PLANNING AND ZONING COMMISSION MEETING
AUGUST 6, 1990

PRESENT

Larry Taylor	Commission Member
Wesley Bloomfield	Commission Member
Robert Shepherd	Commission Member
Rick Moultrie	Commission Member
Kathy DeFabio	Commission Member

ABSENT

Gary Church	Chairman
Pauline Warner	Commission Member

OTHERS PRESENT

Virginia Taylor	Deputy Recorder
Neil Forster	Zoning Officer
Patricia Truitt	White Sage Subdivision Resident
Nathan Truitt	White Sage Subdivision Resident
Pam Piacitelli	White Sage Subdivision Resident
Joan Dutson	Millard County Resident
Dallan Dutson	Boy Scout
Mark D. Potter	White Sage Subdivision Resident
Rex Harris	Delta City Councilman
Michael Bettis	Silver Sage Subdivision
Mitch Myers	Silver Sage Subdivision
Doug Ingraham	White Sage Subdivision Resident
Elliott C. Stumph	White Sage Subdivision Resident
Dennis Killian	White Sage Subdivision Resident
Craig Young	White Sage Subdivision Resident
Carol Ingraham	White Sage Subdivision Resident
Arlane Johnson	White Sage Subdivision Resident
Wilma Lebbon	White Sage Subdivision Resident
Bart Ryan	White Sage Subdivision Resident
Kirtt Myers	Silver Sage Subdivision
Justin Taylor	Delta City Resident
Brian Taylor	Delta City Resident
Jory Taylor	Delta City Resident

In view of Chairman Church's absence, Robert Shepherd MOVED to appoint Larry Taylor as Chairman Pro Tempore. The motion was SECONDED by Rick Moultrie. The motion passed unanimously. Mr. Taylor called the meeting to order at 7:55 p.m. Virginia Taylor acted as secretary. Mr. Taylor stated that the notice of the meeting time, place and agenda was mailed to the Millard County Chronicle/Progress, the local radio station, KNAK, and to each member of the Planning and Zoning Commission.

MINUTES

The proposed minutes of a Planning and Zoning Commission Meeting held July 25, 1990, were presented for consideration and approval. The Commission reviewed the minutes briefly after which Wesley Bloomfield MOVED that the minutes be approved as presented. The motion was SECONDED by Rick Moultrie. Chairman Pro Tempore Taylor asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Attorney Richard Waddingham addressed the Planning Commission and advised them that restrictive covenants are not germane to the Planning Commission and should not be discussed at the meeting, and that the Planning Commission and/or Delta City does not have the right to get involved in restrictive covenants; but, the issue before the Board is the Final Plat, Phase I of the Silver Sage Subdivision. Mr. Waddingham said that in order to meet due process requirements, both sides of the issue should be heard. Mr. Waddingham then instructed the Planning Commission to make a complete record of the Planning Commission's decision and to record the reasons for their decision. He also advised the Commission to review Mr. Forster's evaluation and recommendation.

MITCHELL V. MYERS: FINAL PLAT, PHASE I - PROPOSED SILVER SAGE SUBDIVISION

Chairman Pro Tempore Taylor stated that Mitch Myers has presented a Final Plat for Phase I of the proposed Silver Sage Subdivision for the Planning Commission's approval and recommendation to the City Council.

Mr. Taylor asked Virginia Taylor, Secretary, to read the following letter from Commission Member Pauline Warner:

> I will be unable to attend the next Planning Meeting on August 6th. But because of the amount of thought and research I have given to this subject I felt I needed to voice an opinion.
>
> Last month I had a lengthy discussion with Rick Moultrie on the subject and he may have concluded that Pres. Myers may have the right to do what ever he wants with his property if the Planning and Zoning Ordinance does not state anything to the contrary.
>
> Realizing my own ignorance of what is contained in the ordinance. I spent the next couple of days reading and studying this ordinance. This is what I found. Please especially read the first two pages which states the sole purpose of planning and zoning.
>
> 12-105...to stabilize and conserve the value of property...to improve the city's appearance.

12-105-g...Protecting land owners and land user from adverse impact of adjoining developments and land uses.
12-106...to protect both individual property owners and the general public from adverse impacts which might otherwise result from a proposed land use. Those called upon to interpret this ordinance shall consider the following:
C. Whether the proposed interpretation will insure a proper balance between the rights of the land owner and all others who will be affected by the land owners proposed land use.

12-413 The Planning Commission may impose such restrictions on a conditional use permit as are appropriate to carry out the purposes of this ordinance.

12-521 A Neighborhood Preservation Districts. The districts in this category are intended to apply to neighborhoods where the majority of purposes described in the enumerated sections and any further development should be directed to only those specified to such district in order to preserve the character, uses and land values within the neighborhood or area.

No, the ordinance does not spell out everything that should be done nor should it.

