

**TREMONTON CITY CORPORATION
PLANNING COMMISSION
MAY 14, 2024**

Members Present:

Micah Capener, Chairman
Penni Dennis, Commission Member
Kaden Grover, Commission Member
Mark Thompson, Commission Member
Raulon Van Tassell, Commission Member
Bret Rohde, City Councilmember—excused
Jeffrey Seedall, Commission Member
Cynthia Nelson, Deputy Recorder

Chairman Capener called the Planning Commission Meeting to order at 5:34 p.m. The meeting was held May 14, 2024 in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Chairman Capener, Commission Members Dennis, Grover, Thompson, and Van Tassell, City Planner Seedall, Design Planner Sam Taylor (via Zoom), and Deputy Recorder Nelson were in attendance. City Councilmember Rohde was excused.

1. Approval of agenda:

Motion by Commission Member Dennis to approve the May 14, 2024 agenda. Motion seconded by Commission Member Grover. Vote: Chairman Capener – aye, Commission Member Dennis – aye, Commission Member Grover – aye, Commission Member Thompson – aye, Commission Member Van Tassell – aye. Motion approved.

2. Declaration of Conflict of Interest: None.

3. Public Comment: None.

4. Approval of minutes—April 23, 2024

Motion by Commission Member Dennis to approve the April 23, 2024 minutes. Motion seconded by Commission Member Van Tassell. Vote: Chairman Capener – aye, Commission Member Dennis – aye, Commission Member Grover – aye, Commission Member Thompson – aye, Commission Member Van Tassell – aye. Motion approved.

Chairman Capener called a Public Hearing to order at 5:36 p.m. to discuss a new definition. There were two people in attendance.

5. Public Hearing:

- a. To receive public input on amending Title I Chapter 1.03 Definitions. The purpose of these proposed amendments is to alter the definition of “Public Park” and create the definition of “Community Gathering Area”.

There were no public comments. Chairman Capener closed the Public Hearing at 5:36 p.m.

6. New Business:

- a. Discussion and consideration of amending Title I Chapter 1.03 Definitions. To alter definition of “Public Park” and create definition of “Community Gathering Area”.

Planner Seedall said this started at City Council as an economic impact. The purpose in creating this definition for a community gathering area is to apply it to Midland Square and take it out of the definition of a public park. This would allow for liquor licenses to be had closer to downtown. This would allow the El Chilito restaurant a license to sell liquor. The hope is to take a restraint off of restaurants. Midland Square would be redefined as a community gathering area.

The Commission reviewed the State code, along with other codes, and proximity of liquor from a public park, as well as churches and schools. They also reviewed what constitutes a park. Planner Seedall said a community gathering area is a public open space that does not really have many amenities for recreation. This is how Midland Square currently stands and would even if it got updated to what we passed with this concept plan. This would allow restaurants downtown to sell liquor.

The Commission asked to have the City attorney review the legal side of this to make sure the definition fits. The Commission further reviewed the things that could limit restaurants along Main Street from selling liquor, including churches. Chairman Capener said I do not think it is a bad idea to have City Attorney Ericson give us a review on the language and make sure it accomplishes the goal without complicating something else. Commission Member Dennis said I agree, I feel like this is just going to spiral. It is going to open a can of worms. Chairman Capener said we could maybe even spend time doing distance measurements. If we change this and a church is still there then that precludes the ability to do it. If we changed the definition, then El Chilito would be fine. Planner Seedall said this would allow more opportunities by making this a community gathering instead. I cannot think of another spot in Tremonton that would need this. Commission Member Van Tassell said making this a community gathering area still allows for businesses to come in and not really create problems.

Motion by Commission Member Dennis to have City Attorney Dustin Ericson review this section and if it solves problems then to recommend it.

Motion seconded by Commission Member Thompson. Vote: Chairman Capener – aye, Commission Member Dennis – aye, Commission Member Grover – aye, Commission Member Thompson – aye, Commission Member Van Tassell – aye.

