

**TREMONTON CITY CORPORATION**  
**LAND USE AUTHORITY BOARD**  
**April 30, 2014**

Members Present:

Steve Bench, Chairman/Zoning Administrator  
Chris Breinholt, City Engineer  
Shawn Warnke, City Manager  
Marc Christensen, Recreation Director  
Linsey Nessen, Deputy Recorder

Chairman Bench called the Land Use Authority Board Meeting to order at 9:05 a.m. The meeting was held April 30, 2014 in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Chairman Steve Bench, Engineer Chris Breinholt, Manager Shawn Warnke, Director Marc Christensen, and Deputy Recorder Linsey Nessen were in attendance. Director Paul Fulgham was excused from the meeting.

1. Approval of agenda:

**Motion by Director Christensen to approve the April 30, 2014 agenda.** Motion seconded by Engineer Breinholt. Vote: Chairman Bench – aye, Engineer Breinholt – aye, Manager Warnke – aye, and Director Christensen – aye. Motion approved.

2. Approval of minutes: April 23, 2014

**Motion by Engineer Breinholt to approve the minutes of April 23, 2014.** Motion seconded by Director Christensen. Vote: Chairman Bench – aye, Engineer Breinholt – aye, Manager Warnke – aye, and Director Christensen – aye. Motion approved.

3. New Business:

a. Discussion and consideration of a subdivision at 55 South 950 East – Brad Garfield.

Mr. Brad Garfield stated that they don't feel like their property is a part of Garfield Estates as their lots are different sizes than those in Garfield Estates. They have two lots that they are currently paying taxes on as one Tax ID number and they would like to separate those lots and have two separate Tax ID numbers in order to potentially sell one of the lots in the future.

Manager Warnke asked if these lots were part of Phase 1 of Garfield Estates. Mr. Garfield stated that they are a part of Phase 1. They did it all at the same time because that was the least expensive way to bring utilities in because the utilities were brought in through an easement between Lot 2 and 3. Manager Warnke asked if this would be a plat amendment as the property is currently a part of Phase 1. Chairman Bench read from the City's Code that a "signed petition shall be submitted

which consists of the following: explanation of the purpose for amending the plat, the name and address of all owners of record contained in the entire plat, and the signature of all owners of record.” The owners of record would need to sign and state whether they consent to the plat amendment or not. Manager Warnke stated that the Code reads that there may also be a public hearing required and provided Mr. Garfield with a punch list of initial comments.

Manager Warnke asked if the original plat would be amended and the two affected lots would be re-platted as their own subdivision. Chairman Bench stated that is what the plan that Mr. Ben Johnston created is showing. Engineer Breinholt stated that he doesn’t see a reason to change Garfield Estates as these lots are and always will be a part of Garfield Estates as that is how it was platted originally. The boundary of the subdivision is not being changed and they are not adjusting a lot line so they don’t need to re-plat the entire subdivision, just re-plat the affected lots. Chairman Bench asked Mr. Garfield if they would like to break away from Garfield Estates. Mr. Garfield stated that their main goal is to create two separate lots with two separate Tax ID numbers and will do whatever they need to do to accomplish that. Engineer Breinholt stated that if they were to separate out of Garfield Estates, that would require redoing the entire subdivision and all the property owners in the subdivision would have to sign the plat. Mr. Garfield stated that they don’t want to do that.

Chairman Bench stated that a signed petition will still be required because the subdivision is being amended, which theoretically does affect the other owners in the subdivision. Mr. Garfield asked if the notice is sent out in the newspaper. Chairman Bench stated that notice would be sent in the newspaper if a public hearing is required. All this would affect are those owners in the subdivision boundary. Chairman Bench read from the City’s Code that for “amendments other than vacating or amending a public street, right-of-way, or easement, the Land Use Authority Board shall hold a public hearing if any owner within the plat objects to the amendment or vacation in writing to the City within 10 days of the mailed notice or because all the owners in the subdivision have not signed the revised plat.” Engineer Breinholt asked if the Land Use Authority Board holds the public hearing. Chairman Bench stated that Mr. Garfield will need to get signatures from the five other property owners in the subdivision and himself on the petition, either for or against and if there are any owners that are against, the Land Use Authority Board will have to hold public hearing.

