

**TREMONTON CITY CORPORATION
PLANNING COMMISSION
JUNE 23, 2020**

Members Present:

Micah Capener, Chairman
Arnold Eberhard, Commission Member
Paul Fowler, Commission Member—excused
Ben Greener, Commission Member
Brad Janssen, Commission Member
Layne Sorensen, Commission Member
Tom Stokes, Commission Member
Rick Seamons, City Councilmember
Steve Bench, Zoning Administrator
Cynthia Nelson, Deputy Recorder

Chairman Capener called the Planning Commission Meeting to order at 5:34 p.m. The meeting was held June 23, 2020 in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Chairman Capener, Commission Members Eberhard, Greener, Janssen, Sorensen, Stokes, City Councilmember Seamons, Zoning Administrator Bench, and Deputy Recorder Nelson were in attendance. Commission Member Fowler was excused.

1. Approval of agenda:

Motion by Commission Member Greener to approve the June 23, 2020 agenda. Motion seconded by Commission Member Eberhard. Vote: Chairman Capener – aye, Commission Member Eberhard – aye, Commission Member Greener – aye, Commission Member Janssen – aye, Commission Member Sorensen – aye, Commission Member Stokes – aye. Motion approved.

2. Approval of minutes—May 12, 2020

Motion by Commission Member Greener to approve the May 12, 2020 minutes. Motion seconded by Commission Member Janssen. Vote: Chairman Capener – aye, Commission Member Eberhard – aye, Commission Member Greener – aye, Commission Member Janssen – aye, Commission Member Sorensen – aye. Motion approved. Commission Member Stokes abstained from the vote.

3. New Business:

- a. Proposal to annex property 34.31 acres at approximately 10100 North 6800 West (Iowa String), which proposal includes requesting of amending the land use code for the allowance for subdividing with septic tanks and reduce water shares for large lot subdivisions – Gary Madsen, Bear River Development

Administrator Bench said Mr. Madsen went to the City Council to see what kind

of flex they had and they sent it to the Planning Commission for your review. Commission Member Stokes said what is the reasoning for annexing it into the City? Administrator Bench said to develop it. Commission Member Greener said to get City water. We have been told all about our water and managing our needs within the City, but now we are reaching out to make our City bigger? Commission Member Stokes reminded the Commission that there are already a lot of proposed plans for development within the City. Chairman Capener said the actual exaction of the water is not done until the building permit so we could have thousands of lots. Commission Member Stokes said that is irresponsible of a Planning Commission to sit here, add on, add on, and then suddenly not allow developers to have those water shares in the future. Why does Mr. Madsen not go to the Bear River Water District? Councilmember Seamons said he could get water from West Corinne. Commission Member Greener said how many water shares are we giving up by what he is asking. Administrator Bench said these would be acre plus lots and the City requires one share per developed acre. Mr. Madsen wants to take that down to a third of a share. Commission Member Greener said for two years we talked about conserving and the need to have water developed inside Tremonton. By going to secondary water, we all pay a lot more and now we are reaching outside our City to grow when we have a lot of need inside. I recommend we keep what we have in the books, which applies to everyone.

Chairman Capener said if the property is capable of being flood irrigated with the canal shares then that could be a different conversation. Administrator Bench said that was brought up, but that is still not the case if it is annexed into Tremonton and developed—the City requires one share per irrigable acre. Chairman Capener said but do we really want to water five-acre lots with a pressurized system? I would rather water with a ditch. Administrator Bench said that would have to be addressed one of these days. The Planning Commission will help address our current and future land uses and what the City sees happening south of the freeway and west of McDonalds. Commission Member Greener said I would rather see it all pressure irrigated. It uses less water and would bill the person using the water through the City instead of the County.

Administrator Bench said Mr. Madsen wants acre lots to provide horse property and adding the sewer could be done, but it would have to be pumped. Our engineer did a quick figure and it was half a million dollars for those 30 homes. It does not pencil out and the City is not ready to participate in something like that. Chairman Capener said we want to do bigger, nicer homes and if someone does an acre or more they will be. The average person wanting that one-acre lot is going to build a \$500,000 home. We could say we would approve it under certain conditions. It was recommended that the Commission review the language that was previously proposed for septic tanks in the City. Commission Member Greener said some towns make the contractor add the sewer lines and abandon

their septic tanks when it is time to go to sewer. Administrator Bench said that has been discussed; and installing the sewer could be a condition for when that happens. The biggest issue is not collecting funds from sewer processing and if any of those septic tanks fail, they would require the City to get the sewer there. Commission Member Greener said the time to get it is when they develop the property. As far as secondary water goes, let us leave it as written. He would have to do one for one on irrigable dirt.

