

TREMONTON CITY CORPORATION
LAND USE AUTHORITY BOARD
May 4, 2016

Members Present:

Steve Bench, Chairman/Zoning Administrator

Chris Breinholt, City Engineer

Marc Christensen, Parks & Recreation Director

Paul Fulgham, Public Works Director

Shawn Warnke, City Manager – arrived at 9:06 a.m.

Linsey Nessen, Deputy Recorder – arrived at 10:00 a.m.

Cynthia Nelson, Deputy Recorder – left at 10:00 a.m.

Chairman Bench called the Land Use Authority Board Meeting to order at 9:04 a.m. The meeting was held May 4, 2016 in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Chairman Steve Bench, Engineer Chris Breinholt, Director Marc Christensen, Director Paul Fulgham, City Manager Shawn Warnke, and Deputy Recorders Linsey Nessen and Cynthia Nelson were in attendance.

1. Approval of agenda:

Motion by Director Fulgham to approve the May 4, 2016 agenda. Motion seconded by Director Christensen. Vote: Chairman Bench – aye, Engineer Breinholt – aye, Director Christensen – aye, Director Fulgham – aye. Motion approved.

2. New Business:

a. Final approval for Do It Best at Tremont Center – Tom Greer

Chairman Bench told Mr. Greer he will need to get a fire department box that goes on the outside of the building and holds a key to the building in case of emergency. The final plat was recorded and the CC&R. Mr. Greer plans to offset the lights from Results Gym and will put in down facing lighting. There will probably be two (2) to four (4) lights down each side and four (4) lights on the face above the words that will face down. He will try to match the lights at Results and have them on a sensor.

Telecommunications need to be called out on the site detail and have a note on the plan stating the developer will give notice of open trenches. Chairman Bench stated the parking alley needs to be twenty-five (25) feet in depth. Mr. Greer stated the notes show the aisles will be twenty-six (26) feet. An extra two (2) feet will be added on the side by the grocery store when it is built as the drive aisle is only twenty-four (24) feet now.

Mr. Capener called Adam Mackelprang to join the meeting via telephone. Engineer Breinholt said the detention pond shows expansion with Dollar Tree and Greer's Hardware both using some of the same area. He wondered if they are

going beyond the temporary easement. Mr. Mackelprang stated they can write up a new easement. The Board said Phase 3 should be considered as a whole and do one design for all. Mr. Mackelprang said each building has been set up to be responsible for their incremental increasing of the pond. Engineer Breinholt would like to know the total area needed for the pond when everything is done. That way they can do the easement once. Mr. Mackelprang will do that and everyone can determine their share.

The utility plan needs to show the approach to utility lines in comparison with recorded or what will be recorded. The recorded easements need to be reflected. Engineer Breinholt noted they are on the demo plan but it would be nice to see them on the site plan. Mr. Mackelprang will add the details. He noted he was trying to keep the site plan a little cleaner.

Mr. Capener asked Mr. Mackelprang to add the Open Trench note so the developer will notify the utility companies of an open trench. Chairman Bench stated Tremonton has a Public Works Standard for the communications conduit. Mr. Mackelprang called out the detail but he will add that to the detail sheet as well. Chairman Bench said it would be a note on the Site Plan.

Mr. Mackelprang noted the parking lot lights are the same kind and in the same locations as at Results Gym. Chairman Bench wondered if the lights were sufficient. Mr. Capener said the lighting was sufficient for Results Gym and noted Greer's will be smaller. Mr. Greer commented that the lights will be evenly spaced to match the rest of the lights now installed. Chairman Bench thinks the lighting is enough now. Mr. Greer noted the lights in the middle of the parking lot have four (4) heads and the others have less.

Michael Udy said everything mechanical will be inside except the condenser. There will be four (4) furnaces which are floor stair style with round ducts. They will be on cement pads on the opposite side from the grocery store.