We are not the first city in Utah to deal with this problem. They have found proper and orderly ways to protect the interests of all people. I hope we do not act as Pilot did and wash our hands of the situation. There was a public meeting held because the zoning ordinance required it. So now do we say our duty is done. I say no. There is more each individual involved needs to do. That does not include verbal battles. Take the time to do your homework and make an unemotional decision. By the way in section 12-703-G Upon receipt of the planning commission recommendation, the City Council shall establish a public hearing date to receive public comment on the proposed planned development permit application...In other words the public is still entitled to another public meeting not with the zoning commission but with the city council.

One other fact has disturbed me in talking to others and researching this subject. There are a number of people afraid of speaking out because of the effect it may have at church or on the job or it may further isolate us from the rest of the community. I think it a sad day when we feel it necessary to deny others their constitutional rights and throw verbal stones. We should be fighting with all our might to bind this city together and have a love of all men. This subject isn't just White Sage it can effect all of Delta. I would support all efforts to

open the doors of communication and leave the emotion on all sides at home. What ever the decision I hold no ill feelings.

Sincerely,
Pauline Warner

Chairman Pro Tempore Taylor asked Zoning Officer Neil Forster to review in detail a Development Permit Review for the Silver Sage Subdivision.

Mr. Forster explained that the Development Permit Review consists of two different parts. One, a nine item unit that is considered to be absolute criteria; also, four pages of questions with enumerators , which were assigned by the City Council at a prior time. The average is compiled and multiplied to determine the minimum score required for a particular development, which is then to be considered by the Planning Commission.

Mr. Forster explained that in the Absolute Criteria, if any one of the items would have been answered No, it would have been turned back to the developer until all the answers were yes. However, the Absolute Criteria for the Silver Sage Subdivision were all met. The required score for the Development Permit Review was 426, and the actual Review scored 569.

Mr. Forster said that he reviewed and considered the plans and the records that Delta City has; specifically, as to what was placed in the ground by Intermountain Power Project (IPP) such as, water, sewer, storm drain, asphalt, curbs, sidewalks, etc. in the proposed Silver Sage Subdivision.

Attorney Waddingham asked Mr. Forster to review each specific item of the Absolute Criteria.

Mr. Forster then reviewed the following Evaluation of Absolute Criteria:

"Does the application meet these criteria?

1. Does the development have access to public streets?
   The answer is Yes.

2. Does the development have accessibility to approved culinary water supply?
   The answer is Yes.

3. Does the project have appropriate sanitary sewer disposal?
   The answer is Yes.

4. Does the proposed project meet all standards relating to geological hazards?
   The answer is Yes, in my opinion.

5. Does the proposed project conform to the zone district within which it will be located, whether the zone is a development zone or neighborhood conservation zone?
The answer is Yes. In order to clarify, Mr. Forster said that it has been stated that this is an R-1B Zone, and it is not. It is a Residential Development Zone. It does comply to the Residential Development Zone.

6. Does the development meet all applicable development codes of Delta City, including the Delta City Subdivision Ordinance?
The answer is Yes, providing Mr. Myers meets with the two things that were found in error on his plat by the City Engineer.

7. Does the development meet minimum size standards and setbacks?
The answer is Yes.

8. Does the development have an available and reliable supply of electrical power unless determined to be unnecessary by the Planning and Zoning Commission?
The answer is Yes. It has ample power.

9. Is the development located within a zone district designated for the proposed land use, or been approved for development as a planned development under Chapter 12-700?
It is not a Planned Development, it is a Subdivision, that then makes that redundant, in my mind, back with No.5. Yes, it does meet that."

Attorney Waddingham asked Mr. Forster if it was clear in this meeting the procedures used to score the Development Permit Review. He then asked Mr. Forster to go through each Development Policy and explain why he scored them the way he did.

Mr. Forster explained that there are three columns. The multiplier, which was assigned by the City Council in a previous ordinance, and the score, which is the average of the multiplier. The average of the multiplier is multiplied to get the value. The value total is the number that the Silver Sage Subdivision has to meet in order to be considered approvable.

Mr. Forster further explained,

"A. Capacity (Site Stability).

1. Size of Site.
   a. Size sufficient for proposed use and buffer yards.
      I scored that a four (4). In looking at his Preliminary Plat, this is all based, by the way, on his Preliminary Plat, his entire proposal. In looking at his plat I could have scored that a five (5), but I scored nothing a five (5). But it is by far and away sufficient.

   b. Size sufficient for any necessary related public

facilities.
I scored that an average of three (3). In my opinion, yes, it is amply large.

2. Drainage from Site.
   a. Suitability of drainage plan.
      The drains that were installed by the Intermountain Power Agency are more than adequate to take care of this particular subdivision.

   b. Access to drainage system.
      The access, by the way I scored that a three, the access to the drainage system, it's on either side of the streets, or in the streets that are finished now, so the access is very good. I scored it a four (4).

