TREMONTON CITY CORPORATION
DEVELOPMENT REVIEW COMMITTEE
MAY 29, 2019

Members Present:
Steve Bench, Chairman/Zoning Administrator
Chris Breinholt, City Engineer
Marc Christensen, Community Services Director—excused
Paul Fulgham, Public Works Director
Shawn Warnke, City Manager
Cynthia Nelson, Deputy Recorder

Chairman Bench called the Development Review Committee Meeting to order at 10:42 a.m. The meeting was held May 29, 2019 in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Chairman Steve Bench, Engineer Chris Breinholt, Director Paul Fulgham, City Manager Shawn Warnke (left at 11:43 a.m. and returned at 11:49 a.m.), and Deputy Recorder Cynthia Nelson were in attendance. Director Christensen was excused.

1. Approval of agenda:

   Motion by Director Fulgham to approve the May 29, 2019 agenda. Motion seconded by Manager Warnke. Vote: Chairman Bench – aye, Engineer Breinholt – aye, Director Fulgham – aye, Manager Warnke – aye. Motion approved.

2. Approval of minutes: No minutes to approve at this time

3. New Business:

   a. Discussion of S & K Subdivision—Jenny Goring, Community Development Director Scott Lyons, Greg Hansen of Hansen & Associates, and Stan Summers

      Mr. Summers said they want to adopt this into the City with the parcel as is. Mr. Todd Thornley bought this piece and wants to be able to incorporate it into the City. Mr. Hansen said we would do an annexation plat for that portion. Our challenge with the subdivision is that the ordinance says it has to front a dedicated street. How can we get this developed, subdivided, and broke into these parcels, while still complying with either Box Elder County or Tremonton City's ordinances? Manager Warnke asked for more background information. Mr. Summers said Mr. Thornley bought this land and eventually Coldwater Stone will end up with all of this part that I own with the 50 feet that goes behind included in that parcel. Coldwater Stone will ultimately subdivide it. Mr. Hansen said we have three tax IDs and if we can configure to have three parcels then we could do it as a lot line amendment. Mr. Lyons said some parcels are inside the City and some are outside so it will have to be annexed.

Mr. Hansen asked if the City code requires frontage on a public right-of-way or an access. Manager Warnke said it depends on the zone. The bigger issue is access in general. We have a Transportation Plan that looks at how this area is going to develop and how accesses are going to occur. Mr. Summers said you would have two accesses into that property. Manager Warnke said I am thinking about the area in general. He showed suggested ideas in the plan and what UDOT would allow based on their standards and classifications of roads. He said we need to take a larger step back and say how the accesses are going to be handled within this area to provide development, not only for your parcel, but also for others.

Mr. Hansen said if we just annexed this parcel into Tremonton City now your corporate boundaries go around this and we could do a lot line amendment. We would still have one parcel and this could stay as is, not incorporated and sold that way. We could do it as parcels and not lots. The access easement would be here and then we are not subdividing or worrying about access to a dedicated street if they do not have an issue with combining everything and buying one parcel. Manager Warnke said it would be nice to have them in the conversation to understand what their future development is so we could work the access in. There is a building here and this one would be in the right-of-way. They discussed roads and alleyways in the area. Director Fulgham said there are water and sewer lines that run down that, but no dedicated roads—they have been vacated. Mr. Summers said the only other access is a 30-foot road that comes past the buildings. Director Fulgham said 100 South is a wide access, nearly 79 feet. If that stayed a road, we could narrow it down to 66 feet and miss that existing building.

Mr. Hansen said we could not do it as a subdivision without a front or dedicated roadway so that is why I am suggesting a lot line amendment. Would you approve the lot line amendment with an easement for a future road or right-of-way so you would control where this road goes. Mr. Summers said there is a 30-foot roadway and easement to get it there. Mr. Hansen said we would have to turn this into a road that comes straight through for future use. Manager Warnke said currently it lines up with another vacated piece of property that is undeveloped so we could have the intersection going both north and south. Otherwise, it would be a T-intersection, but maybe that could work. Engineer Breinholt said we like them to line up if we can. What is the plan for that property? Mr. Summers said they are going to use it for storage. There will not be a building they just want it subdivided before it is purchased. The home is being bought as a potential rental. Todd Thornley Trucking owns this and he is selling to Coldwater Stone.

