; however, he wanted to state for the record that he did not previously discuss this particular matter with Mr. Yeoman. In addition, Commissioner Brand asked if the northwest corner of the subject parcel was still part of Hooper. He was informed of the affirmative.

Mr. Parkinson recommended a condition of approval be included that the applicant must obtain a letter from Hooper City stating approval of de-annexation from their jurisdiction.

Commissioner Nandell moved to recommend to the City Council that they approval the request to annex into Roy City a 5.56 acre parcel located at approximately 4047 West 6000 South with a zoning recommendation of R-1-8, based on the staff's findings and subject to the conditions recommended by the staff. Commissioner Karras seconded the motion. Commissioners Brand, Karras, Nandell, Ohlin, and Payne voted "aye." Commissioner Sphar voted "nay". The motion carried 5-to-1.

4. REQUEST FOR SITE PLAN APPROVAL FOR AN OUTDOOR DISPLAY FOR ANOTHER PERSON'S TREASURES LOCATED AT APPROXIMATELY 5508 SOUTH 1900 WEST

Mr. Parkinson presented the staff report and described the location of the above stated business. He explained that over the summer, the applicant displayed an outdoor sign without obtaining approval. The business owner was responding to a letter sent by Mr. Parkinson by way of this application. The business owner indicated that they had noticed a difference in sales from the time the display was up versus after it was taken down. As per the ordinance, only 25% of the store front may be taken up by a display, and the applicant's proposal met this criteria. Staff recommended approval of the request as outlined.

Commissioner Karras moved to approve the request for site plan approval for "Outdoor Display" for Another Person's Treasures located at approximately 5508 South 1900 West based on the staff's findings and subject to the conditions recommended by the staff. Commissioner Payne seconded the motion. Commissioners Brand, Karras, Ohlin, Payne, and Sphar voted "aye." Commissioner Nandell voted "nay". The motion carried.

5. REQUEST FOR SITE PLAN APPROVAL FOR A PARKING LOT FOR PREMIER FUNERAL SERVICES LOCATED AT APPROXIMATELY 5335 SOUTH 1950 WEST

Mr. Parkinson presented the staff report and explained that the above stated business was in an area zoned Regional Commercial. He explained that the owners of both the subject property as well as the property to the south were in a legal battle over land. The owner of the funeral home had purchased additional property to accommodate parking, and in so doing an existing home

ROY CITY PLANNING COMMISSION

February 13, 2018

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on February 13, 2018, at 6:00 p.m.

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

The following members were in attendance:

Torris Brand, Chair
Don Ashby
Samantha Bills
Christopher Collins
Ryan Cowley
Leland Karras
Doug Nandell
Claude Payne
Jason Sphar

Steve Parkinson, City Planner

Excused: Brody Flint; Assistant City Attorney

Others in attendance: Chelsey King, Scott King, Natalie Betten, Travis Parsons, Steven Borger, Sharon Borger, Bruce Illum, Judy Illum, Derek Terry, John Heiner, Jeff Yeoman, Tami Yeoman, Danny Penrod, Matt Zaversnik, Trish Hegland, Julie Little, Kaitlin Hunt, Glenda Moore, Aaron Atwood, Kirk Smith, Jed Noorda, Walter Noorda, Justin Shinsel and Kuo-Ching Kiao.

The Pledge of Allegiance was given by members of a local Boy Scout Troop (number not stated for the record).

1. DECLARATIONS OF CONFLICT

There were none.

2. APPROVAL OF JANUARY 9, 2018, MINUTES

Commissioner Karras moved to approve the January 9, 2018, minutes as written. Commissioner Nandell seconded the motion. Commissioners Bills, Brand, Collins, Karras, Nandell, Payne, and Sphar voted "aye." The motion carried.

