

**TREMONTON CITY CORPORATION
PLANNING COMMISSION
FEBRUARY 26, 2019**

Members Present:

Micah Capener, Chairman
Val Bennett, Commission Member
Arnold Eberhard, Commission Member
Troy Forrest, Commission Member
Ben Greener, Commission Member
Brad Janssen, Commission Member
Tom Stokes, Commission Member—excused
Bret Rohde, City Councilmember
Steve Bench, Zoning Administrator
Cynthia Nelson, Deputy Recorder

Chairman Capener called the Planning Commission Meeting to order at 5:31 p.m. The meeting was held February 26, 2019 in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Chairman Capener, Commission Members Bennett, Eberhard, Forrest, Greener, Janssen, City Councilmember Rohde (left at 6:22 p.m.), Zoning Administrator Bench, Deputy Recorder Cynthia Nelson, and City Manager Shawn Warnke (left at 6:39 p.m.) were in attendance.

1. Approval of agenda:

Motion by Commission Member Bennett to approve the February 26, 2019 agenda. Motion seconded by Commission Member Eberhard. Vote: Chairman Capener – aye, Commission Member Bennett – aye, Commission Member Eberhard – aye, Commission Member Forrest – aye, Commission Member Greener – aye, and Commission Member Janssen – aye. Motion approved.

2. Approval of minutes: February 12, 2019

Correction that Drew Lish made a statement instead of Craig Waldron.

Motion by Commission Member Greener to approve the February 12, 2019 minutes with that correction. Motion seconded by Commission Member Janssen. Vote: Chairman Capener – aye, Commission Member Bennett – aye, Commission Member Eberhard – aye, Commission Member Forrest – aye, Commission Member Greener – aye, and Commission Member Janssen – aye. Motion approved.

3. Presentation:

- a. Overview of the planning process and implementation of adopted plans – Shawn Warnke

Chairman Capener said we went through all the data in the Economic and Market Analysis Plan and what we were trying to figure out is what is the purpose of the plan? Where does the rubber meet the road? Why are we approving it? What are the goals? And what was the money spent for? We are trying to wrap our minds around this and get the vision of what we are recommending to the City Council. Manager Warnke said part of the concern from the Planning Commission is that we adopt plans, but do not do anything. This presentation walks through previous plans and what we have adopted and how we are implementing them. The Economic Development Plan looks at where we are in terms of the evolution of the City, what our assets are and where we should focus our efforts for further economic development. I like the benchmarks and what we should track over time. This is a process. When we adopt a plan we have to revisit and update it. A definition of planning that rings true is organizing foresight plus corrective hindsight. There were questions about utility planning, which the City has done quite a bit of and they coincide with our impact fees. The State Code talks about the process to adopt them and we have included capital facility planning. The State Code is very specific in the steps to adoption of some of these plans. It also says the Planning Commission does not need to participate in some of those.

Commission Member Eberhard asked when the City courts a business to come in, how would they utilize this? Manager Warnke said they may or may not use it, but it would be available for them. If we want to go after a business, this can help us determine if it fits well. When we pursue a perspective industry and are offering incentives, we want to know if it increases the median income. One of the benchmarks here was that the statewide median household income is \$65,000, but for Box Elder County it is \$55,000. We want to provide incentives based upon higher paying jobs for our County to those who are above 125% of the median income. We are not saying that is exactly what we will do, but it is a good guideline for the Council or RDA to consider when offering incentives to businesses to help us meet our objectives. Another good benchmark is trying to capture sales tax. We allowed the consultant access to our sales tax data to analyze where we are doing well and where we are not. Manager Warnke showed a few findings and said in a few years we have seen an increase in the amount of sales tax. The plan focuses on retail sales as a portion of economic development, but also looks at industries, job creation, land uses and what is best suited based on emerging markets and where we are. We talked about retail sales as a benchmark. Another is trying to reduce commuter time—meaning we would have more career related jobs available within the City. We should look at having more jobs here and less people commuting out. This would allow us to see a jump in sales tax. When you have more jobs created within the community, it helps some of the other economic objectives.

Commission Member Bennett said I like living here because it is more rural. Is there any kind of threshold for growth? Otherwise we will be like places down

south that are so populated. Administrator Bench referred to the zoning map showing the current boundaries of the City. He said everything has a zone designation, which could be cleaned up or tweaked in the future. A lot of that land is still undeveloped, but if we were to add that up, it could double our population, which is about 9,000 people now. Tremonton has wide-open country to the west and south, and some to the east, but we would not take up more land than we can handle. Commission Member Bennett said maybe by having this study we can eliminate some of the congestion issues. Administrator Bench said the traffic plan we did has a lot of bypass roads and things for the future. Manager Warnke said we do not necessarily control growth to stop it, but the best thing we can do is prepare and plan for it. That is a big part of what the Planning Commission does. We are growing. Population on the Wasatch Front will continue to expand and hit Tremonton. If we can be forward thinking and implement plans, we can better manage growth while still enjoying our quality of life and preserving open spaces. As we become more suburbanized, access to green spaces and that landscape will become more important. Some of our transportation projects we have been working on make sure we preserve access to Main Street and create corridors for the future. The County has a tool to do that, but the City has to participate with construction of these roads for certain segments.