Mr. Hansen said if we cannot merge this parcel then the lot line amendment does not work. Both parties have to agree and have the blessing of the local entity. If the City would be okay with that then we would do a lot line amendment. We could have 100 South as an easement for the access and future extension so the City gets the future road. If this is ever developed commercially, that is when you make the roads come in. That would secure your interest for 100 South. Mr. Summers said Rhett Robinson of

Coldwater Stone has already bought this property so it would work if he could add this into that and make a lot line amendment. Manager Warnke said we would require a road right-of-way dedicated with the annexation. A lot line adjustment would essentially delay the actual improvement of the subdivision and the extension of the road. All those things could work, but we would want to get it sorted out and have a dedicated right-of-way so we do not have these issues we are grappling with later on. Mr. Lyons said if they dedicate the road to the City then you are the owner of that real estate. You could put some conditions on the property saying that when it is developed that individual is responsible for the improvements. Manager Warnke said typically with annexations we address road issues. With a subdivision all the improvements, extensions, and utilities are addressed. In the pre-annexation, we would not issue a building permit without the improvements of the road. We can do some exemptions from the subdivision process, and one is gifting a road or right-of-way for public purpose. As part of the pre-annexation agreement, we would need to agree that if there is a building permit issued on that property then they would need to extend the utilities in the road frontage. Mr. Hansen said if you did it as an easement to the City, then Mr. Thornley is the underlying owner and we do not create another parcel. If you are the owner, this is a new tax ID and a lot line amendment will not work. The easement guarantees the alignment of the road and leaves it as one owner. Manager Warnke said an easement is less desirable for the City because it pushes an issue further down. With an annexation, we sort out how this property is going to be developed and where the accesses are that allow development to occur. Mr. Lyons said does the City have anything in their subdivision code that addresses exemptions from subdivision requirements? The County has an exemption from plat requirements that you do not have to go through the full subdivision process if it is for a public improvement. Manager Warnke said we could subdivide without triggering public improvements if subdividing is occurring for a public purpose. Mr. Lyons said it would be subdivided for the City's purpose, so in theory the City is doing that by requiring dedication of a right-of-way. It just assigns a new tax ID number, but does not change anything. Mr. Summers wondered why they would need to annex in when much of the parcel already has sewer, water, and electricity. Director Fulgham said a certificate would be needed to say they could use that. Anything we serve in the County has to have a certificate giving them the right to do that.

Engineer Breinholt said why are we trying to avoid a subdivision plat? Why not do it with the restrictions you are talking about with the annexation as far as future site development triggering the requirement of the road construction. Mr. Hansen said because your subdivision ordinance says a lot has to front a dedicated road. Mr. Lyons said does it have to front a road or have to have access to a road? Engineer Breinholt said could we do it and allow what you are talking about with the restrictions of the annexation because the use is not going to change. The purpose of fronting the road is so new development has access to a street. With the annexation, you could put stipulations on the property that if it is ever developed then they build the road. Why can we not just do a regular plat and put those stipulations in? Manager Warnke said

when we do subdivisions we require public improvements. They could annex or do a subdivision, but an annexation ensures we have dedicated roads for the future. In needing to figure out long-term access issues with this parcel, I propose we enter into a pre-annexation agreement that we receive the road dedication like we have done in the past. When a subdivision occurs, that is when public improvements typically happen. Engineer Breinholt said if you dedicate the road, you are creating a subdivision because you are dividing it between the streets. Manager Warnke said there is an exemption for subdivisions in our code for public purposes. Mr. Hansen said if the City is okay with this lot having access to this dedicated road and adding 60 feet and that meets your ordinance then we would do a subdivision. The road would not come through right now it would end. Mrs. Goring asked about the improvements. Manager Warnke said this is where it gets tricky and we are trying to be flexible because we realize they are not developing it for its full potential. When someone does a subdivision, the City exacts requirements. Since we are annexing the property, we have to acquire the right-of-way. Then the public improvements would not be triggered at the subdivision, but at the building permit.

Mr. Summers suggested deeding 60 feet and using 30 feet. Manager Warnke said the City is less interested in this parcel and more interested in a roadway network. Engineer Breinholt said it needs to connect so that road would have to go all the way through. Administrator Bench read a paragraph on the lot section discussing residential and non-residential. Mrs. Goring said if the road went here, it would have to jog and not be straight. Coldwater Stone is leasing it from Mr. Thornley currently, but it is still not the whole thing. That would not give Mr. Thornley enough space if you put that road and dedicate it through the middle. There is more ground on the south and Mr. Thornley would not go for that. Mr. Hansen said if the commercial allows access then your access would be this 60-foot dedicated street that goes all the way through. If we are doing a subdivision, we can break it up anyway we want as long as you guys are okay with that. Manager Warnke said when we do a full on subdivision, that is when the public improvements and extension of utilities occur. Mr. Hansen said we could give you your roadway dedication and let the County assign a new tax ID in Mr. Thornley's name. It just has to be approved by the local governing entity. By definition, if we created an additional parcel, that is subdividing. Mr. Summers said that is the only reason we are doing an additional parcel because we are dedicating the road. Manager Warnke said in the end there will be some improvements that need to be made and will be triggered based upon a development application. We need fee in lieu instead of deferrals. Engineer Breinholt said in this case you would go ahead and build it. Manager Warnke said it does not really meet the County's ordinances or ours and a subdivision triggers public improvements. Mr. Hansen said if we break this up there is not an ordinance we can comply with that allows that to happen. The roads would have to be improved. The tough thing is who pays for these road improvements up here? The City is not going to so it stops there.