3. PUBLIC HEARING: REQUEST TO ANNEX INTO ROY CITY A 17.19 ACRE PARCEL LOCATED AT APPROXIMATELY 4200 WEST 6000 SOUTH

Derek Terry, the proponent, stated his address as 1263 Sir Martin Drive, Kaysville, Utah, representing Woodside Homes. He briefly described the annexation request and explained that they needed to obtain services from Roy; in order to do so, an annexation was required.

City Planner, Steve Parkinson, presented the staff report and explained that the applicant was trying to develop through Hooper; however, Hooper was unable to provide utility services. Therefore, the developer was applying to annex into Roy and the Council indicated that they needed to annex into the City in order to obtain access to services. He said the subject property was in the City's annexation declaration plan from 1984. He said the future land use map did not specify zoning for the subject property. Staff concluded that this area would be ideal as a medium density, single-family residential zoning designation. Surrounding areas were zoned R-1-10, R-E-20, R-1-8 and R-1-15. Mr. Parkinson identified those zones on an aerial map. Staff recommended a future land use designation of medium density residential and R-1-8 zoning, similar to the neighboring Yeoman parcel.

Chair Brand asked if notice of this item was given to neighboring Hooper residents as well as Roy residents. Mr. Parkinson stated that anyone living within 300 feet of the subject property was notified. However, he did not notify Clinton residents because they lived in Davis County and he did not have access to those records.

4. PUBLIC HEARING: REQUEST FOR PRELIMINARY SUBDIVISION APPROVAL OF JAMES PLACE SUBDIVISION, LOCATED AT APPROXIMATELY 3925 WEST 5425 SOUTH

Mr. Terry, the proponent, said the staff report provided a detailed overview of their proposal.

Mr. Parkinson stated that the staff report included a memorandum from the Development Review Committee which consisted of staff representation from the Fire, Planning, Engineering, Public Works and Police Departments. The Fire and Engineering Departments submitted comments on this project. The City's Engineer would meet with the developer's engineer to conduct further review of the project. Staff did not believe the developer would be unable to meet all of the ordinance requirements; therefore, they recommended approval based on the conditions listed in the staff report. Mr. Parkinson reiterated that in order for the project to move forward the subject property needed to de-annex out of Hooper and annex into Roy.

Commissioner Nandell moved to open the public hearing for Items 3 and 4. Commissioner Sphar seconded the motion. Commissioners Bills, Brand, Collins, Karras, Nandell, Payne, and Sphar voted "aye." The motion carried.

Chair Brand opened the floor for public comments.

Travis Price stated his address as 4071 West 6000 South.

Chair Brand stated for the record that he and Mr. Price had a business relationship; Mr. Price provided landscape and snow removal services for the HOA to which Chair Brand belonged. In addition, Mr. Price contracted with Mrs. Brand for landscape services at their private residence.

Mr. Price said he would like the subject property to be zoned for larger lots. Larger lots kept traffic down and helped maintain higher property values for the area as a whole. He said if the proposal moved forward, before any land was developed and a road was put in adjacent to his property, he wanted to make sure that either his existing fence stayed or was immediately replaced.

Natalie Betten stated her address as 3903 West 6000 South. She questioned the statement that was made about Hooper not being able to provide services to the subject property. She explained that the North Davis Sewer Line ran down the middle of 6000 South past 4300 West. Hooper water already serviced three homes on the north side of the Yeoman property. She said Mr. Price's property already had City water with a line beginning at 4300 West and had to come up 6000 South. She posed the question that since both lines were going past this property why couldn't the developer build in Hooper.

Mr. Parkinson said according to Hooper Water they did not have any lines in this area; however, Roy City did have lines in this road. He said North Davis Sewer was able to provide services to the developer's project, which is why they initially tried developing in Hooper. However, Hooper Water had informed the developer that they could not provide culinary water to Mr. Price's project.

