

Minutes of the Regular Meeting of the Trenton Town Planning & Zoning Commission held on Tuesday March 16, 2021 at 7:00 p.m., in the Trenton Town Hall, 17 East Main, Trenton, Utah. -Draft

Minutes of the Regular Trenton Town Planning and Zoning Meeting held on Tuesday March 16, 2021 at 7:00 p.m., in the Trenton Town Hall, 17 East Main, Trenton, Utah.

Present:	Commissioners:	Pauline Udy Kyle Kingston Anne Spackman
	Councilmember:	Stacey Wangsgard
	Clerk	Macall Smith
Excused:		Jason Downs

Guests: Richard Allsop, Parker Haviland, Ken Allsop, Kent Weeks, Bonnie Keen, Rachel Kersavage, Cam Kersavage and Sheri Newton.

Chairperson Udy called the meeting to order at 7:09 p.m.

Approval of Agenda

COMMISSIONER SPACKMAN MOVED TO APPROVE THE MARCH 16, 2021 MEETING AGENDA WITH COMMISSIONER KINGSTON SECONDED THE MOTION AND ALL COMMISSIONERS IN ATTENDANCE VOTING AYE.

Approval of Minutes

The Commission noted some typos in the January 19, 2021 meeting minutes including two places that Chairperson Udy needed to have her name added to the sentence. COMMISSIONER SPACKMAN MOVED TO APPROVE THE JANUARY 19, 2021 MEETING MINUTES WITH THE NOTED CORRECTION, COMMISSIONER KINGSTON SECONDED THE MOTION AND ALL COMMISSIONERS IN ATTENDANCE VOTING AYE.

Chairperson Udy noted that the date needed to be corrected. COMMISSIONER KINGSTON MOVED TO APPROVE THE JANUARY 26, 2021 MEETING MINUTES WITH THE NOTED CORRECTION, COMMISSIONER SPACKMAN SECONDED THE MOTION AND ALL COMMISSIONERS IN ATTENDANCE VOTING AYE.

The Commission noted that Commissioner Downs was not in attendance at the meeting and that Commissioner Spackman attended in person. The also noted that the property discussed by Rob Dilly was 340 West Main not East Main. COMMISSIONER KINGSTON MOVED TO APPROVE THE FEBRUARY 16, 2021 MEETING MINUTES WITH THE NOTED CORRECTIONS, COMMISSIONER SPACKMAN SECONDED THE MOTION AND ALL COMMISSIONERS IN ATTENDANCE VOTING AYE.

Public Comment

There was no public comment at this time.

Adolfo Silva- Zoning Clearance

Chairperson Udy asked Richard Allsop if he was representing Mr. Silva again. Mr. Allsop stated that he was. The Commission noted that the only thing lacking from the application was the septic permit issued by the Bear River Health Department, and that it had been turned in by Mr. Silva. COMMISSIONER KINGSTON MOVED APPROVE THE ZONING CLEARANCE APPLICATION OF ADOLFO SILVA WITH COMMISSIONER SPACKMAN SECONDED THE MOTION AND ALL COMMISSIONERS IN ATTENDANCE VOTING AYE.

Richard Allsop- Renewal of Zoning Clearance - 860 East 1600 South

Chairperson Udy noted that the only thing lacking from the application at last months meeting was the septic permit issued by the Bear River Health Department, and that it had been turned in by Mr. Allsop. COMMISSIONER KINGSTON MOVED APPROVE THE ZONING CLEARANCE APPLICATION OF RICHARD ALLSOP WITH COMMISSIONER SPACKMAN SECONDING THE MOTION AND ALL COMMISSIONERS IN ATTENDANCE VOTING AYE.

Richard Allsop- Zoning Clearance- 387 East Main Street

Richard Allsop presented his Zoning Clearance to build a home on a lot in the Allsop Subdivision located at 387 East Main. He stated that he was approved for a water hook-up last month at the town council meeting. Chairperson Udy asked about how close the home will be to the slope of the hillside. She wondered if engineering would need to be done to ensure that the home was built safely on the hillside. Mr. Allsop stated that the home would not be built on the edge of the hill and would not have a walk out basement but would have a small deck off the back of the home. The Commission reviewed the application. COMMISSIONER KINGSTON MOVED TO APPROVE THE ZONING CLEARANCE APPLICATION OF RICHARD ALLSOP AT 387 EAST MAIN WITH COMMISSIONER SPACKMAN SECONDING THE MOTION AND ALL COMMISSIONERS VOTING AYE.