Motion by Commission Member Greener to keep the requirement for water shares the same. Motion seconded by Commission Member Eberhard. Vote: Chairman Capener – aye, Commission Member Eberhard – aye, Commission Member Greener – aye, Commission Member Janssen – aye, Commission Member Sorensen – aye, Commission Member Stokes – aye. Motion approved.

Chairman Capener said for the septic tanks should we review that language from before? Commission Member Sorensen said I would like to have the sewer there so when they do develop further south, we would at least have that in place. Commission Member Greener said and then the homeowner would know they have to abandon their septic tank. Chairman Capener questioned if they are obligating the City to bring that to the homeowners by making the developer install the pipes. The City cannot make you do anything unless they are going to bring that service to you within six years. That is why we could not make the developers give us water until we had a plan to put the secondary system in place. We need to have that conversation with the City attorney on what is legal.

Administrator Bench said eventually that land would be annexed in the City and those 30 water connections through West Corinne would have to be transferred. Commission Member Stokes said when it is annexed in we will have to do a zoning change. Chairman Capener said we need to adjust the code so we can make bigger lots pencil into the City. Otherwise, all we get are multi-family developments. I would like to see us find a way to do that. We could still get the water shares and everything we need we could just require less of the improvements. If not then they will do zero improvements and the City is going to get it with nothing when it is annexed. If we require them to do something and they are in the City paying taxes then we have them on board and can at least start helping chip in with some of this stuff. Commission Member Greener said upfront we have to have what we want developed with the rules so when it is all said and done, the City is not going to have to put his line in and back track to fit that road. I have no problem with annexing them into the City as long as the City gets something out of it.

Chairman Capener said I would love to see what an estimated secondary water bill would be for one acre up to five acres. If it is astronomical, then it is not feasible. Administrator Bench said it is tiered the same way culinary is. Chairman

Capener said we might want to say if you are over X then you have to flood irrigate and provide your own water versus trying to do it through the system. From a code perspective, we do not want to have something that is completely unfeasible; we need to find a solution. I would like to see what the numbers are and if a one-inch line is capable of watering a five-acre lot. Commission Member Janssen said can we do bigger lots in the City as is instead of annexing? Do we need to annex an area like this to get more valuable homes when there is so much development that needs to be done inside City limits? Chairman Capener said there are not a lot of places in the City for that. In today's market there is nothing for sale in Tremonton's city limits that would give you that type of development to purchase and develop today. Commission Member Janssen said I do not think we need larger lots we just need more expensive homes. Commission Member Greener said we have to move away from Tremonton being the apartment place for all of northern Box Elder County. Commission Member Janssen said we need to balance what we have already approved with what we have in the City and make sure we can provide for those before extending our services. Chairman Capener said we provide that at the building permit so the actual subdivision does not matter. That is why we have secondary water. That opens up more culinary water and the fee structure gives the City more money to develop sources. Commission Member Greener said we have to look ahead to see what developments are coming and what our water needs are going to be.

Administrator Bench said they would invite Public Works Director Paul Fulgham to their next meeting and continue the discussion. I recommend we table this until after that discussion. The Commission reminded Administrator Bench that they would like to have information on how much water is available so they are not approving developments that may not have water when they get to the building permit stage. Commission Member Greener said we need to know the status of our culinary water with all the development we have done. Commission Member Stokes said Director Fulgham might not know that number. He told us in the last meeting that until the State comes to him and says you have no more water to hand out he can continue to hand it out.

Motion by Commission Member Sorensen to table the proposal until the Commission can get more information on the cost to irrigate an acre or more with secondary water. Motion seconded by Commission Member Stokes. Vote: Chairman Capener – aye, Commission Member Eberhard – aye, Commission Member Greener – aye, Commission Member Janssen – aye, Commission Member Sorensen – aye, Commission Member Stokes – aye. Motion approved.

4. Adjournment

Motion by Commission Member Stokes to adjourn the meeting. Motion seconded by consensus of the Board. The meeting adjourned at 6:28 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 _____, 2020.

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.