Ms. Betten continued by reading a statement from Utah State Law Title 10, Municipal Code Chapter 2, Section 4.1.9 and reiterated her previous question. She said at the Hooper City Council Meeting on December 7, 2017, the Halls Crossing Subdivision at 6000 South and 4300 West for 52 lots was on the agenda for approval of a preliminary subdivision. She noted that the Halls Crossing proposal was approved and they were able to obtain services from Hooper Water. She asked if the proposal had more to do with an annexation into Roy City because the City's R-1-8 zoning was a higher density than what would be allowed in Hooper. She opined that it was time for all parties to begin attending meetings and agreeing to speak under oath when discussing projects. She inquired as to which zone the developer requested when they proposed to annex into Roy City came forward.

Ms. Betten stated the map on the public notice letter for this meeting (February 13, 2018) showed six properties across 6000 South to the north from 4250 and 4047 West. She said the map was incorrect because there was a road on 6000 South between the front of all six of the properties listed in the notice, as well as the two properties that would be annexed into Roy. She stated that since these properties were bisected by a road, they were considered separate neighborhoods and therefore did not adjoin with one another.

Ms. Betten noted that she had lived on her property since 1962, at which time it was a dirt trail from 3500 West to the three houses to the west, one of which was her house. She stated that the road in question did not connect to 4300 West because the area was a swamp. When the subject road was paved, the work was completed by UDOT; the paving started at the bottom of 6000 South where it adjoined with 4300 West, and moved east on 6000 South to the irrigation canal. Ms. Betten stated that she went to the Weber County Assessor's Office on February 5, 2018, to obtain documentation of the road. She said she was informed by Recorder Jeremy Matthews that the road in question was neither a Weber County road nor a Roy City road; rather, it was owned by UDOT. She stated that when Mayor Dandoy sought to confirm with UDOT that they owned this road, they also could not confirm ownership. Ms. Betten said her neighbor, Mr. Illum, who had lived in his home since 1992, indicated to her at one point that he had a relative who worked for UDOT. Mr. Illum's relative had informed him that the section of the road from 4300 West to the Canal was owned by UDOT. Ms. Betten said at this point UDOT still was the owner; however, Roy City claimed they have been maintaining it for the last few years.

Ms. Betten said based on State Law, if an annexation created an island then the property owners within that island would also be pulled into the same City as part of the annexation. She said that with the road between the two sets of properties, the six properties on the north side of 6000 South did not create an island; rather, they were considered a peninsula. She said there were also three more properties on the north side of 6000 South which adjoined her neighborhood's six properties. She explained that these three properties were already in Roy City because they did not annex into Hooper several years ago when the six properties in her neighborhood annexed into Hooper.

Ms. Betten was concerned that if her property, along with her five neighbors' properties, were pulled into Roy City then they would lose the grandfather rule to keep equestrian rights when their properties were sold or passed onto family after death. She said this would drop their property values because they would no longer be able to keep large animals. Ms. Betten also had concerns regarding the financial ramifications of annexing into Roy City, including increased utility rates and higher property taxes. She said these higher financial costs were difficult for her and other citizens who lived on fixed incomes. She stated that she did not want to go back to work just so she could continue to live in her own home. Ms. Betten explained that the government had been taking land away from property owners since the 1800s and were continuing to do so; she stated that to date, there still were not any laws protecting individual landowners. She discussed other experiences she has had over the years in dealing with government politics.

Ms. Betten stated that she filed a petition with (former) City Recorder, Amy Mortenson, on January 18, 2018, stating that as a property owner she was unequivocally opposed to being annexed into Roy City for any reason, at any time. She questioned if elected/appointed officials looked at properties on agendas to see how they would be impacted by certain proposals. She stated that it was important to make sure existing infrastructure and schools could handle the growth.

Chair Brand stated that the Planning Commission noted Ms. Betten's objections to all aspects of the applicant's proposal. Ms. Betten closed her remarks by reiterating that she did not want to annex into Roy City.

