

Andy Nef  
Pleasant View Planning Commission Chairman  
Julie Farr  
Planning Commission Vice-Chairman

Dear Mayor Call and Pleasant View City Council Members,

We are writing this letter in reference to Public Hearings (#2 and #3) coming before you on December 28, 2021. It is a consideration to create a new A-4 Zone Ordinance designed for animals with a minimum lot area of 4 acres, and if which approved, would lead to possible action to rezone property in our present commercial zone to A-4. These actions were discussed in depth at our Planning Commission Meeting on December 9, 2021. Unfortunately there were audio issues at the meeting, so you do not have access to the prolonged discussions, questions, comments, and concerns that took place. The minutes, though a summary of action, are not able to reflect the extent of our deliberations. For that reason, we thought it might be helpful to outline why our commission members unanimously denied the adoption of this new zone.

1. The zoning change requested goes against the Pleasant View General Plan.

Unless ordinance and zoning changes are in the best interest of the citizens and city of Pleasant View, we uphold the General Plan. When property along 2700 N was changed to commercial zoning last year it was to comply with the General Plan. There were citizens who disagreed with the change, but who have now benefited from their agricultural property becoming commercial property. While taxes have increased, the value of the land has increased to never before seen values. To change it back to zoning that is not commercial would be a step away from the General Plan and could be detrimental to the city and citizens. (See below)

2. The Planning Commission avoids "Spot Zoning" due to potential litigation and unfair practices.

The definition of spot zoning is "the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of other owners". Perhaps the most important criteria in determining spot zoning is *the extent to which the disputed zoning is consistent with the municipality's comprehensive plan*. If approved, we would be creating an entirely new zone to benefit one particular landowner, and as previously noted that change would be against the General Plan. And though it may not be detrimental to landowners, it can set a precedent for others to seek creation of individualized zones for their personal financial gain or benefit. If their requests are not granted, it may be deemed as unfair practice and litigation could be the result if we do it for one favored party.

### 3. The Planning Commission wants to avoid "Flip-Flop" Zoning.

This came up in our discussions on December 9<sup>th</sup> and deserves explanation. If we begin to create zones to meet temporary individual needs, our zoning ordinances will become burdensome and can create future problems. The question was asked, "What if we change this particular property to A-4 and in a few months the landowners want to sell the property to be developed commercially?" The answer was, "We likely again change the zoning- this time back to the C-2 it is now, because that is what corresponds with the General Plan". If we do this now, we open the door for similar situations of creating or changing zones for temporary needs, only to change them back to what they either were to begin with or should have been to correspond with the General Plan. There is time and cost associated with each zoning change in regards to administrative and planning personnel. Some cities have a requirement that if a zone change is requested, it cannot be changed back to the original zone for an extended period of time to discourage Flip-Flop's. Our commission members felt that creating this new zone could create problems.

While each planning commission member was sympathetic to the unexpectedly high tax burden created by the previous zoning change to C-2, the landowners acknowledged that the property is much more valuable now as a commercial property. We discussed how property values have greatly increased and created higher tax burdens, and even some residential properties here have seen tax increases of over \$4,000 in one year. Someone on the commission suggested that it might benefit the landowner to talk to a real estate investment counselor or someone versed on how best to deal with the current and/or future tax issues.

Unfortunately, the landowners did not contact the county assessor about how the C-2 zoning would affect their property tax prior to the public hearing where it was changed last year. Though the meeting was done electronically, comments could have been made prior to and/or at the meeting and this issue discussed. City council and planning commission members cannot be aware of every unique circumstance. It is the responsibility of property owners to address their own particular situations in those public hearings.

This letter touches on the main points discussed at our planning commission meeting and hopefully explains our thought processes. We all recognize that this is an unfortunate situation for the landowners. There were enough concerns of how this one decision could impact the city, that despite our empathy to the landowner and our willingness to consider the request we unanimously could not support creation of a new zone to accommodate one particular party. We did reassure the landowners that the request could still be approved through administrative measures if the city council feels differently.