Manager Warnke said the plans the Commission have been working on do have some limitations and restrictions, but I value your input and look to them as we work with development. They do make a difference and I appreciate the time and effort you put into them. The Economic Development Plan provides good analysis and guidelines, but there are a lot of other factors beyond our control. It is going to be hard to implement everything in the plan, but it lays a good course for us to pursue and has good benchmarks to keep track of.

Commission Member Eberhard asked when the last study was done. Manager Warnke said the General Plan was in 2002 and since that time we have been creating stand-alone plans that are elements to it. In the 2002 plan, the economic development section was about five pages—this is much larger than that. It is a subset of the General Plan, which is why it is before you as the Planning Commission to review and make recommendations. It is suggested this is reviewed about every five years, but it depends on how fast communities grow and how outdated a plan is. Administrator Bench said prior to 2002, the plan was updated in 1978 with some tweaks and stand-alone plans. That is a long stretch to go without a plan. We have done significant updates to the other plans over the years. Manager Warnke said we need to examine land uses. Now that we have a Transportation Plan and have identified corridors, the next question is what land uses do we want around those corridors and what percentage of land use would a community like Tremonton sustain. Implementation is another thing to consider. I would like to see us engage a consultant who specializes in land uses and analyze our traffic and transportation corridors, population, demographics and

surrounding areas so they can put together a plan that makes sense. They could separate some of the uses into more definitive zones for rezoning and annexation purposes. We could use that land use plan as the basis for helping make some of those decisions.

Commission Member Greener asked when the City develops that road off of 2300 West, if we would also look at the intersection by McDonald's and Wendy's so future traffic can flow easier to that road. Manager Warnke said we plan to de-emphasize the 2300 West intersection so traffic flows off of 2000 West because there is not enough separation from the on and off ramps to have that be the primary. The stoplight on 2000 West could make that the through movement or we could use other techniques to move the traffic to 2000 West.

Commission Member Forrest asked about secondary water. Manager Warnke said we have done a partial build out for zones 1 and 2. Developers installed the lines and we made the connections. The next area the City Council awarded the bid to is phase 3, which will start this spring. The idea is to make as many connections as we can, economically. We have a debt service we need to cover and this is an expensive endeavor. If we would have started this project years ago, we would be further into it and it would cost less, but we are starting a new system. This is an aggressive project for Tremonton and I expect rates to go up. It is not necessarily about cheaper water it is about having water for the future. Commission Member Forrest said my problem with it is that it already went up. The tiered rate was tough for people. The City had something established based on water rates and then went to a punishment rate. I was assured the City would fix it and have us on secondary water, but it looks like I may never get it. Manager Warnke said it has been an evolving issue for the City to understand and implement. Things have come up as we have moved forward and we have had to make slight changes. Savings will depend on how citizens water because it will be metered. We need to cover our debt in bonding for nearly \$3 million. It is not just about breaking even—it has to have more money to provide assurances that the lenders will get repaid. The Bear River Water Conservancy District did an analysis of where cities are going to be as it relates to water and currently it shows we are out of water during the irrigation season. We can use secondary water to save our culinary and create capacity. We are ahead of the curve, but everyone is going to face the issue. This will provide households with management tools for monitoring and creating thresholds. A project of this size and magnitude has other players involved—one being the Bear River Canal Company, who has requirements that have changed the cost and scope. They discussed an equalization pond on the central canal. Manager Warnke said they are concerned about us pumping water out of the canal and affecting the flows within the canal and for downstream users. They want us to find a place to create an equalization pond where water can flow into it and then be released. The two systems would talk to each other and keep the flows in the canal about the same. In fairness, this is new territory to the canal company

and they are trying to figure it out as we are implementing. As we continue forward, they will get a better understanding of how it impacts their system and we can work through whatever issues there are. Chairman Capener suggested running the pumps in sections or on different days of the week as a way to meet what the canal company needs without requiring extra infrastructure.