Bruce Illum stated his address as 3904 West 6000 South. He explained that when he purchased his home 25 years ago, at the time his brother worked for UDOT as a snowplow driver and mechanic. He recalled that his brother would plow the road in front of his home while on duty with UDOT. Using the aid of an aerial map, Mr. Illum pointed out what sections of the road had been maintained by UDOT versus Roy City based on various annexations that had taken place. He continued that with regards to water, one of the six property owners in his and Ms. Betten's neighborhood was serviced by Hooper City. Mr. Illum said when his family moved to their property, they had a connection for Hooper City Water on the corner of their lot. He stated that a trunk line was built within last 10 to 15 years, and the line ran immediately to the east of his property.

Mr. Illum said his biggest concern was the lot sizes; smaller lots often resulted in transiency which made it difficult to create a stable community. Mr. Illum stated that he never received written notice that his property was designated to be included with an annexation. He said the agenda for tonight's meeting stated that a copy was posted within Roy City limits; however, this

was untrue. He said the notice was posted on the south side of the road which was within Hooper City boundaries. Mr. Illum discussed animal rights and said his neighborhood had animal rights based on A-1 zoning. The residents had been told that if they came into Roy they would be able to maintain those property rights; however, there were some differences in what Hooper, Roy and Weber County allowed in terms of animal rights. He then further described the nature of surrounding areas.

Justin Shinsel stated his address as 3901 West 6000 South. He said as a Public Works Inspector for North Ogden he understood municipal code. He said he didn't understand how the proposed subdivision could occur based on the current code because there were not two points of ingress and egress off of different roads; they both went on to 6000 south. There needed to be a point of ingress and egress on 4300 West as well. He pointed out that if this were happen, ingress and egress would go into another county, in which case he sought clarification on which jurisdiction would respond to emergency calls into the development.

Mr. Shinsel also expressed concerns with the area being swampland and questioned the viability of development on the property. He stated that they were "putting the cart before horse" given that everything hindered on de-annexation out of Hooper. He recalled that in previous Hooper City Council meetings there had been discussion about changing the boundary lines on 4300 West, but he had not heard similar conversations happening on Roy's side. He said it seemed like there was a conflict of interest between the two cities that needed to be resolved.

Tami Yeoman stated her address as 4047 West 6000 South. She explained that they built the home in which the Prices reside, which was located on the south side of 6000 South. When the home was built in 2005, Hooper City communicated that they would not provide culinary water; therefore, they came to Roy City because they were willing to provide water. She said the end of the trunk line of the Hooper Water District was located at 4071 West. In the meetings she attended regarding the property that would be annexed, it was her understanding that even though the trunk line ran all the way up, Hooper City Water was still unable to provide water before 4300 West. It was also her understanding that North Davis Sewer would not enter into an agreement with Hooper to provide sewer services, and Hooper was not willing to run their sewer trunk line beyond 4300 West. Based on this information, she understood why the applicant was requesting a rezone. Ms. Yeoman said she believed Woodside Homes was within their rights to request the annexation and rezone.

Commissioner Karras moved to close the public hearing. Commissioner Payne seconded the motion. Commissioners Bills, Brand, Collins, Karras, Nandell, Payne, and Sphar voted "aye." The motion carried.

Mr. Terry said Woodside Homes originally planned to stay in Hooper; however, when they approached Roy about gaining access to services, the stipulation was that they had to annex into the City first. Chair Brand asked Mr. Terry if it was his understanding that Hooper could provide water because there was a trunk line located fairly nearby, but they chose not to do so. Mr. Terry answered affirmatively.

Commissioner Karras asked if this property annexation would take in other homes as well. Mr. Parkinson explained that it came down to the state statute; annexations could not create islands.

Mr. Parkinson said he was still in the process of reviewing Hooper's ordinance with regards to large animal rights and comparing it to Roy City's ordinance; staff would report to the Council on the matter at a later date. There was subsequent discussion regarding grandfathering rights and Mr. Parkinson explained that the only time rights could be removed was if they were voluntarily removed for longer than a period of one year.