3. Streets.
   a. Suitability of on-site access to streets.
      That also I scored as a four (4). Again, I felt many of these I could of scored fives."

Chairman Pro Tempore Larry Taylor asked Neil Forster to state that standard score required as he reviews the permit.

"b. Proximity of site to collector streets.
   Again, that could have been scored a five (5). I scored it a four. The standard score would have been a three (3).

   c. Suitability of public streets presently serving site.
      That I scored as a four (4). I felt I could have scored it a five (5). The standard score was a three (3).

   d. Provision for on-site streets.
      In looking at the project, Mitch has proposed adequate and ample streets. I scored it as a four (4). Again, that one is a three (3).

4. Culinary Water Supply.
   a. Capacity of lines, pressure and circulation.
      Again, because of what the IPA people have done, that is scored as a four (4). We have a large water supply. Not only on both sides, but running across the property. I scored it as a four (4) and the standard score there was, in fact all the standard scores are threes.

   b. Proximity to existing City system, including sufficient interconnection for circulation and pressure (not relevant if supplied from another approved source).
      I scored that as a four (4) because of the obvious work done and statements made prior to.

   c. Reliability, age and condition of existing culinary water improvements serving Site.
      I scored this an average of three (3) even though those

water lines are only seven years old. It could have been scored much higher.

d. Source of supply, including water rights.
I scored as a two (2) because this is an annexed area to Delta City and the water rights will have to be brought to each individual development as developed. So that one was scored a two (2).

e. Operation and maintenance cost on public facilities.
I scored as a two (2), which is below average. Even though the public facilities in most cases will be self-sustained and self-paid. The Water and Sewer Department, specifically, will be funded from within the fees that they collect. The streets, of course, will have to come from general taxation.

5. Sanitary Sewer.
a. Proximity to existing City system.
That one was scored as a four (4). Again, for the reasons I've stated on the water system.

b. Capacity of City system at proposed location.
I scored as a four (4) because we have room for this development plus many others, and it was designed for this.

c. Suitability of effluent for City lagoon system (not relevant if private system used).
I scored as a four (4). I can see nothing coming out of a residential development such as heavy metals or something that would be frightening to us in our treatment facility.

d. Reliability of proposed improvements and disposal plan.
I scored that as a three (3). I don't see anything that raises a red flag on that because we have such a new system and offer functional in that manner.

e. Operation and Maintenance cost on portion of facility to be publicly dedicated.
In the sewer, I scored as a two (2), the same as with water. Even though, again I state, that it will be funded from within the fees charged.

6. Solar Energy.
a. Incorporation of solar design into proposed development.
There is no indication that he intends to incorporate. I would expect that would be up to individual owners, lot owners as they develop. I scored that as a two (2) because it is not mentioned.

b. Access of solar energy to Site.
I gave that a four (4). The access is there, I probably

should have given it a five (5).

7. Availability of Other Utilities.
   a. Telephone.
      I gave it a four (4), and the telephone company has responded and indicated there is adequate and more than ample telephone facilities for this division.

8. Natural Characteristics.
   a. Soils suitability.
      The soil suitability are the same in that area as they are anywhere in the City of Delta. I gave that a number three (3).

   b. Site terrain suitability.
      The same because it is just a flat clay type of a soil."

Attorney Waddingham said that most of the above issues are related to water and sewer. He then asked Mr. Forster to state his official title with the City.

Mr. Forster said that his official title is Public Works Director for the City of Delta.

Mr. Waddingham asked Mr. Forster how long he has been Public Works Director. Mr. Forster said that he has been the Public Works Director since 1979.

Mr. Waddingham asked Mr. Forster if he has had any personal experience with the items that he is explaining. Mr. Forster said that he has had considerable experience.

Mr. Waddingham asked if there was anything in particular that qualifies Mr. Forster to grade natural characteristics of soil suitability. He also asked Mr. Forster if he was involved in a lawsuit involving soil with Hurricane Sand and Gravel. Mr. Forster said that he was involved in that lawsuit.

Mr. Waddingham asked Mr. Forster if he has had much experience in terms of soil suitability.

Mr. Forster said that he was involved, not only with Hurricane Sand & Gravel, but in the installation of most of the sewer and water storm drains throughout the White Sage area, as well as the downtown Delta area. Mr. Forster continued,

"B. Compatibility.
 1. Compatibility With Adjacent Uses.

    a. Is proposed use consistent with surrounding uses?
       In evaluating that I gave it a three (3) but also looked at the actual area and observed it on a topographical map as well as physically on the site. We have to understand that there are four directions from this proposed

subdivision. There is North, South, East and West. The White Sage Subdivision does lie directly to the South. To the West there is a park and a hospital. To the North there is a farm. To the East there is a farm. South and East there is a temporary housing development that is being torn down at this time. Further south from that there is an RV park that has been dismantled. So in looking at the complete overview of the entire area, yes, this proposed subdivision in my mind is compatible with that area.

b. Does proposed use complement and reinforce adjacent and nearby land uses.
I graded that three (3). Again, for the same reasons.

