

**TREMONTON CITY CORPORATION
PLANNING COMMISSION
AUGUST 13, 2024**

Members Present:

Micah Capener, Chairman
Kaden Grover, Commission Member
Andrea Miller, Commission Member
Mark Thompson, Commission Member
Raulon Van Tassell, Commission Member
Bret Rohde, City Councilmember—excused
Jeff Seedall, City Planner
Bill Cobabe, City Manager
Tiffany Lannefeld, Deputy Recorder
Sam Taylor, Landscape Planner

Chairman Capener called the Planning Commission Meeting to order at 5:30 p.m. The meeting was held August 13, 2024 in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Chairman Capener, Commission Members Grover, Miller, Thompson, City Planner Seedall, City Manager Cobabe, Landscape Planner Taylor (joined via Zoom) and Deputy Recorder Lannefeld were in attendance. City Councilmember Rohde was excused.

1. Approval of agenda:

Motion by Commission Member Thompson to approve the August 13, 2024 agenda. Motion seconded by Commission Member Van Tassell. Vote: Chairman Capener – aye, Commission Member Grover – aye, Commission Member Miller – aye, Commission Member Thompson – aye, Commission Member Van Tassell – aye. Motion approved.

2. Declaration of Conflict of Interest: None.

3. Public Comments: None.

4. Approval of minutes—June 25, 2024 & July 23, 2024

Motion by Commission Member Grover to approve the minutes stated above. Motion seconded by Commission Member Thompson. Vote: Chairman Capener – aye, Commission Member Grover – aye, Commission Member Miller – aye, Commission Member Thompson – aye, Commission Member Van Tassell – aye. Motion approved.

5. New Business:

a. Introduction and welcome of Andrea Miller to Planning Commission

The Commission welcomed Miller, who provided a quick bio.

- b. Discussion and consideration of amending Development Agreement for Homes at Tremonton – Spencer Butterfield (joined via Zoom) and Gene Ashton

Manager Cobabe said this is something Planner Seedall and I came to fairly late in the game, both in our position with the City and our understanding of how the conversation went. At some point a building permit was issued that showed what has been built. The entire facade is covered in stucco. The development agreement was approved in November and since we were not privy to the conversation, all we have to go on is the development agreement, which includes several areas on the facade that are other materials rather than stucco throughout. In this case we have a development agreement that is in conflict with the permit. There is a disagreement between a permit and what has been built and what was agreed upon and anticipated by the City. In an effort to get that reconciled, we gave them three options. First, is to put hardy over the existing stucco. Second, remove all of the existing stucco facade and do it according to what the development agreement says and third modifying the development agreement to reflect what has been built. The Planning Commission would make a recommendation and the City Council, who makes a decision.

Chairman Capener said I assume the first two options would be difficult. Mr. Ashton said it would be and really creates problems down the road. He then explained how he joined this project and the process before he became involved. I put together a cost, but was asked how much it would cost to remove the siding. To my knowledge, he worked this through with the City and former City Manager Shawn Warnke. I was told we would do stucco on the whole thing, but the City wanted some pop-outs to create depth. We added those. He then sold this to Danny Berger and Spencer Butterfield. They asked me to build this. The plans I have are dated March 20, 2023. Those are the plans I used, which shows all stucco. I have seen some plans with siding, that was later eliminated. I did not hear about any issues with the building until two months ago. I think you have a beautiful building. I see nothing wrong with it.

Manager Cobabe said we do not know where things got lost in translation, but we do know all parties signed off on this particular arrangement and facade. City staff does not feel comfortable going outside of those parameters without having gone through this amendment process. Planner Seedall said this development agreement was negotiated through DRC and all parties agreed to it. The Mayor, Recorder and developer all sign it. It was recorded at the County and then ratified by the Council. Without reading the keynotes, the call-outs of what the finishes are, color-wise, the buildings are identical. This color scheme is what was meant for both stucco or hardboard. These two drawings look very similar. Mr. Ashton said I can see how a mistake could have been made in grabbing one set of plans. When asked about current code requirements, Planner Seedall said we have pretty loose architectural standard in the City. Manager Cobabe said that is one of the

things we want to work on. We should lock our expectations into the code. Regardless, the development agreement trumps local code. The beauty of a development agreement is that all of these things are open for negotiation and it may feel arbitrary, but what makes it not arbitrary is that all parties agreed to it and signed it. That is the essence of what we are trying to resolve tonight.