Chairman Bench asked if the existing subsurface drainage is noted on the plan and was told it is. Mr. Capener asked where the drainage would go if it was found. Engineer Breinholt said they would need to be tied together. Mr. Capener said they should tie into the canal but they were never found and the canal is now enclosed. Chairman Bench said they may not have dug deep enough to discover them.

Director Fulgham stated a secondary meter can be installed at Greer's so the outside watering is not billed for sewer. Mr. Greer said he thinks he will just use the one meter. He also noted there will be eight (8) trees and some greenery for landscaping. He will copy Results who is copying ShopKo. Director Fulgham stated the meter must be in a big box that is accessible if it is not in concrete.

There was discussion about the landscape plan. The plan between the buildings shows cobblestones and boulders. Chairman Bench said Results plan shows plantings as well. Mr. Greer said he would like to keep continuity. Mr. Capener said the plan is to have trees in between the buildings and put up a fence to keep people from going between the buildings. If a fence installed, no one will see the plantings. Mr. Greer said if there is a fence it will be a nice rod iron fence. If they put in plants and water them, the spray will be going on the buildings and making mineral deposits that look bad. He will work with Results and have uniformity between the buildings.

The islands have trees, mulch, flowers, and some ground cover. Mr. Greer said some of the plants at ShopKo look like grass. Chairman Bench noted that the landscaping at McDonald's is very nice and they would like everyone's to look as good. Mr. Capener noted he retained Mike Bailey (the individual that does McDonald's landscaping) to do ShopKo's landscaping and get it cleaned up.

Manager Warnke noted that ShopKo's landscaping looks dormant and sparse. It may not be the best idea to follow what ShopKo did for landscaping as it was not that successful. Mr. Greer said he will meet with Result's and do something that will look nice. Manager Warnke would like one island blown up for a typical to show detail on a larger scale. Chairman Bench said it could be the standard that would be used for future landscaping.

Mr. Greer said the trash receptacle (Lexington series) and the six (6) foot Lexington bench are called out on the plan. There are details for the dumpster with a gate and cinderblock walls. Manager Warnke noted people are choosing a bike rack that is not included in the design guidelines so they should be adjusted to include that bike rack. The bike rack shown on the plan is vertical instead of linear and saves space. Brian Capener and Mr. Greer spoke before the meeting about installing a joint bike rack that that will be installed between their businesses.

Engineer Breinholt noted that cobblestones is hard to clean and keep maintained. Mr. Greer said it will have to be maintained whether it is cobblestone or bushes and shrubs. It was noted there will be very little sunlight for plants in between the two (2) buildings.

Director Fulgham noted the City requires a manhole at the end of the sewer line but said they will forego it because it is such a short distance as long as it pressure testing and videoed. The standard calls out a fire hydrant at the end of a stub line, but it is so close to the falling fire hydrant. Director Fulgham suggests the fire hydrant be removed and move the valve down to the connection and put a stub piece of pipe. That way they won't have to shut down a business when they get to that point. Mr. Mackelprang will need to remove it from the call out list. The fire hydrant does not need to be that close and would have to be relocated.

Motion by Director Fulgham to approve Greer's Hardware for a final with those recommendations that we've just made in the final drawings, and the notes and the plans. Chairman Bench said they need an updated landscape plan. Motion seconded by Engineer Breinholt. Vote: Chairman Bench – aye, Engineer Breinholt – aye, and Director Christensen – aye Director Fulgham – aye, Manager Warnke – aye. Motion approved.

- b. Discussion and consideration of Site Plan for Dollar Tree at Tremont Center – Jamie Davis

Mr. Davis noted they are using the same parking lights that have been used at Tremont Center and noted the building signage has always been on the plans. It includes a Dollar Tree sign on the front and the back of the building on the archway. They will also use one spot on the master common sign. Mr. Capener said the common sign has been approved and should be installed soon.

The notes say they want a twelve (12) foot back up distance on the east side in the ninety degree parking instead of thirteen (13) feet. The note on C-3 should also state it will be a twelve (12) foot back up aisle. Manager Warnke said there was a note relative to the driveway access that should be clear on the plans.