2. Is Land Use Intensity Compatible with Zone. High density development is preferred in commercial and industrial development zones. In residential zone, high density is not preferred.
Yes, I graded that on an average of three (3). It is compatible with that particular zone, which is Residential Development.

3. Placement of Structures.
I graded some of these; however, the actual placement of the structures will be dealt with on a one by one basis at the time of building permit.

a. Suitable for fire control.
I gave that a three (3) knowing that the set back rules and set back laws in the City Zoning Ordinance would protect the City in those fire controls.

b. Consistent with aesthetic value of area.
Again, when you look at all sides of this subdivision, not knowing what is going to be placed on the exactly as far as a structure is concerned, I graded that an average of three (3).

c. Suitability for solar access for adjacent properties.
I didn't see anything derogatory or detrimental. I graded that as a four (4).

4. Site Design.
I graded that an average of three (3)."

Attorney Waddingham, at this point, asked Zoning Officer Neil Forster if Site Design refers to compliance with the Subdivision Ordinance.

Mr. Forster said that he did not see it as that and did not grade it as that. He said that the Site Design was strictly the actual site and how it was laid out referencing most of all of the above, the water, the sewer, the streets, the lots, and if the easements

are in place, etc.

"5. Traffic Circulation Within Project Site.

a. Compliance with City parking and circulation standards.
I graded that as an average of three (3).

b. Emergency access.
Again, I see that as an average of three (3). Emergency access on narrow streets such as in the White Sage or Pendray Subdivision or anywhere where you get down below a thirty foot (30') or around a thirty foot traffic pattern we do have problems in emergency access if there are cars parked on the streets. But, again, there is no ordinancing set against it so it is average.

c. Pedestrian movement.
Also, is an average.

d. Parking suitability.
Because of the narrow streets, probably the fifty foot (50') profile, I rated that as a two (2) hoping that we could get something in place so that everyone would have to park on their own property.

e. Loading and unloading areas.
I perceived that as not being applicable.

6. Storage.
None of the storage questions did I view as being applicable."

Attorney Waddingham asked Mr. Forster what the numbers on the score sheet meant that had parenthesis around them.

Mr. Forster explained that if there was a question that was non-applicable to the Silver Sage Subdivision, it is not included in the computation.

"7. Suitability and Adequacy of Refuse Collection and Disposal Facilities on Site.
I viewed that as non-applicable.

8. Utilities.

a. Location and compatibility of utility fixtures.
I see that as an average grade of three (3).

b. Disruption of existing public improvements to install utilities.
Again, a three (3) was assigned there. There will be some disruption. We can't do any type of upgrade without some disruption. But I see a negligible amount of disruption because, again, of so many of the things that were

installed by IPA during the construction phase of the project.

c. Location of utility easements.
Every utility easement that I could see that was necessary to be called out on the plat has been. I gave that a four (4). I could have given it a five (5) I suppose.

9. Open Space Considerations.

a. Aesthetic use of space.
Again, we're looking at a plat and we don't know without the building permits and final decision exactly what is going to be placed on that. As we see the plat, I see that as at least a four (4).

b. Light and air access to open spaces.
Again, I see no reason for that not to be a four (4).

c. Landscaping of open space.
I did view that as non-applicable because that totally is going to be determined by the actual building placed on the property.

10. Buffering Uses From Site to Off-Site Locations.
I graded that as a three (3) with proper set-backs provided by that.

11. Control of Pollution.
In a subdivision, I didn't deem any of those to be applicable.
a. Control of noise pollution.
b. Control of surface water pollution.
c. Control of ground water pollution.
d. Control of air pollution.
e. Light emissions.

C. Conservation

1. Farmland Conservation.

a. Does development plan avoid conversion of agricultural or range land to other uses?
N/A

2. Water Conservation.

a. Does proposed development provide efficient water use?
I would assume that those homes that build there will effectively use the water. I've graded that as a three (3).

b. Availability of irrigation water for landscaping or other

non-culinary uses.
I graded that as a 0. There is no availability there. They will have to use culinary system.

c. Suitability of means for diverting and transporting irrigation water to Site (not applicable if no separate irrigation water supply is proposed.)
N/A

d. Public operation and maintenance costs of proposed diversion system (not applicable if no separate water system is proposed.)
N/A

3. Historic Buildings, Sites and Information.
It doesn't have any historic situations involved so they were deemed as not-applicable.
a. Does proposed project include inventory of historic and archeological sites and structures?
b. Does project avoid detraction from, damage to or destruction or archaeological or historical sites and structures?
c. Does project promote historic preservation and other objectives of City Historic Preservation Ordinance?
N/A

4. Preservation of Other Community Resources.

a. Does proposed project reinforce public facilities development master plan?
Yes, it does. The master plan calls for residential development in the area that this is being placed. I graded that as an average three (3).

b. Does proposed development generate means to offset demands it will create for community resources?