Mr. Butterfield said when this was handed off it seemed like this had all been worked out. Former Manager Warnke never mentioned this. We had other discussions, but nothing about facades. When you compare these plans side by side, it is really easy to overlook a couple of lines that show siding. When I looked through that development agreement, I did not see that one had the wrong set of plans. This was overlooked. We signed the development agreement, but we did not see the siding. We were looking through a lot of different things. We have a beautiful building. If we can amend this and move forward, that would be awesome.

The Commission continued discussion and questioned if there was a way for them to meet in the middle to ensure both parties are satisfied with the outcome. Manager Cobabe said we are not trying to wink and nod at anything. We are not trying to say, well it is close enough. It is not close enough. This was approved and all parties agreed to sign. There was a discrepancy and we are trying to get that figured out.

Motion by Commission Member Grover to make a recommendation to the City Council to consider amending the development agreement as built. Motion seconded by Commission Member Thompson. Vote: Chairman Capener – aye, Commission Member Grover – aye, Commission Member Miller – aye, Commission Member Thompson – aye, Commission Member Van Tassell – nay. Motion approved by a 4-1 vote.

- c. Discussion and consideration of updates to Chapter 1.18 Landscaping, Buffering, & Fencing Regulations

Mr. Taylor provided an overview, saying we are looking at updating Chapter 1.18. This is in direct response to the Water Preservation Plan, which was adopted by the Council last week. We are responding to the City's goals for increased water conservation, by targeting landscapes. We are also clarifying other requirements we have experienced at the DRC level. One is to clarify park strips and street trees. We will clarify other requirements for commercial multi-family development. We want to find some submittal requirements to facilitate that review process for those developments. Single-family landscapes tend to be more of a recommendation. This is an overview of what we are proposing to change. We have revised the requirements for park strips, the use of turf so we are not cutting wasteful landscape strips and expanding on street trees. We are trying to

craft a reasonable approach to this with some qualitative and quantitative features. Instead of having a required street tree list, we added a prohibited list with types that would not be appropriate to have in the rights-of-way. The landscape plan has similar requirements and we are looking to expand those. Originally, the ordinance had a completion time for landscapes within 18 months, we plan to reduce this to 12 months. General requirements are established for things that are allowed within the front side yards. This would limit new development to 50% max and not allowing artificial turf in the front. We are also working on capturing rebate programs through the State. With commercial, multi-family and industrial we have a turf limit on new development (20% max). We have tried to better clarify the total requirement for the landscape area and the number of trees and shrubs. We added minimum requirements for parking lot landscaping and snow storage. Where the water conservation comes in, we are establishing requirements for turf and irrigation and some for native plant selection, also how to treat slopes, provision of mulch, soil prep, and more. The remainder of the chapter is about buffers, fencing and side trails. The information is all the same, but we have tried to revise the tables to be easier to understand and redistributed some of the footnotes into the following sections to make it read better. The remaining sections remain effectively the same.

Mr. Taylor said we will provide reference to the Utah State list plant selection. The Commission discussed different options for landscape products and trees, along with clear vision requirements. Chairman Capener asked what the problem was with artificial turf in the front? Mr. Taylor said studies show that artificial turf is riddled with problems long-term. Weeds will grow in it and it collects a lot of dust. It is much hotter than grass or even rock. Planner Seedall said I think it would fray and deteriorate along shared property lines, but it could be in isolated spots. There is some wiggle room. I also worry about curb appeal. Mr. Taylor said the only requirements we have for single-family homes is that they have their landscape installed within 12 months, and that they limit their lawn to 50%. Manager Cobabe said most of what is in here is a recommendation, not a requirement.