Mrs. Goring said Mr. Thornley and Mr. Robinson would have an interest in talking to Manager Warnke in person. Maybe they would have a solution or be willing to do something to make it work. Mr. Summers should also attend that meeting because all three have an interest. They threw around some more suggestions, but Mr. Hansen said it does not work, unless you are going to do this as a commercial land unit development with private roads inside development. That could work, but they would still end up having to put the roads in with all the improvements. It all falls to the same issue. Mrs. Goring said someone has to pay for the road improvements. I cannot think of another solution. If one takes the north and the other the south, then they could maybe do it. Manager Warnke said it does not meet our ordinance and would require an annexation to plan out the roads. If it were annexed into the City and subdivided then improvements go in.

Mr. Summers asked about water. Director Fulgham said if you buy the certificates to get water back there you could, but it probably will not meet the fire code. You could do a well, but it all depends on what the County and health department will require. Mr. Lyons said I think they have limitations where they will not issue those if you are within a certain distance from a culinary water system. Why could you not do your lot line adjustment with Coldwater Stone to these pieces and still include your future dedication in the pre-annexation agreement so that is not lost? This is in the City so this would be joined with these lots as a boundary adjustment. They would have to approve the annexation, but they could include the other access in the pre-annexation agreement. That way there is no subdivision taking place, so no improvements have to be done right now and would all be one lot. Mr. Summers said that works. Let us just do the lot line adjustment and annex that into the City. Manager Warnke said could you eliminate lot lines? Mr. Lyons said you could go down in parcels just not up. Administrator Bench said could you do that between the County and City boundaries? Mr. Lyons said it would have to get annexed in. Mrs. Goring said if you are worried about road improvements then that is a hiccup.

Mr. Hansen said if we annex this in then the City wants a portion dedicated for the roadway. Administrator Bench said annexation would trigger a road network. Mr. Lyons said the road ends here, so if someone wants to annex here, you are forcing a different landowner to dedicate the roadway—someone who is not involved in the transaction? Manager Warnke said that is why we want to work these things out at annexation—it is the best chance to figure it out. We are trying to address the issues, but we are not exactly addressing them. Mrs. Goring said it would be in Mr. Thornley's best interest to approve that, but he will not want to pay for it. He is fine with the road going through there just not the cost. Manager Warnke said we are still trying to figure out the access here. It has to be a network.

Engineer Breinholt said is there a law or code that defines a remainder parcel or is it an individual definition for the County and other cities? My take on a small lot development is if the remainder could be subdivided further than it can be left as a

remainder. If it cannot then it should just be a lot in the subdivision. Is there anything in the state law that defines that? The question came up in requiring improvements along an existing street if it was a lot then they are required to do so. If it is a remainder then it is outside the subdivision. Mr. Lyons said a parcel just sitting there is not a lot and we do not require improvements on it until they apply for a permit. Cities might address that different than counties, but there is no definition for a remainder parcel. In the County, they do not have to do the improvements like in the City.

Mr. Hansen said I do not know how it can be done. If we annex the property that Mr. Thornley wants to buy and take it out of the City and give it back to the County then we still have problems with hook-ups. Engineer Breinholt said they could almost develop that area as a commercial site with the accesses private. Mr. Hansen said the landowners want to buy the land, but they do not want to put any roads in. Manager Warnke asked Engineer Breinholt to throw some things together that might work. We just need to figure out that network. Administrator Bench said let us setup another meeting with the other parties to see what transpires and we can go from there.

b. Walk ins:*

There were no walk ins.

4. Comments/Reports: None.

5. Public comments: Comments limited to five minutes.

No public comments.

6. Adjournment:

Motion by Manager Warnke to adjourn the meeting. Motion seconded by consensus of the Committee. The meeting adjourned at 11:55 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 Development Review Committee Meeting held on the above referenced date. Minutes 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.