

**TREMONTON CITY CORPORATION
DEVELOPMENT REVIEW COMMITTEE
AUGUST 17, 2023**

Members Present:

Shawn Warnke, Chairman & City Manager
Chris Breinholt, City Engineer
Zach LeFevre, Parks and Recreation Director—excused
Paul Fulgham, Public Works Director
Sharri Oyler, Treasurer
Connie Archibald, Councilmember
Cynthia Nelson, Deputy Recorder

Chairman Warnke called the Development Review Committee Meeting to order at 9:36 a.m. The meeting was held August 17, 2023 in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Chairman Warnke, Engineer Breinholt, Director Fulgham, Treasurer Oyler (left at 10:01 a.m.), Councilmember Archibald, and Deputy Recorder Nelson were in attendance. Director LeFevre was excused.

1. Approval of agenda:

Motion by Director Fulgham to approve the August 17, 2023 agenda. Motion seconded by Chairman Warnke. Vote: Chairman Warnke – aye, Engineer Breinholt – aye, Director Fulgham – aye, Director LeFevre – absent. Motion approved.

2. Approval of minutes—May 3, 2023 & May 17, 2023

Motion by Director Fulgham to approve the minutes stated above. Motion seconded by Engineer Breinholt. Vote: Chairman Warnke – aye, Engineer Breinholt – aye, Director Fulgham – aye, Director LeFevre – absent. Motion approved.

3. New Business:

- a. Discussion of secondary water charges for Spring Acres Development Group – Ricky Christensen, Lisa Christensen, and Blake Christensen

Chairman Warnke said you would need to visit with the City Council, but we can review the agreement. The development agreement talks about installing secondary water mains and laterals to every development. This goes back to 2017. When your property was rezoned, there was an overlay zoning ordinance adopted that included special consideration for density and improvements. At the time we were revisiting secondary water. There was a substitute on the amenities being proposed. It stated that you shall install secondary water mains and laterals to the common areas of Spring Hollow into each building lot. The developer dedicates secondary water mains and laterals to the City as public improvements. We acknowledged there is no timeline for when secondary water would be provided through secondary water mains. Mr. Ricky

Christensen said the concern is we are getting charged overage. Director Fulgham said we do not charge overage—we charge for usage. It is a tiered rate for conservation purposes. Mr. Ricky Christensen said if you look at that as 17 individual homes, we would be in tier one in every aspect. We feel like it is not correct to be charged as one residential outlet. If they go over that amount, let them pay extra. It needs to be divided up on the number of homes—not just one home divided up on the tier level. We would have done it a little different if we would have thought it was going to be done this way. Director Fulgham said that was built as a homeowner’s association, where you maintain the lawns and the sprinkler systems. You set up your development that way. If we charge you different, we are going to have to guess who is using what. I am responsible to the canal company for the water that gets used. This is the way we bill HOAs. You elected not to put in individual meters and connections to each home. If you wanted to go back and retrofit this, you could. You are functioning as an HOA, and this is how we bill those with one meter watering all common areas. If you go back and read the minutes, you will find that me and Engineer Breinholt stated, you can put secondary in, but we cannot guarantee that it will have enough pressure up there. We left it up to the developer. Engineer Breinholt said this is not for this body. A rate structure has to do with the City Council. You need to talk to them if you want a new rate structure to be considered. We just enforce the current code. The Committee would put them on the City Council September 17, meeting work session for further discussion.

- b. Discussion of subdividing parcel #05-043-0078 located at 440 West 600 North – Joshua Greer, Bear River Health Department

Mr. Greer said our surveyor suggested we talk to you before we move further. We have quite a bit of undeveloped land and are currently sharing the building with Bear River Mental Health. They have ownership in the building. They do not want the extra land and we do not want to tie our hands. We are the listed owner of the property. We have a contract with them, and they have an equity interest in the building. Going forward we thought it would be easier to have two parcels—one that we share with them and another that the health department has the ability to do something with. We have had discussions with the County and State about putting sheds for emergency storage. Director Fulgham said if you subdivided that off you would have to have a cross access easement recorded. Chairman Warnke said you can have onsite storage, but not offsite. If you own it, you cannot build storage space and rent it out to another entity. Mr. Greer said if we ended up going that way, it would not be us retaining ownership. It would be them buying it and using it for their purpose. Engineer Breinholt said I think this is doable. It is just a question of what you can do on it. Chairman Warnke said there is a lot of flexibility in that zone, I think the biggest issue is going to be providing services.