Planner Seedall said we need further discussion, but want to know what changes the Commission feel we should consider. After making amendments you would make a recommendation to the City Council for adoption. Chairman Capener asked how does this tie together with the potential form-based code modification? Manager Cobabe said it will work in tandem. These are basic and minimum standards, while the form-based code will typically have its own standards in addition to this. Developers want things to be as inexpensive as possible, but they also crave predictability. As long as they know what to expect they can plan and budget for it. We cannot afford to just let developers do whatever they want in the name of we need development and businesses. We have a community we are trying to build and the form-based code is a tool we can use to help with that.

Chairman Capener said I feel like the regulations and rules we already have are so great. Adding more and also adding the form-based code, plus the triple permit fees, plus the triple taxes, plus all of our insurances have doubled changes things. Everybody wonders why rent is increasing. This changes the rules dramatically. As a developer when I see this, I think this is going to be expensive. Commission Member Grover said I want the community to look nice, but we have to be reasonable within the price range that we currently have as a community. Manager Cobabe said this will be an ongoing conversation. The form-based code is not necessarily for this kind of development. There could be PUDs and other development agreement. A form-based code is really for commercial areas. We do not care what you do inside, this is just what we want it to look like. That is more of a mixed-use. Planner Seedall said the HOAs that kill you are the ones that have clubhouses and pools—all the extra amenities. I am not sure landscaping is what drives HOA costs compared to those things. Manager Cobabe said just to be clear, our goal is not to hinder developers or limit their ability. As long as it looks like what we want it to look like, within certain bounds and regulations, then you can do whatever you want. That is the beauty of form base code. Chairman Capener explained that the prices on everything has gone up and it is too costly to plan and build even a fourplex. It is a nightmare. Just meeting all of these rules is expensive and causes massive delays. It just goes on with all the different plans. Why are we making it worse? Let us leave it alone. What is the problem with what we have? Why are we trying to make this even more complicated? All these rules still apply, whether you have a four plex or a 400 plex. Manager Cobabe said the difference is that on a four plex you are looking at an acre. That 20% requirement is way less than a bigger project. The value of the property and the value of the improvements on the property have gone up proportionally. It cost more to build those, but you are making more on those. State code has removed the ability and capacity for single-family and duplexes for a city to put any kind of requirements and standards. Landscaping is one of the exceptions because it affects water use. We can make landscaping requirements that are water-wise. We will have to address it over time. New development has an impact on our existing systems and it is not right that existing homeowners have to subsidize new residential development. They have to pay their way. Chairman Capener said there is so much that could be misinterpreted, I would recommend we make it a little cleaner. Mr. Taylor said that is the beauty of this being a draft. We will take another pass at it and see if we can clean up some of that language. We will look for ways to trim some of those requirements and scrutinize them a bit further. Manager Cobabe said if we all work together, we are going to get a much better product. The two things that are driving this modification are the State code requirements for water-wise landscaping and this is one of the goals we put forward in our updated General Plan.

Manager Cobabe said development agreements are something that developers opt

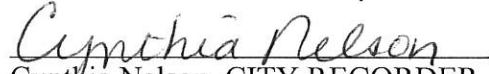
for. The City does not require them. This is why our standards need to be as robust as possible because if someone comes in for the bare minimum then that bare minimum needs to be what we want it to be. Planner Seedall said the development agreement is really how you negotiate what the fees are. There is a lot of negotiation about possible reimbursement or how do we get secondary water to an area. Development agreements mainly help the City and the developer understand what both sides are getting with the development. We are working on helping the parties have a legal agreement. The City's basic code is the minimum standards we would prefer to see going forward so that not everything has to have a development agreement.

6. Planning commission comments/reports: None.
7. Adjournment

Motion by Commission Member Van Tassell to adjourn the meeting. Motion seconded by consensus of the Board. The meeting adjourned at 7:23 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 10 day of September, 2024.


Cynthia Nelson, 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.