Motion approved.

b. Training on Land Use 101 video

Planner Seedall said the Utah League of Cities and Towns is an organization that helps municipalities understand what is going on and provides information for legislative updates. They do a lot of interfacing to keep us in line and knowledgeable about changes. They are taking an active role to keep everyone as informed as possible.

Planner Seedall explained why it is important to plan as a City and as a Planning Commission. We help shape our local planning laws for the health and safety of our residents. The balance of services, including growth and heritage, a historic Main Street, as well as transportation needs, fiscal stability, along with private and public rights. The State has permitted us to do so. The origin of the City's authoritative and guidelines are in Title 10, Chapter 9A. That breaks out what area we get to operate as a local municipality. It uses a lot of broad terminology so that cities can do things how they wish. The municipal's legislative body is the City Council. The Planning Commission is an extension of that and the Land Use Authority for Tremonton. You play an advisory role to the City Council. If there is anything contradicting from the city level, then the State could override it. As we continue to draft and modify code, we make sure it is in line with State procedures.

The Commission watched a portion of the training video.

Planner Seedall said another good resource is a book called Ground Rules by Craig Call. Tremonton is very much in a growing stage. Any ambiguity in the City code benefits the developers and applicants. As we are developing codes and reviewing documents that govern the City, it is important that we are laying out the laws and making them clear.

Planner Seedall reviewed the plans they will be updating because of available money to do so. Those include the General Plan, Transportation Master Plan, Water Plan, and Land Use Plan. Mr. Taylor said those plans govern how the City grows. It will be the Planning Commission's responsibility to follow that and make sure that future land use follows what that vision is. Planner Seedall suggested they review those plans and provide comments during the revision process. We use those plans to guide our Planning Commission's decisions. Being the land use authority, you will consider how things are zoned.

Planner Seedall reviewed the appeal authorities and that process, along with helpful aids. The Planning Commission's role for City Council is that you are the land use authority and you make recommendations as development and other

items come through. You are not always the appeal authority, that is done on a case-by-case basis. We have denied concepts and preliminary plans but work together with people to get something that both parties approve. That is the point of the Development Review Committee.

c. Presentation on mixed-use versus planned urban development

Planner Seedall said PUD stands for Planned Urban Development. Currently Tremonton has been using overlay zones to cover that. We have too many to keep track of and all of them have their own unique characteristics and guidelines that the City planner has to keep track of. We also have a mixed-use zone that covers future land use. Mixed-use is the most user friendly version. There are only three things that are not allowed. Most everything can be permitted or conditionally permitted. From a residential standpoint there are things I do not like about this. Setbacks are governed through the site plan approval so with each application you could get varied setback and uses. That creates a lot of inconsistency. The main part of looking into PUDs is as annexation boundaries come in and as the City grows outside, using mixed-use for residential uses and commercial, is a little too open for planned developments. As we annex and grow on the outside, the Planning Commission would be allowed to utilize PUDs to help with large developments, not just small ones.

When asked about PUDs and HOAs, Planner Seedall said HOAs will likely go hand in hand with PUDs, but having a PUD does not guarantee it. We can set some architectural standards, bonus densities, and amenities. We would work with developers to do this. The PUD sets a baseline going forward, so instead of having overlay zones that get drafted in that moment, it would give us a guideline going forward of what the City would permit with larger developments. We might create new zoning that would allow a mix instead of townhomes, apartments, multi-family, or single-family. The hope with the PUD is that we can create housing between single-family and townhomes. Currently it is hard to get developers to look into cottage homes or smaller, stacked houses.