Manager Warnke said I do want to express my appreciation because the work the Planning Commission does and the plans we create really lay the foundation for the City to continue to grow and put itself in a good position to meet future needs. Commission Member Janssen said I will attempt to speak for Commission Member Stokes, who is not here. Part of what was brought up was how these plans work. We read through the plan, gave our comments and got the same thing back. Where do those comments go and do they change anything? Manager Warnke said they do matter. The Planning Commission specifically gave some comments on the Transportation Plan that were great. There were some typos or disconnects within the plan that you saw and I appreciated you writing those comments down. This allowed me to see and understand them. I forwarded those to the consultant and we talked through that. Most of your comments were reflected in the Transportation Plan. You review a draft with comments, which I pass onto the consultant. We do not make changes until we have all the comments back. That is the best way to do it as far as efficiencies go. Those are put into the next draft for the City Council to review for adoption. If you make hand written comments, I would be happy to tell you what the outcome of those comments were and make sure they are forwarded onto the City Council. I am usually involved in creating a plan and coordinating with the consultant, so I am a point of contact. I will plan on coming to the Planning Commission when there is a plan we have prepared so I can hear your comments and talk through them.

Chairman Capener asked if it is possible to get a copy of the 1988 and 2002 plans. I would like to see how they were implemented, and what worked and what did not. Manager Warnke said he could get those, but did include a summary for the Commission on page 71. Some of the issues they identified in 1988 have not changed. Chairman Capener said that is my concern. We do not need to pay \$50,000 every 10 to 20 years for someone to tell us about our problems. We need a solution. Manager Warnke said some are long range, but your point is well taken because we do want to implement. I feel like we have made some good strides, but there are a lot more strides we need to make for our end goal.

Manager Warnke said the septic tank issue is going to come down to a policy decision for the Council. I have not heard the Planning Commission's comments or even read the ordinance yet, but I do have my reservations about septic tanks. The City does require a sewer collection system to be extended and for development to be connected to the wastewater treatment plan. For Val Stokes' project, he was required to extend the sewer line. Essentially it became a project

improvement, meaning he needed to have that sewer line in order for his project to work. The question is, do we remove that requirement? My personal thought is this just pushes an issue further into the future that we usually try to solve with the original development. We exact improvements so we have a completed development. Chairman Capener asked if someone develops in the County because the City will not let them, is that problem not already there? We are forcing them to develop in the County, drill wells and then eventually end up in the City anyway. Manager Warnke said you bring up a real practical point and that is something to consider. Generally counties try to encourage development to occur within cities where they can receive services, but I am not sure that is the case in that specific area as far as zoning and the County. I still have my concerns about changing it. It spreads out where development can go and if that limiting factor is removed, development occurs further outside of where our utilities are. We did adopt an ordinance that allowed small residential development to occur on larger tracts of land. That was a nice compromise to let large landowners subdivide their property and it has a nominal impact. My concern is when you have a full-blown development that does not put in the infrastructure needed for the City to provide the services—it just pushes the issue and problem into the future. A residential development would have a much greater impact than most commercial developments. We have done a good job providing accommodations, but it was not meant for a full-blown developer to come in and develop with septic tanks.

Commission Member Forrest asked, since Garland is building their own plant, do we have plenty of capacity in our sewer system? Manager Warnke said yes and no. We have a lot of projects that are coming online that we will be constructing next year. One of those is a wastewater treatment plant upgrade. We have plenty of flow capacity, but we are not good on treating the water because of the strength. We are upgrading our wastewater treatment plan to be able to treat the strength of the wastewater and put it back in line with the flows. We are doing other projects to meet regulations from the State, which will take effect in the next couple years. Once we do this upgrade, and with Garland leaving, we should be good until 2030 based on our projected growth, but a big industry or heavy user could change that.

4. New Business:
 - a. Discussion and consideration of adopting the 2018 Tremonton Economic and Market Analysis Plan

Motion by Commission Member Bennett to recommend the Council adopt the plan. Motion seconded by Commission Member Greener. Vote: Chairman Capener – aye, Commission Member Bennett – aye, Commission Member Eberhard – aye, Commission Member Forrest – aye, Commission Member Greener – aye, Commission Member Janssen – aye. Motion approved.

Manager Warnke asked if there were any specific comments related to the plan. Administrator Bench said Commission Member Stokes wondered about water and having a future water plan. Commission Member Eberhard suggested an airport and said if we are looking as far ahead as that indicated, that is something we need. Chairman Capener said there are people in the area who own planes and would be interested in that. Administrator Bench said the problem is finding a strip of property that would be long enough. Manager Warnke said when we get to the future land use plan, if you feel strongly about it being considered, we could plan around it. Airports are expensive endeavors. I am not sure the City gets the value out of them that it puts in as far as investment and maintenance. Commission Member Eberhard said maybe the City would have an individual run it if they could provide a place for that to happen.