Chairman Bench noted the two (2) parking islands do not meet the ten (10) foot minimum requirement as the islands are less than eight (8) feet. They can reduce parking stalls to make the islands bigger. Manager Warnke proposed making the landscaping island wider to compensate. Mr. Davis noted they will make the parking islands three (3) to four (4) feet bigger by removing the half stall. The landscaping plan shows trees but Mr. Capener noted the trees will not work as they are over the canal. The canal company will not allow trees to be planted over the canal as the roots will penetrate the canal. Chairman Bench said they can plant shrubbery. Mr. Capener noted the landscape architect planned to put in tall grass and bushes over the canal.

Mr. Davis explained the mechanical equipment will be roof mounted. There will be a parapet in the front and back that will hide most. The sides are shorter and will show the mechanical so the equipment will be painted to match. They will have enclosed dumpsters. Mr. Capener noted there is curb and gutter and everything slopes to the metal boxes to catch the storm water. Mr. Davis noted there will be an eighteen (18) inch line to bring the water to the gutter boxes. There are catch basins that will take the water to the pond.

Landscaping must have plantings with height. Mr. Davis noted there is not a lot of room along the back as they only have eighteen (18) inches which is not big enough for trees. Manager Warnke suggested trellises. Mr. Davis said Dollar Tree does not want a lot on the building and there can be nothing in the middle by the sign. Manager Warnke noted the City Council asked for some plantings with more height.

Mr. Davis noted there are no lights on the building except the lights for the signs. There will be emergency pack lighting over the doors as required. Mr. Davis explained Dollar Tree will come in after the walls and insulation are up and finish the building with air conditioning and electrical. Chairman Bench noted the telecommunication conduit and open trenches should be noted on site plan.

The sewer and water should all be marked private. Director Fulgham said the fire hydrant shows a tee and a valve but there is no need for a tee as the line will go no farther. Manager Warnke wondered if one foot of the sidewalk could be eliminated to make room for more landscaping. Mr. Capener said the islands could be adjusted and made smaller to make an extra foot. Manager Warnke noted there was a lot of discussion with the City Council regarding elevation in the back of the building. Mr. Davis will make the island smaller to allow for more landscaping and leave the sidewalk at eight (8) feet.

Manager Warnke would like all outside benches in Tremont Center to match. ShopKo did not use a matching bench. Chairman Bench asked about the sidewalk. Employees will park in the back and use the sidewalk but most people will park in the front. Mr. Davis said there will be a drip system installed for the landscape. The trash receptacle enclosure will have blocks that match the building.

Motion by Engineer Breinholt to approve the Dollar Tree site plan with the notes noted here today and to review memos of items that remain to be addressed. Motion seconded by Director Fulgham. Vote: Chairman Bench – aye, Engineer Breinholt – aye, and Director Christensen – aye Director Fulgham – aye, Manager Warnke – aye. Motion approved. Mr. Davis will try to have the changes in by the end of the week. Rupp Trucking started moving the top layer as he was removing dirt for the Auto Zone site.

- c. Final approval for Mike Chadwick Subdivision at 850 West 1200 South – Ben Johnston

Chairman Bench said they need a signed development agreement. They also need to verify there is a streetlight and to correct PUE (public utility easement) to be fifteen (15) feet on the frontage of all lots. Mr. Johnston said the extra land had a separate description written for it and was never a recorded plat. Chairman Bench verified there is a streetlight on the corner so Mr. Johnston can remove the streetlight from the plans.

Mr. Johnston said the house and driveway can be flipped. He will add a note saying driveway will be on 850 West with no issues other than back from the corner or west side of lot. Mr. Chadwick told Mr. Johnston previously that he wants the home to face the interstate so the backyard will not have the noise from the interstate.