Mr. Parkinson said he was not sure how road ownership pertained to annexation into the City. He said 1900 West, 3500 West, 5600 South were all owned by UDOT and were located within Roy City. He said he received a letter from Brent D. Young who was a UDOT District Engineer, and according to Mr. Young 6000 South was not a UDOT road. Mr. Parkinson said when he spoke to Weber County the Recorder was unsure regarding road ownership. However, in looking at subdivisions it appeared that roads had all been dedicated to Roy City. When the Price's home was subdivided, half of the road was dedicated to Hooper City. The County may have owned slivers of roads but they did not want to do any of the maintenance or plowing; therefore, it came down to the two cities, and Roy was the primary caretaker of the roads.

Mr. Parkinson said he could not comment on the potential financial implications between jurisdictions and zones. He said most homes were still built within a few hundred square feet between R-1-10 and R-1-8. He also did not have any research which spoke to the stability of neighborhoods based on zoning density.

Mr. Parkinson explained that there were two points of egress on 6000 South. He said that heading south into Clinton City there may have been other points of egress; however, he did not know for sure because he didn't have access to that information. Roy City's fire department would be the first to respond, but Clinton and Roy had interlocal agreements and both departments would respond to large incidents. The Fire Department did not make comments stating that they were concerned with the two access points; Mr. Parkinson said he did not question their expertise on the matter.

Mr. Parkinson stated that staff was aware of the swamplands. When the geotechnical report was conducted, it was determined that the homes had to be slab on gray; they would not be able to build basements. If the property was developed as an R-1-8 in Roy City or R-2 in Hooper, homes would still have to be built based on the findings of the geotechnical report.

Mr. Parkinson said the biggest issue with regards to Hooper City Water was the size of the line; it was not big enough to service additional homes beyond what they already provided. They would need a six or eight inch line to be brought down and Hooper water was not prepared or willing to cover those costs. Mr. Parkinson said he was not sure about the sewer. However, when the developers came to the City requesting access to services, the Council told developer that they needed to annex into Roy.

Mr. Terry noted that the homes were being proposed to be 2,000 to 3,000 square feet in size. He said Woodside Homes was currently building the same product in Syracuse; the homes would not have a basement but they would have a larger floor plan to compensate for the loss of space. He said they were also building homes in Clinton; however, those homes did have basements because the landscape was different.

Mr. Illum asked what the approved lot size was in the original plat for the Patterson property. Mr. Parkinson said he did not know, because that information would be recorded at Hooper City. Mr. Terry said he did not know the exact lot size, either. Mr. Illum asked what the lot size was of the Clinton City development south of the Woodside development. Mr. Terry believed it was about the same as this proposed subdivision; however, he did not know the exact answer.

Commissioner Karras moved to recommend to the City Council that they approval the request to annex into Roy City a 17.19 acre parcel located at approximately 4200 West 6000 South with a zoning recommendation of R-1-8 based on the staff's findings and subject to the conditions recommended by the staff. Commissioners Bills, Brand, Collins, Karras, Nandell, and Payne voted "aye" and Commissioner Sphar voted "nay". The motion carried 6-to-1.

Commissioner Nandell moved to recommend to the City Council that they approve the preliminary approval of Crestwood Estates Subdivision with the conditions and facts as stated in the staff report. Commissioner Karras seconded the motion. Commissioners Bills, Brand, Collins, Karras, Nandell, and Payne voted "aye" and Commissioner Sphar voted "nay". The motion carried 6-to-1.

