

TREMONTON CITY CORPORATION
LAND USE AUTHORITY BOARD
August 20, 2014

Members Present:

Steve Bench, Chairman/Zoning Administrator
Chris Breinholt, City Engineer
Paul Fulgham, Public Works Director
Marc Christensen, Recreation Director
Linsey Nessen, Deputy Recorder

Chairman Bench called the Land Use Authority Board Meeting to order at 9:04 a.m. The meeting was held August 20, 2014 in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Chairman Steve Bench, Engineer Chris Breinholt, Director Paul Fulgham, Director Marc Christensen, and Deputy Recorder Linsey Nessen were in attendance. Manager Shawn Warnke was excused.

1. Approval of agenda:

Motion by Director Fulgham to approve the August 20, 2014 agenda. Motion seconded by Director Christensen. Vote: Chairman Bench – aye, Engineer Breinholt – aye, Director Fulgham – aye, and Director Christensen – aye. Motion approved.

2. Approval of minutes: July 9, 2014 and July 16, 2014

Motion by Director Fulgham to approve the minutes of July 9, 2014 and July 16, 2014. Motion seconded by Engineer Breinholt. Vote: Chairman Bench – aye, Engineer Breinholt – aye, Director Fulgham – aye, and Director Christensen – aye. Motion approved.

3. New Business:

a. Discussion of subdivision at 2421 West 1000 North – Earl Sperry

Chairman Bench stated that the zoning at this location is ½ acre lots, which is a 20,000 square foot minimum lot size. Mr. Earl Sperry stated that the sewer line runs by the property. Chairman Bench stated that both lots would be able to connect to the sewer and will both be required to have a utility easement. Mr. Sperry asked if the subdivision needs a name since each home will be facing the road. Engineer Breinholt stated that anytime a lot is divided it is a subdivision and there will need to be a name on the plat. Chairman Bench also stated that Mr. Sperry will have to keep eight feet between the new lot line and existing property.

Mr. Sperry asked about water rights for the property. Director Fulgham stated that the original homestead had a right from the spring on the hill that would go with the original home. The two lots that are subdivided off would be required to connect to

the City's water, which is near the property. Mr. Sperry stated that they may have received two more water connections when the City took over the cistern. Director Fulgham stated that if they did receive two water connections, it would be recorded and the Sperry's would have received certificates that they would need to present to the City. Chairman Bench stated that if they have documentation that has been recorded stating that they have three rights, the City will honor that. Director Fulgham stated that if the new property owners don't have water rights, they will be required to pay impact and connection fees, which is currently around \$1,295 for the water impact fee and a \$300 connection fee. The sewer impact fees are around \$2,200. Mr. Sperry asked if that fee is just for connecting to the water and sewer lines and doesn't include running the lines to the property. Director Fulgham stated that the impact and connection fees are just the cost to connect to the City's system. If the lines have to cross another piece of property, an easement would be required so that the new property owners have the right to maintain their sewer line in the future.

Chairman Bench gave Mr. Sperry the Subdivision application and checklist that needs to be completed and fees paid if he decides to move forward with the subdivision.

b. Discussion of concept plan for Tremont City LLC – John Losee and Micah Capener

Chairman Bench asked how many acres of the 35 acre development will be used for apartments. Mr. Micah Capener stated they will use 9 acres for apartments. Chairman Bench stated that he added up the square footage of the concept plan for the parking calculation and that if the plan stays the same, parking would not be an issue. Mr. Capener stated that there will be more detail added to the final concept design to be submitted for approval and that they are only looking to start with Phase 1 currently.

Engineer Breinholt stated that they will probably run into a problem getting a second access from UDOT as the property is in a 45 mile per hour zone. Engineer Breinholt stated that Mr. Capener needs to get in contact and work with UDOT on the issue. Chairman Bench stated that they already have an existing access and suggested Mr. Capener present that to UDOT. Engineer Breinholt stated that despite having an existing access, because the use is changing, UDOT may treat it completely different. Mr. Capener stated that the development is structured so they don't have to have the second access. Engineer Breinholt stated that he is currently working on a traffic plan for accesses for Main Street and stated that he will look into it. Chairman Bench stated that Mr. Capener could develop 400 West and use that road for now. Mr. Capener stated that they could use 400 West.

Director Fulgham stated that at least an 8 inch water line will need to be brought down 400 West and a fire loop will be needed in the development because of the density and for proper fire flow. Any business who builds in this development will be required to show their insurance company that they have fire protection and the

buildings will need to be sprinkled too. Mr. Capener asked about the size of the sewer line that runs near the property. Director Fulgham stated that it is an 8 inch line.