- b. Discussion and consideration of amending Title II Tremonton City Subdivision Ordinance, Section 2.06.025 adding when a Septic System may be installed

Administrator Bench said Commission Member Stokes left some comments. First, he wondered how they would determine the 300 feet, as the crow flies or front door to front door. Secondly, he suggested the City should install a sewer line to the east of town. Chairman Capener said I did a bunch of research and called Logan, Hyrum, Brigham City, Nephi and Garland. In Garland, you have to hook up within 300 feet, but there are no limitations. Nephi says the same thing. In Brigham City it says a property owner may be allowed to continue the use of a septic tank or cesspool until the system fails to handle the waste or becomes a public health threat. Commission Member Forrest said that is the same for Tremonton. You can have a septic tank if you already have it. I have one within 30 feet and have not hooked up. Administrator Bench said we have not pushed the issue of requiring connections. Chairman Capener said if I am a mile away and want to put in 20 lots, Brigham City said it would be handled on a case-by-case basis and if the health department would approve it. They do not have a specific code about it. Logan says they have never had that come up. They are also on a case-by-case basis. They work with the developer to extend to them. They pay their share and others pay their share when they hook up. Commission Member Eberhard asked if when someone becomes within 300 feet if they have to hook to the sewer system. Administrator Bench said if this goes through, we would write something that is acceptable to the City Council. Once that comes within 300 feet then they would be required to connect. They would pay the impact fees and be responsible for hooking to the system at their expense. That is what Brigham City and Logan require. Chairman Capener said Brigham City says you can stay on your septic unless it does not work or is a public health threat and Logan says you have two years. Administrator Bench said an existing home with a septic tank would be required to hook if that sewer runs past their home, but that is not on the books now. I like the two-year language because it will cost about \$5,000 to hook

up. Commission Member Bennett said I like that idea of them keeping their system as long as it is working and there are no issues but why does Manager Warnke not like septic tanks? Chairman Capener said he wants to force everyone to hook to sewer and pay to extend everything out. Administrator Bench said cities provide these services to the best of their ability. Commission Member Janssen said it seems like he is trying to stop growth on the outer edges to promote growth where sewer already is by making it harder or more expensive to develop further out. Chairman Capener said it is forcing people to develop in the County. It does not stop or kick the problem down the road it just makes it worse. Administrator Bench said the annexation on east Tremonton has septic tanks. Chairman Capener said when a big development comes and if the City will ante up, then all those people will have to pay the impact fee to hook up. A big developer will put it in when it makes sense to do it. He gave an example of areas that have many septic tanks and have not been a problem. I do not understand why we want to limit everyone's properties that are further from the City when none of the other cities are requiring these things. Administrator Bench said you are well versed at it now so write something that would fit in the code, send it to me electronically and I will add numbers to it.

Chairman Capener said I asked about lot size and those cities said it depends on the perc test and the ground. The feasibility for a septic system and the minimum lot size requirement would be determined by the health department and septic system design. Option 1 has the correct language as far as keeping the existing language in play. Those 1, 2, and 3 options are all based on complication. I am trying to make it simple like other cities. Logan said the State has all the codes to override what the city does and the health department reviews that. We pay the health department to decide what is legal and what fits. I do not mind option 2, but it makes you hook up to it when you are within 300 feet. Commission Member Eberhard said when that becomes 300 feet for those that have septic tanks are they then required under this to use that sewer line? Chairman Capener said under option 1 they are if it does not work or they are a public health hazard. It is not based on proximity. However, a new construction would be required. I also put an option at the bottom to address measuring the actual linear feet. Administrator Bench said front door to front door would take you out to the street, the public way to the sidewalk and curb, then to the street and sewer. Commission Member Forrest asked if there are any provisions if the sewer lines are built below grade and if the City requires them to pump into the sewer line. Administrator Bench said the way the current code reads, yes. Chairman Capener said we ought to define the word available as flowable. Administrator Bench said tweak it and send me the electronic version saying available means gravity flow. Chairman Capener said maybe we need to say main floor gravity flow. He also asked about the timeframe for being required to hook to sewer. Health hazards would be taken care of by the health department immediately and they would be required to hook up within 90 days, while others who need or want to connect due to distance

would have two years. If they fail to connect to it for whatever reason, the City could shut off their services. Commission Member Forrest said I would approve it with those changes. Administrator Bench said they could approve it tonight and tweak it until it is worded right. Commission Member Forrest said my motion is to approve option 1 with the tweaks until we all agree on it. This would be emailed to each Commission Member and they will get on the City Council agenda.

Motion by Commission Member Forrest to approve the ordinance. Motion seconded by Commission Member Bennett. Vote: Chairman Capener – aye, Commission Member Bennett – aye, Commission Member Eberhard – aye, Commission Member Forrest – aye, Commission Member Greener – aye, Commission Member Janssen – aye. Motion approved.

5. Adjournment

Motion by Commission Member Greener to adjourn the meeting. Motion seconded by consensus of the Board. The meeting adjourned at 7:02 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 ____ day of _____, 2019.

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.