5. PUBLIC HEARING: REQUEST TO AMEND THE GENERAL PLAN (FUTURE LAND USE MAP) FROM COMMERCIAL TO VERY HIGH DENSITY MULTI-FAMILY RESIDENTIAL FOR PROPERTY LOCATED AT APPROXIMATELY 4060 & 4088 SOUTH MIDLAND DRIVE

John Heiner, the proponent, said they had about 17 acres they had been developing for the last 10 years. He presented an aerial map of the subject property and described the surrounding areas. He said the remaining parcel was located along the streets; it was too small for big box stores but was also too large for flex retail. They were proposing a rezone from Community Commercial to R-4 which was a multifamily zone. He said this proposal would provide something viable on the back portion of the property. It also provided a transition from the commercial to the adjacent single family residential neighborhood. Mr. Heiner stated that he attended a meeting a month regarding the Frontrunner station, at which point UTA made a proposal to the Council and Commission regarding higher density residential development near the Frontrunner Station; he said this was what they were proposing and explained that they would continue to develop commercial on the back of the exterior pads.

Mr. Parkinson presented the staff report as well as the future land use map of the area. He echoed Mr. Heiner's comments about the parcel being too small for big box retail and too small for medium box retail. They were looking at ways to develop the land in a viable way. When the Focus Roy Plan was adopted in December, there was discussion about having mixed used development. Mr. Parkinson said he wasn't sure if this is one of those areas that could work for mixed use. The Planning Commission needed to consider what would be the better buffer between single family and commercial development. Mr. Parkinson said the developer was looking at having an assisted living facility come in to the south, which was a permitted use both in the CC and R-4 zones.

Property	** Water		Sewer		Garbage		Storm Water		Capital Improvement		*** Taxes	
	Hooper	Roy	Hooper	Roy	Hooper	* Roy	Hooper	Roy	Hooper	Roy	Hooper	Roy
09-083-0009	\$14.77	\$7.39	\$21.50	\$28.70	\$12.50	\$12.08	\$5.00	\$4.50	\$5.54	\$5.54		
Clifford & Natalie Betten												
3903 W 6000 S												
09-083-0010	\$14.77	\$7.39	\$21.50	\$28.70	\$12.50	\$12.08	\$5.00	\$4.50	\$5.54	\$5.54		
Seth Tenbrink												
3910 W 6000 S												
09-083-0013	\$14.77		\$21.50	\$28.70	\$12.50	\$12.08	\$5.00	\$4.50	\$5.54	\$5.54		
James Legarra												
4058 W 6000 S												
09-083-0017	\$14.77			\$28.70	\$12.50	\$12.08	\$5.00	\$4.50	\$5.54	\$5.54		
Keith Adams												
4202 W 6000 S												
09-083-0030	\$14.77	\$7.39	\$21.50	\$28.70	\$12.50	\$12.08	\$5.00	\$4.50	\$5.54	\$5.54		
Pamela Shinsel												
3901 W 6000 S												
09-083-0034	\$14.77	\$7.39	\$21.50	\$28.70	\$12.50	\$12.08	\$5.00	\$4.50	\$5.54	\$5.54		
Bruce & Judy Illum												
3904 W 6000 S												
09-543-0001	\$14.77	\$7.39	\$21.50	\$28.70	\$12.50	\$12.08	\$5.00	\$4.50	\$5.54	\$5.54		
Travis & Angela Price												
4071 W 6000 S												

** cost plus usage

	per month	Bi-Monthly	Annually
Hooper City Utility Bill	\$59.31	\$118.62	\$711.72
Roy City Utility Bill	\$58.21	\$116.41	\$698.46
Monthly Savings	\$1.11		
Bi-Monthly Savings		\$2.21	
Annual Saving			\$13.26

* Roy Garbage amounts are based on the Non-Recycling rates. If they recycle then its \$1.14 cheaper per month (\$10.94)

*** Property Taxes -

Add - Roy City (.002650)

Deduct - Hooper City (.000513)

Weber Fire District (.00179)

Increase in Rate - (.000347)

Tax on a \$170,000 resident, at 55% taxable value = \$32.45 annually

