

DELTA CITY PLANNING & ZONING COMMISSION PUBLIC MEETING  
NOVEMBER 10, 2005

PRESENT

Vance Bishop	Chairman
Robert Banks	Commission Member
William Keel	Commission Member
Dana Rempp	Commission Member
R. Dale Roper	Commission Member
David Styler	Commission Member
Liz Webb	Commission Member

ABSENT

None

ALSO PRESENT

Alan Riding	Zoning Officer
Karen Johnson	Secretary
Ken Clark	Asst. Zoning Officer
Gayle Bunker	Mayor
Howard & Tonya Quackenbush	City Residents
Gregory Schafer	City Recorder
Dean Draper	Millard County Chronicle/Progress
Sam and Gail Wardle	Lyman Row Area Residents
John and Jacquelyn Viula	Lyman Row Area Residents
Steve and Carol Broderick	Lyman Row Area Residents
Alma and Sephronia Broderick	Lyman Row Area Residents
LeeRoy Stephenson	Lyman Row Area Resident
Ralph Ross	Lyman Row Area Resident

Chairman Bishop called the meeting to order at 6:00 p.m. He stated that notice of the meeting time, place and agenda had been provided to the Millard County Chronicle/Progress and to each member of the Planning & Zoning Commission at least two days prior to the meeting.

Chairman Bishop advised those in attendance that this is an informational meeting regarding a proposed annexation involving the property lying west of the current Delta City boundary. There has been an annexation petition filed involving a large area of land but the property proposed for annexation would result in some properties being surrounded by Delta City. State zoning laws do not allow zoning "islands," which would result if properties lying between current Delta City corporate boundaries and the properties proposed for annexation are not also annexed.

Chairman Bishop stated that this meeting is limited to discussion of the proposed annexation and invited those in attendance to participate by standing, stating their name, where they live, and any comment they wish to make. Chairman Bishop asked those in attendance to limit their comments to five minutes or less in order to allow everyone an opportunity to participate.

Zoning Officer Alan Riding distributed maps of the areas impacted by the proposed annexation and indicated which areas are currently included in Delta City boundaries, the area included in the "Quackenbush Annexation" petition, and those areas which would become surrounded by Delta City boundaries with approval of the Quackenbush Annexation. In order for Delta City to include the Lyman Row area in the annexation, state law requires that a majority of the land mass and one-third of the total property value be included in the annexation petition in order to include the balance of property in the annexation. The majority of the land mass requirement has been met; the value of property included in the Quackenbush Annexation proposal is \$889,000 and the value of property in the areas which Delta City would like to include in the annexation is \$1,682,000; resulting in over 50% of the value being requested for annexation. It becomes logical for Delta City to want to annex all unincorporated areas surrounded by city boundaries so that city services can be provided to the total population, rather than bypassing the areas which are not included in city boundaries.

Zoning Officer Alan Riding noted that those individuals living in the Lyman Row area are probably concerned that, if annexed into Delta City, property taxes would be increased and they are correct. Property taxes would increase to include Delta City tax which is currently a rate of .003352, resulting in an annual increase of \$96.00 on a home valued at \$50,000; \$144.00 on a home valued at \$75,000 and \$205.00 on a home valued at \$100,000. All homes located outside Delta City limits which are receiving water service from Delta City are required to pay a double rate for the water, as required by state law.

Ralph Ross stated that he had talked with June Black, Bill Bassett and Ward Killpack at the time the water line was installed in the Lyman Row area and was told that the only way Delta City could get the water system put in would be for Lyman Row residents to sign up for water service. Mr. Ross stated that he was told that Lyman Row residents would have to pay \$1.00 more per month until the line was paid for. Mr. Ross said that "All that paper conveniently disappeared" and there is nothing in existence today evidencing that agreement.

Zoning Officer Alan Riding informed Mr. Ross that he had researched the contract for funding to install the water service and found a requirement that unincorporated areas receiving city services must pay a double rate for those services. Mr. Ross complained that he had low water pressure in his home when water was running in the yard. Zoning Officer Riding told Mr. Ross that the Public Works Department would be glad to check his connection to determine whether there was a problem.

Zoning Officer Riding explained that, the financial result of annexation for the Lyman Row area residents would be increased taxes, decreased water rates and decreased fire insurance rates. The net result would not be an increase, but a reallocation of what is currently being spent for water

service. In addition, it would result in upgraded water lines in the Lyman Row area as part of providing water service to a facility which is proposed for the Quackenbush Annexation.

Steve Broderick asked what Lyman Row residents would be required to pay for city sewer connections. Zoning Officer Riding advised that substantial improvements to the sewer system would be required before sewer service could be made available to Lyman Row residents. Alma Broderick asked whether Lyman Row residents would be required to connect to Delta City sewer. Zoning Officer Riding assured Mr. Broderick that connections to city sewer service are not available and would not be required. Installation of sewer service would only be available if the majority of Lyman Row residents wanted to create a special service district to fund the installation.

Those in attendance asked what privileges they would lose as a result of annexation. Zoning Officer Riding stated that he knew of no privileges they would lose if annexed. Someone questioned whether they would lose the right to have their animals. Zoning Officer Riding stated that animal rights would not be affected by annexation inasmuch as the area would be annexed "as is" and animal rights would be included as a "grandfather clause." In the event of sale of those properties, the animal rights would remain with the property. Other individuals in attendance requested further clarification of animal rights.

