

**TREMONTON CITY CORPORATION  
LAND USE AUTHORITY BOARD  
September 9, 2015**

Members Present:

Steve Bench, Chairman/Zoning Administrator  
Chris Breinholt, City Engineer  
Shawn Warnke, City Manager  
Paul Fulgham, Public Works Director  
Marc Christensen, Parks & Recreation Director  
Darlene Hess, City Recorder

Chairman Bench called the Land Use Authority Board Meeting to order at 9:07 a.m. The meeting was held September 9, 2015 in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Chairman Steve Bench, Engineer Chris Breinholt, Manager Shawn Warnke, Director Paul Fulgham, Director Marc Christensen, and City Recorder Darlene Hess were in attendance. Deputy Recorder Linsey Nessen was excused.

1. Approval of agenda:

**Motion by Director Fulgham to approve the September 9, 2015 agenda.** Motion seconded by Manager Warnke. Vote: Chairman Bench – aye, Engineer Breinholt – aye, Manager Warnke – aye, Director Fulgham – aye, and Director Christensen – aye. Motion approved.

2. Approval of minutes: August 5, 2015

**Motion by Engineer Breinholt to approve the minutes of August 5, 2015.** Motion seconded by Director Fulgham. Vote: Chairman Bench – aye, Engineer Breinholt – aye, Manager Warnke – aye, Director Fulgham – aye, and Director Christensen – aye. Motion approved.

3. New Business:

a. Review of Annexation Petition for Tremont Place LLC and Joshua John Canfield

Manager Warnke asked if the property has any stub streets. Director Fulgham stated they do not. Chairman Bench stated there are a couple stub streets in Century Drive that could connect to the property, but the street would have to cross the railroad tracks.

Chairman Bench reviewed the Annexation Checklist and stated the petition is fine. Engineer Breinholt asked about the property owned by Blake C. Christensen and if it is already within Tremonton City limits. Chairman Bench stated it is. Director Fulgham asked if the annexation will go all the way to 1200 South. Chairman Bench stated that the annexation will go from 600 South to 1200 South.

Chairman Bench asked Recorder Hess what the City Council has done with the annexation so far. Recorder Hess stated the City Council has accepted the annexation.

The County has also reviewed the annexation mylar and is on board to accept it as well. Chairman Bench clarified that the Land Use Authority Board is just ratifying the mylar and making sure everything is in order. Recorder Hess stated that was correct.

Chairman Bench asked if the City Council proposed zoning for the area to be annexed. Recorder Hess stated the proposed zoning should be included on the Annexation Petition. Chairman Bench stated in his discussion with Mr. Micah Capener, Mr. Capener desired the property to be used for larger lots potentially with animal rights. There are currently animal rights along Century Drive but not on the east side of this property. The canal would be a good buffer between the two zones. Chairman Bench stated his recommendation would be a minimum of ½ acre lots for this property (R1-20).

Engineer Breinholt stated the property is 438 feet wide. Chairman Bench stated Mr. Capener's plan is to build a road up the center of the property with a cul-de-sac at the end. Chairman Bench asked Engineer Breinholt if he has surveyed this area or had a chance to look at the Mylar. Engineer Breinholt stated he has not.

Recorder Hess asked if it states on the Annexation Petition what zoning the petitioners are proposing. Chairman Bench stated it was not included on the Petition. Manager Warnke asked if the annexation has gone through the protest period yet. Recorder Hess stated it has not. Chairman Bench asked how long the protest period is. Recorder Hess stated it is 30 days. The Annexation Petition has to be approved by the County and then all affected entities, such as Questar and Rocky Mountain Power, must be notified. Chairman Bench stated after the protest period, a public hearing will be set with the Planning Commission for the zoning and asked Recorder Hess to keep him posted on the timeline.

Chairman Bench stated the property included in the annexation is 27.57 acres and suggested working towards the R1-20 zone as a minimum. Chairman Bench asked if he would need to take the annexation to the Planning Commission and hold a public hearing to approve the R1-20 zone. Manager Warnke stated that it would need to go to the Planning Commission per the City Code.

Manager Warnke stated the area in this proposed annexation has been looked at by the City as a trail corridor. The trail plan has been forwarded on to Mr. Capener. Manager Warnke asked if there is a service road into the property or if the rail corridor would be the best for the trail. Chairman Bench stated there is not a road that outlets from the property onto 600 South. Director Fulgham stated there is a service road next to the canal, but the railroad is all fenced in. Engineer Breinholt asked what the length of the cul-de-sac would be. Director Fulgham stated it would be around 1,600 feet and suggested requiring an access to the north onto 600 South.

Manager Warnke stated there is different ownership on the top end of the property between the canal and 600 South. Recorder Hess stated that both the County and Mr. Ben Johnston have looked at the plat and didn't list a third owner. Chairman Bench

looked at the records on the County's website and stated that the property between the canal and the 600 South was purchased in 2008 by Thomas Investments. Recorder Hess asked how many acres the property is. Chairman Bench stated it is .11 acres. Recorder Hess stated with that small of a piece of property, they can be forced to annex, but it does need to be shown on the Annexation Petition and the plat.