Mr. Taylor said the mixed-use is intended to support a mix of commercial and residential uses in the same way. A couple developments have been a little strange to use the mixed-use as an underlay and then strike out all the commercial aspects of it and then lay an overlay based on the development agreement. It becomes very complex administratively and difficult to track. The idea behind the PUD is in most municipalities, they are using that to govern mixed residential developments. Those developments follow, more or less, what we have done with the master development agreement, but are specifically set up around residential. Planner Seedall said we need to replace the overlays with this so we do not have as many variations from overlay to overlay. It is a nightmare and the chapter continues to grow. The hope with this is that we would replace the overlay zones

and set guidelines to how we would like to see developments done. That could be through bonus densities in exchange for amenities. If they do a PUD over that and we did a base that says, if you put in a public park, we will give you another ten percent (10%) bonus density. As we get nicer developments, we get more density. That preserves land elsewhere that does not need to be developed to handle growth. It also means we get nicer looking developments that have amenities and public spaces. Commercial development would stay in the mixed-use. Mixed-use really should stay along corridors where it makes sense to have them. We want to have more housing varieties. There is not a lot of commercial areas going up. The vision is to allow multiple residential uses under certain circumstances if they do the extra things to make it nice and add open space. It gives us the ability to leverage the density. It gives us a baseline for how we want to emphasize those bonuses. If we want to put priority on parks, trails, and open spaces, which is what the General Land Use Plan shows the City needs. If they put in amenities, you increase the average unit per acre and it creates a baseline of flexibility.

Chairman Capener said we need to see some language in the proposal. Planner Seedall agreed, saying before we went through and put this all out, I wanted to have a discussion of why we are doing it and what the hope is. When we annex things in, the Planning Commission will set the base zone. Hopefully you will follow the Land Use Plan to set a zone and then if they want to do a PUD, that allows them to have more flexibility with how they do it. Mr. Taylor said some of the advantages are that it offers flexibility to market conditions. We are trying to promote affordable housing and provide different options and solutions. It does offer some flexibility for the developers and helps the City achieve its goals to provide a mix of options and affordability for residents. Having multiple housing options in the same area promotes a mixed neighborhood and offers new opportunities to bring different groups together. This also allows the City to gain open space, parks, and other amenities. As we do this, we need to respect the land use vision for the community. A PUD is not used to allow developers to do whatever they want. There needs to be thought given to that and some sort of control in place so we are not creating lots of density in places where it does not make sense or does not support the vision that has been established in the Land Use Plan.

Planner Seedall said the main point tonight is, are you okay with considering doing PUDs instead of overlay zones? If the Planning Commission prefers the flexibility that comes with overlay zones, then I will start finding a way to file them better. I prefer PUD just so that we get a standard treatment for developers. Commission Member Grover said I like the consistency that it would bring and the base. It is also important for developers to have flexibility. Mr. Taylor said overall we want to make sure the language is flexible, but on a high level of standards. There are a number of details that have been worked out through the development process. Chairman Capener said I would really like to see the

language and quantify that, and then compare that to projects we have done that are meeting what the market is going to need today. I would like to see how the actual language would apply, how it would change the actual overlay versus the PUD and how it would have turned out in the end. We ought to take a stab at the language and go from there. Planner Seedall said if you are okay with exploring this idea, we will start putting a draft ordinance together for the Commission to pick through. They agreed.

7. Planning commission comments/reports

Commission Member Van Tassell said we should include a discussion about the preservation of farmland in our planning purposes. Mainly because I feel like that brings a really good aspect to the community. I think what you are saying about PUDs and these new annexations, brings to mind the idea of condensing livable space so that we can provide land outside of it and preserve land. I appreciate that thought in the process. Regardless of how developers might feel about it. There is a cultural aspect to maintaining land as well. Planner Seedall said we will look at conservation subdivisions that emphasize adding more density in exchange for green space. Most of the time those are built around wetlands. There are not too many natural elements to Tremonton that require that, but one that comes to mind is building adjacent to the Malad River and allowing that green space to be preserved.

Planner Seedall also reminded the Commission about the Town Hall meeting to discuss Main Street on Thursday at the Senior Center at 6 p.m.

8. Adjournment

Motion by Commission Member Dennis to adjourn the meeting. Motion seconded by consensus of the Board. The meeting adjourned at 7:18 p.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 Planning Commission held on the above referenced date. Minutes were prepared by Jessica Tanner.

Dated this 11th day of June, 2024.

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.