As the homes are built and placed on the tax rolls, I see that, yes, it will, and I graded that as a three (3).

D. Community Development.

1. The project should improve on the social services and resources of community.
And again, for the same criteria, I graded that as a three (3).

2. The proposed project should promote positive economic development of community.
As the homes are developed, I again, see that as positive. I graded that as a three (3).

3. The proposed should enhance educational resources of community.

> As the homes are placed on the tax rolls, I see that will. I graded that a three (3)."

Attorney Waddingham asked Mr. Forster to explain the tabulations.

Mr. Forster explained that the tabulation totaled 569 points and it needed 426 points to be considered acceptable.

Chairman Pro Tempore Larry Taylor reminded the public in attendance that the meeting was not a Public Hearing and was not open for debate but asked for comments from the public.

Dennis Killian, White Sage Resident, explained that he previously asked Chairman Gary Church for time on the agenda to present a statement. Mr. Taylor then asked him to address the Commission.

Dennis Killian approached the Commission and thanked them for the opportunity to state his concerns, as well as concerns of some other citizens of the community.

> "There's alot of differences of opinion about this subdivision that is being considered here tonight. There's alot of rumors that's been floating around. There's even alot of emotion that has been involved in it and the one thing I want to do tonight is make my statement and, if possible, I would like to do it and I can address questions at the end if somebody has some questions about some specifics I bring up. But I would just as soon myself not get into alot of discussion about what I am going to say and basically get through my statement and then I will sit down and Planning & Zoning can make their decision based on the facts that they have at hand.
>
> I have alot of pride in Delta. I have lived here for almost eight years and I call this my home. I feel like this is a place that I would like to live and raise my family and that's what I have been doing for the past eight years. I want Delta, as much as anybody else, to be an attractive community and a place where we can all feel proud to live and also a place where we can attract outside forces and influences to come and move into our town and call it home also. We talk about Unit 3 at IPP and talk about other industry coming in here and I have a great concern that we make Delta the type of City that all people would feel comfortable living in and they could find a place to live in Delta that would meet their needs. You know, all people don't come from the same background or from the same social areas and they have different needs and desires and so Delta, in my way of thinking has to be somewhat diversified and be able to allow for different types of individuals to live there. The concerns that I am going to be raising tonight, as opposed to what Neil has just gone through, has to do

with the type of structures that can possibly be placed in this subdivision and some of the concerns that I see and some of my constituents see, in going through the City ordinances and through the Subdivision Ordinance. We feel like there are some loop holes there and we feel like there's some action the Planning & Zoning could take to ensure that the property value in the adjacent areas are protected and that the buildings that are put on these lots meet the standards and the design criteria that's already been established in that area.

I would like to quote very quickly out of the Planning & Zoning Ordinance from the City of Delta. In Article 12-521 under paragraph A. Neighborhood Preservation Districts. It says, 'The zoning districts in Sections 12-522 through 12-528 enumerate specific uses which are classified either as permitted or conditional uses. The districts in this category are intended to apply to neighborhoods where the majority of the land area has already been developed or used for the purposes described in the enumerated sections and any further development should be directed to only those uses specified for such a district in order to preserve the character, uses and land values within that neighborhood or area.' As I understand it, this subdivision, the Silver Sage Subdivision is not a Neighborhood Preservation District but falls under a Development District, which is paragraph B of that same article. It has a little bit different language in it. The point I wanted to point out in that previous paragraph is the part about preserve the character use and land values within the neighborhood and area. There's some wording in Development District that goes - starting in the second sentence, 'The purpose of these districts is to encourage and promote land development activities under broad categories specified for that district and by allowing uses or combinations of uses which prove to be compatible with adjoining land uses and beneficial to the community as determined through an evaluation of the proposed use in accordance with predetermined development policies.' I think both of those point out that one of the concerns of the Planning & Zoning Commission should be to preserve values.

The problem, as I would like to define it, is not enough design criteria in the current City ordinances to prevent substandard houses from being built in areas that may have an impact on already depressed property values, and it is my opinion that Delta is big enough to address this issue at this time. Delta, I believe, is at a point where they can make some real critical decision in the next few years and as they grow those decisions will turn Delta into either a very beautiful city, which we would all like to see or it can have some detrimental effects

on, not only the way the City looks, but in the ability of the City to attract others into the City. It can no longer, I don't believe, hide behind the context that we are a farming community. And as I stated earlier, I think we need to provide areas for all constituents and for all social backgrounds. Maybe all, is a pretty broad term but let's go as far as we can with Delta. Delta's larger than our neighborhood cities around us - Hinckley, Oak City and some of those and they are somewhat restricted on what they can do. They just don't have the people to handle some of the types of zoning that we feel could be put in here. And Delta is the size that there is certainly room for some good zoning. Not to imply that there isn't good zoning now, and the people that put together the zoning laws in the past and the subdivision ordinances have done a very good job in my opinion, it's very commendable. The only thing that we have come up here with tonight are just two or three loop holes we see where there could be some possibilities for substandard houses that are being built in some of these areas.