There will need to be a fire hydrant installed. Utility company notice of open trench must be noted on construction plans. Director Fulgham said there is fiber in the area but he is not sure if it is overhead or underground. There will be an eight (8) foot sidewalk and four (4) foot park strip. Standard notes need to be on the plat which discuss the City's reserving capacity of water and sewer through the subdivision and notice of high ground water. The exact wording is found in Chapter 2.04.020.

The power and water lines cross over a lot so Mr. Johnston needs to note that on lot 3 so no one will hit the wires while digging. Engineer Breinholt stated the utility lines need to be shown, including water and service lines to lots.

Mr. Johnston noted all the open ditch storm drains (including those in Kirkland) go under the freeway goes from west to east. There are pike driveways. Mr. Johnston wondered where the pipes go. Engineer Breinholt thinks they tie into the irrigation tail water. Director Fulgham will look at his drawing and let him know. Mr. Johnston said Mr. Chadwick told him the irrigation gets built up and will flood. Mr. Johnston will pipe the water out once he knows where it goes and it will be piped to a box. Director Fulgham said there is a state box across the street but he is not sure if it goes that way. He will figure it out and get back to Mr. Johnston. The Board noted driveways must have a 2% slope to prevent flooding in homes.

There cannot be approval until they get some drawings. Director Fulgham will look at the storm drain tomorrow morning.

- d. Final approval for Country Lane Subdivision at 750 West 1200 South – Ben Johnston

Engineer Breinholt said the storm drain calculations do meet City Code. They must be sized for the hundred year storm. They must have double the capacity showing now. Mr. Johnston will make that change. How will the pond be landscaped? The language has been changed to say parcel A to change how it is taxed. Director Fulgham said it is easiest to do sod and have sprinklers. Once it is the City's we take over and contract to have it mowed.

Chairman Bench talked about streetlights and intersections. The City will participate in frontage improvements east of Lot 17. There must be a sidewalk connection east of Lot 9, developer to do so or City to participate. Fix cracking drainage swell at intersection of 900 South and 700 West. Mr. Johnston will have the contractor put in the 27 feet of sidewalk. Director Fulgham is prepared to finish the curb and gutter and sidewalk for the specified section.

The water way will all come out and be piped underneath so it will be a level flat road. There will need to be a custom manhole cover. Who should pay for the

removal of the water way and pipe and storm drain going across the road? Engineer Breinholt said the intersection creates the desire to fix it. Director Fulgham noted it will make the road better to remove the water way but it would still work with the intersection being there. The Board suggested splitting the cost with Mr. Kirkland 50/50. There will need to be a separate bid for the catch basin and pipe, cutting something out and adding asphalt. If Director Fulgham has a price he will know if he needs to go City Council to get more in his budget.

Chairman Bench said there must be a utility company open trench note and noted there is UTOPIA fiber. Engineer Breinholt said it needs to include the drawings of box locations. Director Fulgham said the details are found on sheet 21 of the public works standards.

The underground drainage lines need to be replaced in the area. Director Fulgham will show Mr. Johnston the map the NRCS (Natural Resource Conservation Service) put together. The City will need a soil report. When installing street signs, the stop sign goes on one side of the street and the street sign on the other side. Director Fulgham said they use to be combined but the wind would knock the top of the sign over so they do separate signs now.

Chairman Bench asked about an agreement for abandoning the ditch. Mr. Johnston said they will not be abandoning the ditch. Jay Stocking owns share but does not use it. They will place a head gate upstream to connect the two. There will be an irrigation junction box.

The pipes will have a 3 ½ foot clearance with existing manholes. Engineer Breinholt said water and sewer are supposed to be ten (10) feet off center. Mr. Johnston said he couldn't do that or it hit the manhole. Director Fulgham would rather the whole line be moved and be straight instead of having it jog around.

Director Fulgham said he would like one valve coming in off the tee of the fire hydrant. Mr. Johnston asked if it will be okay to get hard costs from contractors. Engineer Breinholt said that works for him. If he has actual costs he will put them in but if not he uses high estimates.