With our regards,  
Andy Nef and Julie Farr

## Jill Hunt

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**From:** Keith D. Preece <PreeceKD@ChurchofJesusChrist.org>  
**Sent:** Monday, December 27, 2021 10:39 PM  
**To:** Leonard Call; Sara Urry; Ann Arrington; Kevin Bailey; Steve Gibson (steve.gibson@msn.com); Dave Marriott  
**Cc:** Amy Mabey; Jill Hunt; Andy Nef  
**Subject:** City Council Meeting 12/28/2021

Mayor Call and members of the Pleasant View City Council,

On the agenda for the council meeting scheduled 12/28/2021 there is an application to create a new A-4 zone that does not currently exist. The reason this zone is being requested is to reduce a tax burden on the applicants Tym and Douglas Dickson. You will have the meeting minutes from our planning commission meeting 12/9/2021. While we all felt compassion and empathy for the applicant and their concern for the tax burden placed on their property when it was zoned C-2. The results of this rezone raised the Dickson property taxes from approximately \$1,700 to almost \$8,000. On the surface this is a large hike to any property owner, however; the property valuation of said property went from around \$200,000 to close to or over \$1,000,000.

The Dickson's were present when the 2700 rezone was approved by the city council in the fall of 2020. That meeting was presented over Zoom. The Dickson's said they felt like the Zoom meeting was too impersonal to address issues or ask questions even though the meeting allowed questions and concerns. I mention this only because at that time the Dickson's new their taxes would be higher and even made comment they would probably sell during 2021.

As a planning commission we voted unanimously to deny the application to the City Council. The following reasons were discussed:

- 1 The Dickson property is less than the 5 acres needed for Green Belt application and the only property owners on the South side of 2700 North East of Hwy 89 that owns less than 5 acres.
- 2 The property owners to the East of the Dickson's have two parcels that are combined more than 5 acres, however; each lot individually is less than the 5 acres for Green Belt. If a A-4 Zone is adopted, then each of these would qualify for the A-4 zone. I can assure you the property owners would most likely make application that their property be divided into two parcels meeting the (newly created) A-4 requirements. If this were to happen it would have serious implications on the city's Master plan for the 2700 commercial corridor.
- 3 As a planning commission we didn't see any value for the city in creating a flag lot in our commercial zone because of a tax burden on a single property owner.
- 4 As a planning commission we questioned if this zone were adopted what implications this would have on future developers knowing a new application would be needed if the property being looked at was partly C-2 and partly A-4, meaning a new application would have to be made to change the A-4 back to C-2. This of course could and probably would present a time burden for any potential developers.
- 5 I was at a Weber State University attending a Christmas Social on December the 8<sup>th</sup>, the night before our scheduled meeting of the 9<sup>th</sup> of December. I sat next to the Universities Professor of Economic Studies, we engaged in idle conversation. I mentioned to him my position and that the very next evening we were going to discuss creating a new zone that doesn't exist and never has existed to help a property owner with a tax

burden. This highly experienced economic professor warned me that if the city allows a new zone to help one property owner for whatever reason we will be open to serious litigation from other property owners wanting similar zones created for whatever their reason they may have. Once the City grants an exception or creates a zone for anyone for any reason, a precedent has been established for any future requests and if it's granted for this reason how do we legally deny another application for another individual. This weighed heavily on my mind knowing there are others that would use this "exception" as grounds for their "exception". I'm not a lawyer nor pretend to understand property laws but what I was hearing was concerning.

- 6 Finally, as a planning commission our responsibility is to create zones and ordinances that fit and meet The Master Plan approved by the City Council and by so doing representing the citizens of Pleasant View. Every decision made the planning commission and city council should be for the betterment of the citizens of this great city. We did not see any value to the city in creating a new zone for one property owner. In my opinion and that of my fellow commissioners our responsibility is for what is best for the city and meeting our responsibilities.

I would encourage each of you to deny this application on the merits and not let "personal" feelings dictate. As a side note Doug worked for me for over 15 years. He is a great friend and an honorable man. I still voted what I thought was in the best interest of the city.

Respectfully,

Keith D Preece