I feel like addressing some of these things may be critical to the future growth of Delta City. One thing we want to clear the air on, there's alot of rumors about us being against, me or others possibly, being against manufactured homes or being against homes that would be built under a Farm Home Loan Administration Program, and that is not the case at all. We do not want to discriminate against any of those homes. We understand legally that we can't discriminate that type of house and we have no intentions of doing so.

Possible effects of not changing the zoning, one of the most obvious I guess, is property devaluation. One of the things that has me concerned about where we are at with this subdivision and with possibly other areas in Delta City, is that appraisers tell us that depending on how we develop the City, it could have a detrimental effect upon our property values. In fact, we contacted Brad Jensen, who does a number of appraisals in this area, he probably does the majority of appraisals in this area, the banks use him and many other institutions and individuals use him for their appraisals. He basically said that if the inclusion of Manufactured Houses in the City is handled right, it would not have an adverse affect upon existing properties. But if the homes were not handled correctly, they could have a definite affect on surrounding properties. I asked Brad what he meant by handled correctly. He indicated that if a double wide mobile home with tin siding, or if a manufactured home that was not in good repair were placed anywhere in the City, it could have an adverse effect on surrounding properties.

> We've also contacted an appraiser in Salt Lake. He was randomly picked from the phone book. The only criteria that we chose in picking him was that he was a nationally registered, certified appraiser. The questions that were asked him basically was, if there were any guidelines that would assure that an adjustment would be made for the disparity between the cost of a manufactured versus a stick built home. He said that there was no policy that could mandate that an adjustment would be done when two properties differ in base cost. But he did say that a good appraiser would make an adjustment. But he was not aware of any guidelines that would assure that an adjustment would be made. I think the bottom line is that most adjusters would probably take that into account but it's not a guarantee or it's not a sure thing. So that is one of the things that we feel needs to be addressed."

Attorney Waddingham asked Mr. Killian if when he was talking about appraisals, if anything came up regarding surrounding land areas. Attorney Waddingham repeated Mr. Forster in saying that one portion of the proposed subdivision borders farm land, one portion borders what used to be the White Sage Apartments, and one area borders an abandoned RV park. He then asked Mr. Killian if he knew what was going to be done with the area from IPP, because IPP still has control. Also, does that have any impact on the value at all as it now stands?

Mr. Killian said that no, he did not ask the appraiser about what impact the surrounding property would have upon the property value.

Mr. Killian said, "As I understand it, IPP must return that property to its natural state and they are in the process of removing the foundations from there at this time. I couldn't really speak for IPP so I don't know if they intend."

Attorney Waddingham said that he didn't know if Mr. Killian knew of any long term plans for any of the surrounding areas.

> Mr. Killian continued, "That does bring up a really good point that I wanted to make and that is that we need as a City to consider what has already been developed in the area. Neil has covered part of that in his presentation. There are some very attractive parts of the town out in that part of the community right now. We have a very attractive medical center out there currently. We have an attractive Neighborhood Park, as well as a rather large residential area park out there. We also have a site right adjacent to this subdivision that is possibly going to be the site for a future church building. All of these things I believe in my opinion need to be taken into account by Planning & Zoning. They need to be satisfied that whatever they approve and whatever conditions they put upon the approval would assure that

the aesthetic beauty as well as land values in that area remain at a high of level as they currently are.

Many cities have faced the question about what to do with manufactured housing. And it's been a real controversial issue all over the country, and even in the State of Utah there has been one suit filed, and it was settled out of court so there's never been a class action suit or any kind of a suit that's been settled that would define how a city must handle a manufactured home within the State of Utah. But there are several choices that are available to cities. One of the choices is total prohibition of manufactured homes, and some cities have that in their city ordinances. Another choice is to prohibit manufactured homes in all zones except those zones that would be undesirable for residential use. In other words, you could say that manufactured homes could go out here in this zone, that is for industrial use or for agricultural use. That is an approach that has been taken. Another approach is limiting the location to mobile home parks and then restricting manufactured homes basically in mobile home parks. Another way is to design requirements specifically for manufactured homes. In other words, you have design requirements for all other homes and you have a set of design requirements for manufactured homes. Another way is, design requirements imposed uniformly on all homes in residential areas. And what you try and do there is have enough design requirements in the homes that the manufactured homes would have to also comply with the same design requirements and by that mode alone would increase their value and make them more compatible with the surrounding area.