Director Fulgham found the map the NRCS did and told Mr. Johnston he will send him a copy. Mr. Johnston found the map was not accurate. It was probably not updated when the freeway did work. He will put the note on the plan saying if they find drain lines they need to connect.

e. Preliminary approval for Mark Hirschi Subdivision – Ben Johnston

Chairman Bench noted there must be a hard surfaced driveway and a fire hydrant. Mr. Johnston asked if it is a twelve (12) inch line. Director Fulgham confirmed it is a twelve (12) inch main. Mr. Johnston asked if he needs to do a valve. Director Fulgham said they will have to do a hot tap. Director Fulgham said there

will need to be another valve off the fire hydrant because every hydrant has to have its own valve. If the water line will go no further than Mr. Hirschi's home, then it can be a six (6) inch hot tap for the hydrant with a six (6) inch service saddle coming off the hydrant line for his service line.

Mr. Johnston wondered where to move the annexation line. Should it go to the right-of-way line, center line, or to the north line. Manager Warnke said he would like to have a conversation with the City Council and Garland regarding the annexation line. Director Fulgham noted that when the City Council filled in the gaps for the annexation plan, people outside City limits complained. There should be clear lines drawn between Garland and Tremonton regarding who pays for what. Engineer Breinholt said that maintenance is a big issue. Director Fulgham noted it turned into an ugly City Council meeting when annexation was last discussed for that area.

Engineer Breinholt said it does not make sense to put the annexation line in the center of the road. Chairman Bench remarked that the road does not belong to Garland or Tremonton. Manager Warnke recalled that the annexation policy would need to be updated first based on State Law. Mr. Johnston will amend the plat once it is annexed. Engineer Breinholt thinks it would be better to annex the right-of-way. The City would be responsible for maintenance but they would also control the road so they do not have to ask permission to work on the water line.

Manager Warnke said the State does allow conflicting boundaries. Box Elder County would have a copy of the annexation policies. Manager Warnke thought there were not any gaps in the annexation boundaries.

Manager Warnke can see problems if the City allows septic tanks as it will perpetuate non-improvements in the City. The City would have to collect fees at a future date. The City could collect a fee in lieu for curb and gutters. Chairman Bench said the \$1,692 fee for the sewer could be collected now. The City will exact thirty (30) feet of curb and gutter. Director Fulgham said the fee for the sewer will not match the price to install sewer at a future date. If the City is not planning on developing the area, then why annex it? Chairman Bench is not sure it needs to be annexed. Engineer Breinholt recalled a previous discussion the Board had about allowing a certain number of lots to be split off a property before it must connect with the sewer.

Engineer Breinholt said the code would need to be updated before allowing any building. He thinks the code should be updated to allow this type of thing. Mr. Johnston said the public did not know they would be limited when it was annexed. If they had known they could not give a ½ acre lot to their children to build on, they would have protested.

Engineer Breinholt said the last discussion talked about setting a certain number of lots that could break off a large parcel before it was considered a development.

It could be based on density. Manager Warnke said the remainder parcel could be a certain size and it could not be broken off again. Mr. Capener said Cache Valley does that and it is a lot of work to go back and find how many times it has been split. Director Fulgham said Willard did allow septic tanks but they have gone away from them because of pollution.

Box Elder County requires culinary water if it is a ½ acre lot but they can have a well if it is at least 1 ½ acres. Engineer Breinholt felt that ten (10) homes is a full blown development. Mr. Johnston said the issue will come up again. Engineer Breinholt stated it would be better to allow something then to de-annex. It would give the City some control over the numbers. Director Fulgham said the intent of the annexation was to get culinary water and do around ten (10) homes with septic tanks but they were never built. The people being annexed came to several City Council meetings to complain.

Chairman Bench asked the Board how they would feel if another home came and was within 300 feet of the sewer and had to put in a lift station for the whole house. Director Fulgham said a sewer-less station the City would own. The Board would not be okay if with that but they would be okay with a private lift station.