- c. Discussion of amending the planned phases for Rivers Edge located at approximately 200 North and 775 East – Michael Jewell

Mr. Jewell said we were getting ready to move forward with phase one, but our contractor said 72 lots is too many to deliver by the end of the year. We want to get a section in. We know the neighbors want the 775 East outlet. This does not really change anything—it is just the timing. We could get this in by the end of the year and bring 14 lots online. We would plan to move forward with the rest of phase one in the spring. Chairman Warnke said if you record the plat, that is where it becomes problematic for our development agreement. There are certain things that get triggered. We defined what phase one is in the agreement and you have certain obligations, including secondary water and roads. We definitely can amend it. Since it is a contract zone we have to go through the rezoning process and redraft an amendment to the agreement. The City Council and citizens would likely be on board.

The Committee reviewed language in the agreement. Chairman Warnke said I think we want it to happen, we just need to think through the best way to do so. If the Council agrees, then we could consider rezoning the property or addressing this little piece. That would give you enough assurance to feel like you can move forward. We have to treat it like a rezone. We would need to amend our agreement, do a public hearing with the Planning Commission and have the Council approve it. We have continued to make progress on freeing up capacity, and I am not sure 14 lots would be a problem.

The Committee continued to read through the agreement. Chairman Warnke said it says the developer acknowledges that the completion and construction of the pump station will be a prerequisite for the City issuing certificate of occupancy in any dwelling in phase one. It is a different phase. Engineer Breinholt said that is why we cannot add phase one without going through this whole rezone and public hearing process. Chairman Warnke said from a planning perspective it is not an issue. The issue is secondary water, and can the City accommodate 14 additional lots? Also, is it worth it to give that allowance to finish out that road? I would think the Council and that neighborhood would think it is important. We need to amend the language in the agreement, which can be done fairly quickly. The Committee recommended he attend the August 29 meeting to discuss this with the City Council.

- d. Discussion of developing property at 800 North 2300 West – Mike Alvord, Mac Builders and Steve Grange

Mr. Alvord said we got that radius resolved. I will check the title. Mr. Grange said before I approach those two homeowners, we have got to clean up that right-of-way. We are ensuring proper access. They also discussed curb, gutter and sidewalk in the area, as well as ensuring handicap access.

The Committee discussed the right-of-way at 2300 West and reviewed County plans. Engineer Breinholt said there is probably some cleanup that needs to happen, but it might be to your benefit. Mr. Alvord said we will finish working through the comments.

When asked about the next step, Chairman Warnke said likely preliminary flat approval. It does not expire, but we probably should do it again. That would be recommended to the Planning Commission. We would then approve the final plat. Come back to this board with your cleaned up version. We will get the issues resolved before taking it to the Planning Commission. Submit a clean version of your documents and the construction documents if you have them. We will have a development agreement too, that formalizes all the special conditions.

e. Walk-ins: There were no walk-ins.

4. Comments/Reports: None.

Director Fulgham mentioned the railroad and having subdivisions within 1,000 feet. We are supposed to have some kind of clearance through UDOT for Union Pacific. The whole reason is so they can evaluate the crossing. They are going to redo the signal on 1000 North and 1200 South. You have to enlist UDOT because they are over the crossings. They have to have a study. Part of this is deciding whether it has to be a signalized crossing, because they want to know traffic counts. The standard is 250 feet, but also the traffic and if that requires a signalized crossing. That intersection is a secondary concern because they know it was already there.

5. Public comments: No public comments.

6. Adjournment:

Motion by Director Fulgham to adjourn the meeting. Motion seconded by consensus of the Committee. The meeting adjourned at 11:26 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 Development Review Committee Meeting held on the above referenced date. Minutes prepared by Jessica Tanner.

Dated this 6th day of December, 2023

Linsey Nessen, City 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.