The last way that I have down here is to permit manufactured housing in certain types of residential zones as conditional uses. So you would have to address each application for a manufactured home as a conditional use in that situation.

I, and those that support me on this, would recommend that we kind of look at that item E that I had there which was design requirements imposed uniformly on all homes in residential areas and also there are a couple of things that we feel like for manufactured homes that they should be segregated out and there should be some design requirements specifically for manufactured homes. By the way, West Valley City has done extensive research in this area. They are a very rapidly growing community and they have alot of subdivisions in areas put in and they needed to address this question themselves. What they ended up doing is coming up with a standard design criteria for all housing. It didn't matter if it was a stick built home or a manufactured home, they all had to meet the

same design criteria. Salt Lake County, on the other hand, who is also facing some, has faced and is facing, some rapid growth, took a little different approach. They basically allow manufactured homes which meet certain appearance and safety guidelines located in any residential zone. The key point is that they have actually segregated the manufactured homes and put criteria specific to manufactured homes on their zoning requirements.

So our proposal, and we feel that Planning and Zoning has every right, in fact it is there responsibility to recommend to the City Council, the conditions under which the subdivision should be approved that will preserve aesthetic beauty and property values of surrounding areas.

The residents of Delta have the same rights to these protections as the citizens of any other city and some of the loop holes that we see in the plat specifically, and I will address those now are - we would like to see some things in there that makes manufactured homes more permanent so that they can't so easily be removed from the foundation. The thing that I don't see in going through the ordinances, both the Planning & Zoning Ordinance and also the Subdivision Ordinance is anything that would satisfy me as to the permanency of a manufactured home being put on a foundation. So one of the things that we would ask is that carports be considered as mandatory for this subdivision. That tends to not only increase the value and make it more in line with the value of property surrounding that area but it also makes the manufactured home more permanent, it makes it much more difficult to be removed from its foundation and be taken away.

The second thing that we would ask to be considered is that brick veneer on the front of a manufactured home to the first window level be a requirement. Here again, that is a need that we feel is necessary so that the home can't easily be removed. If you put bricking on the front of that thing, it's basically permanently going to be there. We have some questions about what concrete foundations, what constitutes a suitable concrete foundation, and its someway ambiguous in the ordinances. I think the uniform building code may clarify that issue but right now but it is unclear to us as to what that is."

Attorney Waddingham said that the Uniform Building Code does address manufactured housing.

Mr. Killian asked if it addresses suitable foundation.

Mr. Killian continued, "So it looks like there are kind of some possibilities of doing some things that would have some questionable value to us as far as a permanent foundation.

We don't see anything in there about manufacturing homes or specifically referring to the type that come on their own wheels. As we all know there's other type of manufactured homes that are built in a modular form and are transported by a separate trailer. There are also those that come on their own wheels. We don't see anything in there that would require someone placing those on foundations to remove running gear. Basically were talking axles, wheels and tongues or the towing device from this specific type of manufactured home.

Here again, this is something that would make a home more permanent and make it a permanent addition to the subdivision.

The last item is that we don't see anything in there about the type of siding that a manufactured home could have. And there has been some concern raised that you could come up with a manufactured home that met all the criteria except it would have shiny metal, flat metal type siding on it, which is if you compare it to maybe what an RV type vehicle or alot of single wide mobile homes comes equipped with. We feel like the siding should be the similar that is required of a stick built home, which would either be lathe siding, metal, aluminum, vinyl, wood, brick. There are all kinds of siding that are o.k. for stick built homes and we would just like to see something in there that would restrict the homes in this area to also have that type of siding. That's basically the only concerns that we have at this time with the ordinances as they currently exist. I appreciate the opportunity to come and share that with you and hope that you will take into account some of the things that I have said in your decision."

Chairman Pro Tempore Taylor asked for any other comments from the public.

Mr. Taylor stated that it is not the purpose of the Planning Commission to approve or disapprove the Silver Sage Subdivision, but only to make a recommendation to the City Council as the Commission determines.

Attorney Waddingham asked Zoning Officer Neil Forster for his recommendation.

Neil Forster said that providing Mr. Myers make the two corrections on the mylar map that he has, as required by the City Engineer, and

based on the enumeration factors that he has prepared, he recommends approval of the final plat for the Silver Sage Subdivision.

Attorney Waddingham asked Mr. Forster to explain the two changes on the plat.

Mr. Forster said that in the description of the preliminary plat there were two pieces of curve data and information that were erroneous.

Mr. Taylor asked if anyone had a problem with the Development Permit Review.