Director Fulgham does not have a problem with septic tanks. Engineer Breinholt would like Attorney Ericson to review it and see if the code needs to be changed to allow it. Manager Warnke thought it would include collection and wastewater. Chairman Bench said that would not be practical for 1 ½ miles for a single home. Manager Warnke said it could open it up for everyone to have a septic tank.

Chairman Bench does not know what the changes would include. Manager Warnke said if the City allows septic, owners could come back to the City in ten (10) years and say they have paid property taxes and they would like curb and gutter and sidewalk. Engineer Breinholt said every five (5) whole acres could have one home with a septic tank. It could go off the original parcel size. If a parcel with eleven (11) acres breaks off a small lot it could still only have two homes with a septic tank on the whole parcel.

Mr. Kirkland said if you have a parcel of ground and go to Box Elder County for a building permit, they look to see when that parcel was created. They see if it is a conforming parcel and if a tax ID number existed prior to a certain day? If it was split recently or even ten (10) years ago, the County will tell them it is a nonconforming parcel and will not issue a building permit.

Mr. Capener said the County requires a deferral agreement to pay for future improvements. Chairman Bench said the idea to go by acreage is a good idea. Mr. Johnston can tell Mr. Hirschi the City will need to create an ordinance and it will take at least six (6) weeks to pass. It will need to go through the attorney for approval as it would contradict the State Code.

Director Fulgham said a fee in lieu is okay but the improvements would be so far out. Mr. Johnston said they could tell the owners they would be responsible for the improvements when it comes time to do them. Director Fulgham would rather have a recorded agreement stating when the improvements go in the home owner will pay the impact fees, hook to the sewer system, and put in curb and gutter and sidewalk. It was required when you built but it was deferred until a future date.

Mr. Johnston said development agreements sometimes outlast the original owners and are passed down to the kids. Engineer Breinholt said development agreements are hard to collect but a fee in lieu that is collected now will be woefully short of the actual cost when the time comes. Manager Warnke said the State does not have a problem with a fee in lieu with no set date.

Mr. Kirkland said the information would need to be recorded on the actual plat so everyone would know what original parcel it came from and how many septic tanks they have. Zoning would regulate the size of the lots. The original parcel would need to have one tax ID number. Mr. Johnston said Jay Hirschi's parcel has two tax ID numbers because of the annexation line. The parcel has one number for the City and one for the County. Mr. Jay Hirschi owns all eleven (11) acres even though it has two tax ID numbers so he would be eligible for two (2) septic tanks if approved.

The Board would like to see how many parcels are in the City that would fit in these guidelines for septic tanks. Engineer Breinholt will put together a map showing the parcels.

f. Site Plan Review for Capener Plaza – Micah Capener

Mr. Capener said he has three (3) proposed buildings. The fronts of the buildings are marked with an "F" for front. There is a parking lot in the middle which will substantially increase the parking. The vision is to put in the grocery store and the other side then they will bulldoze the existing homes and finish burying the canal. It is subdivided and is part of Phase 3. The design shows one dumpster but it may need to be moved. The ends of the buildings are for a potential drive-thru. The back of the buildings will be seen as the front. The fronts and backs will essentially look the same.

g. Walk ins*

There were no walk ins.

3. Comments/Reports:

a. Chairman/Zoning Administrator – Steve Bench

No comments.

- b. City Engineer – Chris Breinholt

Engineer Breinholt had some ideas for the restroom at the trailhead. He asked the board to review them. There are several ideas to choose from.

- c. Recreation Director – Marc Christensen

No comments.

- d. Public Works Director – Paul Fulgham

No comments.

- e. City Manager – Shawn Warnke

No comments.

- 4. Public comments: Comments limited to five minutes.

No public comments.

- 5. Adjournment:

Motion by Engineer Breinholt to adjourn the meeting. Motion seconded by consensus of the Board. The meeting adjourned at 12:35 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 Land Use Authority Board Meeting held on the above referenced date. Minutes prepared by Deputy Recorder Cynthia Nelson.

Dated this ____ day of _____, 2016

Linsey Nessen, Acting 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.