Mr. Capener stated that they are planning on some of the streets within the development being dedicated City streets and asked what needs to be done to meet City road standards. Chairman Bench stated that a City street is 60 feet. Engineer Breinholt stated that the street would need to be 66 feet if there is on-street parallel parking. Engineer Breinholt also suggested the option of a 50 street with no on-street parking allowed. Mr. Capener stated that he had spoke with Manager Warnke previously and discussed not having parking lots and instead allowing people to park right in front of businesses. Director Fulgham stated that creates an issue with snow removal. Engineer Breinholt stated that a safer situation is to have a narrower street, slower travel, and not allowing on-street parking. Mr. Capener asked how wide a City street would need to be to allow angle parking rather than parallel parking like on Tremont Street. Engineer Breinholt stated that it wouldn't be a City street because the City has no provision for that. Chairman Bench stated that area is a 79 foot right-of-way. Mr. Capener stated that the vision is to make the development walkable and include a walking trail.

Chairman Bench asked about storm drains for the parking lot and about the ponds included on the design. Mr. Capener stated that the ponds will be used as storm drains and that they will be part of the landscaping for the development and will be included in the next design phase. Chairman Bench stated that the ponds will remain owned by Mr. Capener and will not be turned over to the City. Mr. Capener asked if the storm drain would ultimately tie into the storm drain on Main Street. Director Fulgham stated that they would be required to have controlled discharge as there are some limitations because of Main Street being a State road.

Mr. Capener asked about rezoning the property for this kind of development. Chairman Bench stated that it is currently zoned as Mixed Use and Mixed Use has a limit on the size of buildings, which is a problem with the current proposed development. Chairman Bench stated that there are a few options: the Mixed Use zone can be changed to increase the size of buildings that are allowed; the property can be rezoned to another designation; or an overlay can be done. Mr. Capener asked what the best option would be. The overlay would probably be faster than going through a rezone. Chairman Bench stated that an overlay might be faster. Mr. Capener stated that the apartments and potential senior housing being proposed would be three story, fire suppressed 24-plex buildings and asked if the Mixed Use zone accommodates that or if the overlay would supersede what the Mixed Use zone allows. Chairman Bench stated that the overlay would supersede it. Mr. Capener asked if the overlay would be the best option or to zone the property as Commercial. Chairman Bench stated that Multi-Family dwellings are not allowed in the Commercial zone.

Mr. Capener asked if the phases need to be brought before the City separately or if a site plan needs to be put together to go through all at once. Chairman Bench stated that a site plan needs to be done but that the project can be done in phases. Chairman Bench also stated that an overlay is done by ordinance of the City Council based on the site plan. Chairman Bench gave Mr. Capener the Site Plan Application to complete. Mr. Capener stated that he will get the concept plan finalized and then asked what needs to be done. Engineer Breinholt stated that the improvements for the entire project need to be designed to show how they will drain. Mr. Capener asked what the process is from here. Chairman Bench stated that a site plan will need to be brought back to the Land Use Authority Board and will be recommended to the Planning Commission and that the overlay will be done at the same time. Mr. Capener asked what needs to be done with the overlay. Chairman Bench stated that Mr. Capener will need to provide the City with what needs to change from what the zoning is now; building size, apartments, etc.

c. Discussion of fence at Senior Center

Motion by Director Fulgham to postpone the building of the fence at the Senior Center based on points provided by Manager Warnke, which include: “There does not appear to be an conflict currently between the existing land use (that is the parking lot and adjoining agriculture use of the adjacent property) that would require a fence; it would be preferred to see how the School District develops their property (the adjoining parcel) prior to putting in a fence. Knowing the land use, layout, and grading of the School District property would be preferable for installing the fence. Additionally, the City and School District may jointly share in the cost of fencing in the future; and according to Senior Center Director Marion Layne, the wind played havoc with the old fencing and would anticipate that this would occur with a new fence. The future School District’s development may provide some windbreaks for the fencing”. Motion seconded by Engineer Breinholt. Vote: Chairman Bench – aye, Engineer Breinholt – aye, Director Fulgham – aye, and Director Christensen – aye. Motion approved.

d. Walk ins*

No walk ins.

4. Comments/Reports:

a. Chairman/Zoning Administrator – Steve Bench

No comments.

b. City Engineer – Chris Breinholt

Engineer Breinholt asked if the 2000 West project had gone to the City Council yet. Chairman Bench stated that the City Council approved removing the old easements and approved the plat, which just needs signatures. Engineer Breinholt stated that the County has the plat currently so he didn't have the mylar with him. As soon as any comments are received from the County, the mylar will be done and will be ready for signatures. Engineer Breinholt stated that he has 2 quit claims and asked if anything else needs to be done. Chairman Bench stated that Manager Warnke sent a quit claim to Rocky Mountain Power for them to quit claim the current property to Tremonton and to record the new subdivision. Engineer Breinholt stated that City Attorney Ericson should be working on the temporary construction easements for the pond also.

c. Recreation Director – Marc Christensen

No comments.

d. Public Works Director – Paul Fulgham

No comments.

e. City Manager – Shawn Warnke

Manager Warnke was excused from the meeting.

5. Public comments: Comments limited to five minutes.

No public comments.

6. Adjournment:

Motion by Director Fulgham to adjourn the meeting. Motion seconded by consensus of the Board. The meeting adjourned at 10:04 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 Deputy Recorder Linsey Nessen.

Dated this 3rd day of September, 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.