Manager Warnke asked if a regional pond has been planned for this area. Engineer Breinholt stated there is not and rather than have two ponds, there should be one pond for the entire piece. Director Fulgham stated there is a way to discharge through an abandoned sewer line.

Engineer Breinholt suggested including in the annexation 1200 South that goes south from this property down to the Public Works Building since the City has already been maintaining the road. Manager Warnke asked who owns the road. Engineer Breinholt stated it appears the County does. Recorder Hess asked that since the petitioners will need to redo the plat and Annexation Petition anyway to include the third owner, if the City should request they annex 1200 South to the Public Works Building also.

Engineer Breinholt stated they can't force Mr. Capener to do that as it is his petition. Manager Warnke stated he would be surprised if the County wouldn't just do it. Engineer Breinholt suggested squaring up with Mr. Johnston on the extra cost of including the City Street so it is all taken care of in one process rather than separate processes. Chairman Bench asked if the City Council needs to sign off on the annexation of 1200 South first. Director Fulgham stated he didn't think the City Council or the County would be against it as the City already maintains the road.

Chairman Bench asked if the petitioners would have to start the entire process over again when adding Thomas Investments as an owner on the petition. Recorder Hess stated they can just make the change. Chairman Bench clarified that even with the change of adding the new owner, as far as the Council is concerned, it is still approved. Chairman Bench asked if it would need to go back to the City Council if 1200 South was added to the petition. Recorder Hess stated that if it did need to go back, it would probably just be a matter of amending the resolution that was adopted.

Chairman Bench suggested keeping the original Annexation Petition the same with the exception of adding the new owner and then have Mr. Johnston prepare a separate annexation for 1200 South. Recorder Hess stated that the property owner has to be the one who annexes and the County is currently the property owner. Manager Warnke stated that City would approach the County about the road and asked Director Fulgham to speak with the County.

Chairman Bench stated the Annexation Petition will be sent back to Mr. Capener and Mr. Johnston to fix.

b. Walk ins\*

No walk ins.

4. Comments/Reports:

a. Chairman/Zoning Administrator – Steve Bench

No comments.

b. City Engineer – Chris Breinholt

Engineer Breinholt stated the State passed a law that says that any multi-connection subdivision that comes in to the City and is constructed after July 1, 2015 has to be submitted to the Division of Drinking Water for their review. The State allows cities to complete a Plan Review Waiver that would allow the City to submit its standard drawings and specifications for construction and then designate the name of a professional engineer responsible for design of the entire water system and the name responsible for oversight of a hydraulic analysis for the entire water system.

Chairman Bench clarified that name would be Engineer Breinholt. Engineer Breinholt stated if he was the designee, the State would need to be notified and a construction project notification would be submitted and then he would request the Plan Review Waiver for every development.

Engineer Breinholt stated he prepared a book including the Public Works Standards and drawings, which will be submitted to the State with a letter designating him as the professional engineer. Director Fulgham stated he would write the letter on City letterhead.

Engineer Breinholt also stated he has the updates to the lighting and turn-around requirements in the City Code. The State Fire Code now requires a larger diameter for cul-de-sacs and turn-arounds than the City has been requiring. The requirement is now a 48 foot diameter, which has been updated in the Code.

Engineer Breinholt stated the piece in Chadaz Estates that the City is acquiring from Mr. Mark Smith for a trail is not showing the remainder parcel strip of land that shouldn't be there. The County needs to be in communication with the City so this type of thing doesn't happen. There is no way the City can catch these problems without resurveying the entire area. The County should be the one to catch those illegal remainder parcels. Manager Warnke suggested changing the surveyor certification to include that they certify it doesn't leave a remainder parcel.

Manager Warnke asked Engineer Breinholt what would be the best solution to the problem. Engineer Breinholt stated the County needs to communicate with the City when this occurs and let the City know the plat is incorrect. Manager Warnke suggested having a meeting with County Recorder Chad Montgomery about this issue. Director

Fulgham agreed that someone needs to talk with the County. Manager Warnke stated he would call County Recorder Montgomery and set up a meeting.

c. Recreation Director – Marc Christensen

No comments.

d. Public Works Director – Paul Fulgham

No comments.

e. City Manager – Shawn Warnke

No comments.

5. Public comments: Comments limited to five minutes.

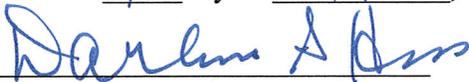
No public comments.

6. Adjournment:

**Motion by Chairman Bench to adjourn the meeting.** Motion seconded by consensus of the Board. The meeting adjourned at 10:46 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 7<sup>th</sup> day of October, 2015



Darlene S. Hess, 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.