Council/Commission Member Wesley Bloomfield said that he didn't have a problem with what Neil Forster has done and that he has completed the review in accordance with the ordinance and that he has fairly judged each case. Mr. Bloomfield then said, "I would like to declare that I do have a conflict of being a resident of the adjacent property which will be affected by Silver Sage Subdivision. I may or may not choose to vote. I'll make a decision on that later on. I do think there has been some things pointed out in the ordinance which I think are important, which are the preservation of land value, the commitment that the City has made to the developers in the past. I don't know how you go about administrating that and making it fair to the people that have already versus those who are developing. I don't know what is the best way to resolve that issue. So I'm quite perplexed with that but I do think that it is spelled out in the ordinance that it's a consideration that it's something that is important. As far as the development of the property as it's stated in the preliminary plat and also in Phase I which is before us tonight, the design I think looks fine. The criteria which it is built upon I agree with and I think it is adequate. The question that continues to bother me in my own mind is the development at a later point. I think that some of the points brought out by one of the residents here has some good foundation there. It shows alot of good research and something that I think would be important for Delta to look at some time in the future. I do hope that some way or another that there can be an agreement worked out between those who have developed and the developer that can satisfy the differences of opinion which have been voiced in previous meetings and that through that agreement, basically all sides will be satisfied and the rights will be protected and people can remain in harmony in this community."

Chairman Pro Tempore Larry Taylor said that the Planning Commission appreciates and understands the concerns of the White Sage residents and the Commission also understands the concerns of other people in the community, the developer, as well as the land values and losses. There's other land around the White Sage Subdivision that needs to be developed but if the laws are too restrictive, it can't or won't be developed. Also, if the laws are too open no one will want to or just a few will be built and no one else will want

to build there and that will also effect land values. Mr. Taylor said that there has possibly been a misconception, in that Mr. Myers does not want to devalue the land. However, property has already devaluated some and property value will decrease if appraisal values drop.

Mr. Taylor said, "I assume you realize Mr. Myers has alot more to loose than probably anyone of you, maybe as much as many of you put together if the land value isn't upheld. I don't think his intention is not to devalue the land in that area. Also, it was mentioned some of the things that are there, the park, the hospital, and proposed church and they are a great attribute to that part of the community, and they are. I think probably most of you realize that no one person - there is not any one person that has done as much to develop that as Mr. Myers. Alot of that was under his direction and his planning. Most of that property out there was his planning when he was in the real estate business. I have really admired what I feel is his consideration for those around him. I think he has been concerned, he doesn't want hard feelings. There have been a few words said at previous meetings and I hope there are no hard feelings. We certainly don't want that within the community and I hope however it turns out that we do have good feelings toward one another. I hope that this is not going to be a problem.

Rick Moultrie said that he appreciated the remarks that were given by Mr. Dennis Killian. He also said, "I think he brought out some very good points. I feel that those items should be addressed. I'm not sure that the time is right to do it right now. I think down the road is more appropriate. The compatibility issue has been addressed in that study and just following what I would term as due process I think it's time to get on with this. I do appreciate and I do understand the concerns of the White Sage people. I know there are some deep feelings there. I know that nobody wants to suffer value loss. I personally don't feel it's as critical or serious as it might be portrayed. I do understand your concerns there. I have no further comments."

Joan Dutson, Millard County Resident, said that her mother lives in the Delta Estates Subdivision and asked if that subdivision is going to have paved roads along with the Silver Sage Subdivision.

Zoning Officer Neil Forster said that the streets in Delta Estates would not be paved in the near future due to lack of funds. He also said that Delta Estates was developed under the direction of Millard County before it was annexed into the City.

Commission Member Rick Moultrie MOVED to recommend to the City Council the approval of Final Plat, Phase I of the Silver Sage Subdivision, as reviewed and presented by Zoning Officer Neil Forster. The motion was SECONDED by Commission Member Kathy DeFabio. Chairman Pro Tempore Taylor asked if there were any comments or questions regarding the motion. There being none he called for a roll call vote. The voting was as follows:

Commission Member Wesley Bloomfield	No - for the purpose that the land value has not been addressed by the Planning Commission.
Commission Member Robert Shepherd	Yes
Commission Member Rick Moultrie	Yes
Commission Member Kathy DeFabio	Yes

The motion carried.

OTHER BUSINESS

Commission Member Wesley Bloomfield recommended that the Planning Commission meet at a future date and review the items that were proposed and discussed by Mr. Killian and possibly make a recommendation to the Council concerning those issues.

Chairman Pro Tempore Taylor asked if there were any comments, questions or items to be discussed. There being none, Commission Member Robert Shepherd MOVED to adjourn. The motion was SECONDED by Commission Member Kathy DeFabio. Mr. Taylor asked if there were any questions regarding the motion. There being none, he called for a vote. The motion passed unanimously. Mr. Taylor declared the meeting adjourned at 8:35 p.m.

Larry T. Taylor
LARRY TAYLOR, Chairman Pro Tempore

W. Bloomfield
WESLEY BLOOMFIELD
Commission Member

MINUTES APPROVED: P&Z 1-30-91