Manager Warnke stated that Chairman Bench is going to research whether impact fees were paid for both units at the time of the subdivision. Chairman Bench stated that if they were not paid, at the time they are subdivided, the impact fees will be required and assessed. Manager Warnke stated that there is also a fee-in-lieu required with a subdivision as there are currently no improvements of curb, gutter, and sidewalk on the frontage of their property. Manager Warnke stated that along with separating out the water lines, they will also need to get a sewer easement for the other lot as well. Manager Warnke also asked about fire hydrants. Mr. Garfield

stated that there are fire hydrants in the subdivision, one of which is within 285 feet of his house. Engineer Breinholt stated that the way the State Code is written is that fire hydrants should be an average spacing of 500 feet apart. He has interpreted that to say each lot needs to be within 250 feet of a hydrant. Chairman Bench stated that this hydrant meets the intent. Engineer Breinholt stated that a hydrant within 285 feet of the lot doesn't worry him. Manager Warnke asked about a fire truck turn and stated that there are standards that require a turnaround. Chairman Bench stated that Mr. Johnston has an emergency vehicle turnaround on the plan.

Mr. Garfield asked how much the impact fees will be. Chairman Bench stated that the fees will be changing soon, but as of right now, the water impact fee is \$3,342.44 and the sewer impact fee is \$1,932.29. The total impact fees will be around \$5,500.

Chairman Bench stated that Mr. Garfield will need to follow the steps listed on the application and pay the associated fees to proceed.

b. Discussion of Community Event Signage in the City.

Chairman Bench stated that in recent months, there has been an influx of other cities putting event signage in Tremonton and the City needs to get a handle on that and decide if to allow them, where to allow them, and for how long. Manager Warnke stated that the City has adopted a sign ordinance and is trying to be more diligent at enforcing it. The City was pretty open as to community event signage but what was occurring is too excessive. Chairman Bench stated that the proposed community event signage language would allow for annual events and not ongoing programs.

Currently in the City Code, community event signage is defined as "signs advertising a public entertainment or event of public interest, provided the placing of signs be approved and the locations, both on or off premise, designated by the Zoning Administrator. These signs shall remain in place for no more than 21 days before and 7 days after the event not to exceed 30 days." Chairman Bench stated that he only gets notified of about half of the signs that get placed.

Chairman Bench searched on Google for other city sign ordinances and found one that he read from "Temporary Community Event Sign: The community event being promoted shall be held in the City, be sponsored by City businesses or be sponsored by a City area civic organization, or a not for profit organization with substantial functional membership and/or anticipatory connection to the City. All temporary community event signs shall be consistent with the City community event sign policy as amended from time to time. Location: Temporary community event signs shall not be erected on property within any residential district with the exception of residential properties with frontage along an arterial or collector street. Signs may not be located in right-of-ways subject to approval of the Zoning Official and provided the location will not compromise public safety and welfare. Display Period: Signs may be displayed a maximum of 7 days prior to the event. Signs must be

removed within 24 hours following an event. Number of signs: A maximum of 6 signs shall be displayed for any single event, not to exceed 8 square feet of surface area.”

Chairman Bench stated that there are 4 potential spots where signs could be displayed: the intersection at 3<sup>rd</sup> East and Main Street, Midland Square, and the intersections at 10<sup>th</sup> West and Main and 10<sup>th</sup> North and 10<sup>th</sup> West. The City could either determine how many signs can be displayed or create a map of where signs can be displayed.

Engineer Breinholt stated that the length of time allowed for signage in the current City code is awfully long. Chairman Bench clarified that temporary signs for business promotions, banners, etc. can be up for 30 days up and then must be down 90 days. Community event signs can be up for 21 days before the event and 7 days after the event. Director Christensen asked if program registration would be considered a community event. Chairman Bench stated that he thought it would be and asked Director Christensen how many days before and after the event he would suggest allowing signs to be displayed. Director Christensen stated that for the program registrations, 21 days before is needed. But for community events, 2 weeks is plenty. Manager Warnke suggested having a code specifically for program registration signage and limiting it to Tremonton City programs with different time requirements and one specific to community events with a shorter time frame.

- c. Walk ins\*

No walk ins.

4. Comments/Reports:

- a. Chairman/Zoning Administrator – Steve Bench

No comments.

- b. City Engineer – Chris Breinholt

No comments.

- c. Recreation Director – Marc Christensen

No comments.

- d. Public Works Director – Paul Fulgham

Director Fulgham was excused from the meeting.

e. City Manager – Shawn Warnke

No comments.

5. Public comments: Comments limited to five minutes.

No public comments.

6. Adjournment:

**Motion by Director Christensen to adjourn the meeting.** Motion seconded by consensus of the Board. The meeting adjourned at 10:01 a.m.

The undersigned duly acting and appointed Recorder for Tremonton City Corporation hereby certifies that the foregoing is a true and correct copy of the minutes of the Land Use Authority Board Meeting held on the above referenced date. Minutes prepared by Linsey Nessen.

Dated this 7<sup>th</sup> day of May, 2014



Darlene S. Hess, RECORDER

\*Utah Code 52-4-202, (6) allows for a topic to be raised by the public and discussed by the public body even though it was not included in the agenda or advance public notice given; however, no final action will be taken.