Mayor Bunker informed those in attendance that if there is a non-conforming use on the property, such as lot size, set back requirements, animals, etc., the non-conforming use goes with the property and not with the individual. Mayor Bunker reiterated that, at this time, we do not have answers to all questions but the purpose of the meeting is to learn what questions and concerns individuals have so that answers can be obtained and provided at a later date.

Ralph Ross said he had nine acres running along Lyman Row which is used to raise alfalfa hay and complained about taxes on the property. Mr. Ross stated that this was "about the sixth or seventh time" annexation has come up and every time it has come up, he has told city officials, "annex one inch of it and they will bury some of them." Mr. Ross stated that he had threatened all of the city officials and was not ashamed to say it. Mr. Ross complained that annexation of Lyman Row has been addressed numerous times and stated that, "... if anyone comes to my door I will knock them clear out in the middle of the (expletive deleted) road and I won't hesitate, either."

John Viula asked what options were available for Lyman Row residents who do not wish to be annexed into Delta City. Chairman Bishop explained that those who are petitioning for annexation must have a majority of the total land mass and 1/3 of the total assessed land valuation of the entire area in order for Lyman Row to be considered for annexation.

Gail Wardle asked about current plans for the property included in the Quackenbush Annexation. Zoning Officer Riding explained that a hotel / reception center is planned for a small portion of the property but there are no other plans at this time.

Sam Wardle expressed his concern that he had moved to Delta in order to enjoy a country way of

life and he purchased his home on Lyman Row so that he would be close to the city but not within city boundaries. Mr. Wardle has empty fields behind and along one side of his home. He felt that, if his property was annexed into Delta City, there is a chance that he will not be allowed to enjoy the same way of life and will have no choice in the decision due to current zoning laws. Mr. Wardle requested that the record show that he does not feel it is right that he be forced to change his way of life without having a choice. Mr. Wardle stated that he would like to see Lyman Row left just as it is. Other Lyman Row residents concurred with Mr. Wardle's statement.

Chairman Bishop explained that Delta City has received a petition for annexation and it is their duty to respond to that petition. The annexation petition creates a situation which affects the Lyman Row area and the purpose of this meeting is to explain the impact on the Lyman Row area and hear comments from the residents of the area. Chairman Bishop expressed appreciation to those who had attended the meeting and thanked them for their input. He stressed that it is important to know if people want to be annexed into the city and explained that we are attempting to help Lyman Row residents understand what the effects of annexation may or may not be, to the best of our ability.

LeeRoy Stephenson noted that, in reviewing the map of the area proposed for annexation, he does not see any property owned by Mr. Quackenbush, who is the petitioner for the Quackenbush Annexation. Mr. Quackenbush responded that a large portion of the property proposed for annexation is owned by his wife's parents and their intent is to provide services in the area which are not currently available and to provide additional economic impact for the area from tourism. The reason for attempting to procure Delta City water service is to avoid liability issues inherent with a private water well. The private well which is available for the hotel / reception center may not meet new arsenic standards for drinking water. In order to connect to the Delta City water service, current service lines will need to be looped together so the Quackenbushes contacted land owners in the area where the lines would be looped and asked whether they would be agreeable to the annexation. He stated that he had not contacted Lyman Row residents because he did not feel the water service for the hotel / reception center would impact the Lyman Row area.

Mr. Stephenson suggested an alternate route for connecting to the city water service without impacting the Lyman Row residents. Sam Wardle felt that, when the motel / reception center is built, the Quackebushes will be making the money and the Lyman Row residents will have their lifestyle changed and he felt that was not fair to the Lyman Row residents. Chairman Bishop mentioned that there are some things which can be done to alleviate the change in lifestyle and attempts will be made to do as many of those things as possible.

Mrs. Quackenbush explained that, at the time they had researched the possibility of annexation, they were not aware of the Lovell-Turner Annexation and, without that property being a part of Delta City, there was not an island created by their proposed annexation. It was not their intent to create this situation for Lyman Row area residents, but their petition stands "as is."

There was further discussion regarding possible sewer connections being required by Lyman Row residents. Chairman Bishop reiterated that sewer was not even a consideration at this time because

installing sewer service in the Lyman Row area is not feasible. Steve Broderick stated that he did not want any part of city sewer service. Ralph Ross stated that he did not "want any part of the city, period."

Sam Wardle requested that Commission Members consider what they would do if they were in the shoes of Lyman Row residents and make their decision accordingly. He stated that the small increase in the cost of water service and additional taxes were not a significant amount of money.

Zoning Officer Riding explained that, due to new federal standards for arsenic in drinking water, Delta City will be required to either install a treatment plant or drill a new well in order to meet those standards. The cost of either option will result in increased water rates for residents, possibly as much as triple the current rates. If Delta City residents' water rates are tripled, Lyman Row residents will still be required to pay double that amount if they remain outside the city limits.

Commission Members asked the Lyman Row residents whether, if the zoning was such that the animal rights would remain, would that make a difference in their feelings toward the annexation proposal. Mr. Wardle stated that he could not see any increased benefit for Lyman Row residents in being annexed into Delta City.

Chairman Bishop thanked those who had participated in the discussion and asked whether anyone had any additional comments. There being none, he declared the meeting adjourned at 7:25 p.m.

  
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VANCE BISHOP, Chairman

  
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Karen Johnson, Planning & Zoning Secretary

MINUTES APPROVED: P&Z 12-08-05