Determination of application completeness- Lapray Subdivision

The Commission review the materials documents provided by Mr. Lapray. The went through the town application form line by line to determine if the required items had been provided. Commissioner Kingston stated that we, the Planning Commission of Trenton Town, have carefully reviewed for completeness the Subdivision Application of Mr. Lapray based on the specific, objective ordinance-based criterion set forth below. Based on that review we find that the Subdivision Application of Mr. Lapray is deficient and incomplete for the following reasons based on the specific objective, ordinance-based applications requirements set forth in the Trenton Town Ordinances, specified below. For a Subdivision application to be complete, all of the Trenton Town Subdivision Section 13.03.3- Preliminary Subdivision Plan Requirements must be satisfied. They are not satisfied by the Subdivision Application in the following particulars:

- (A) Requirement: a completed Multiple Lot Preliminary Plat Application must be submitted to the Town. While the application form was submitted, a complete Subdivision Application package and all required information have not been submitted.
- (B) • (C-7) Requirement: a vicinity map of the site at a minimum scale of 1"=2,000 feet, the provided map shows a scale of 1"= 5,000 feet. This information has not been provided.
- (C) • (C-11) Requirement: identification of known natural features including, but not limited to, wetlands as identified by the U.S. Army Corps of Engineers, areas which would be covered in the event of 100 year floods, all water bodies, flood ways and drainage ways, slopes exceeding 25%, and any other natural features as required by the, Planning and Zoning Commission or Town Council for the entire subdivision site, including a tabulation of the acres in each;
- (D) . • (C-12) Requirement: identification of known man-made features including, but not limited to, high voltage power lines, high pressure gas lines, hard surfaced roads, road easements, road rights-of-way, bridges, culverts and drainage channels, field drains, existing water and sewer trunk lines, all utility easements, railroads and railroad easements, irrigation ditches, canals and canal easements within and adjacent to the subdivision site; This information has not been provided. This information has been required since the 2018 version of the Subdivision Ordinance
- (E) • (G) Requirement: the addresses of all owners of record of real property within 300 feet of the

parcel of land proposed for subdivision, including the names and addresses of the holders of any known valid mineral leases. This information has not provided. This has been required since the 2018 version of the Subdivision Ordinance. (The current ordinance requires information for property owners within 1000 feet)

- (F) • (H) Requirement: a \$50 Multiple Lot Preliminary Plat fee must be paid with the application. That fee has not been paid to the Town. The Town Council made revisions to the fee schedule January 5, 2021 to include this fee
- (G) • (H) Requirement: a \$50 Multiple Lot Preliminary application fee must be paid with the application. That fee has not been paid to the Town.
- (H) • (H) Requirement: a \$300 +250 per lot Minor Subdivision fee must be paid with the application. That fee has not been paid to the Town. The \$300 fee has been required since the 2018 version of the Subdivision Ordinance. The Town Council made revisions to the fee schedule January 5, 2021 to include the additional fee of \$250 per proposed subdivision lot.

In addition, the Trenton Town Subdivision Ordinance Section 13.04.5- Evidence and Availability of Required Services Requirements must be satisfied:

- (I) • (A) Water Requirements. No Subdivisions shall be allowed whose creation would require installing new culinary water lines. Trenton Town Water Ordinance Number 2021-01-01, amended January 5, 2021 3-01-13, states ...all homes built within Trenton Town limits shall be connected to the Trenton Town water system. A letter provided by the Trenton Town Watermaster stating the availability of water to all lots created in the subdivision. These requirements have not been satisfied. The 2018 Ordinance required evaluation by the State of Utah or Bear River Health Department. The current ordinance changed this evaluation to one performed by the Trenton Town watermaster. Your application does not satisfy any of these requirements.
- (J) • (B) Sewage Requirements. The Bear River Health Department and the Utah Department of Environmental Quality shall be considered the Town's experts in evaluating the proposed sewage treatment system. It shall be the responsibility of the applicant to provide information and materials as required by the Bear River Health Department or the Utah Department of Environmental Quality, as applicable. Subdivision applications proposing individual onsite wastewater disposal systems shall include feasibility reports, meeting the requirements of the Bear River Health Department or Utah Department of Environmental Quality, as applicable, for each new parcel or lot proposed. These requirements have not been satisfied. This has been required since the 2018 version of the Subdivision Ordinance.
- (K) • (C) Storm Drainage Requirements. No increased level of storm water drainage shall be allowed to flow from any portion of either lot to any adjacent properties, ditches, canals, or waterways without the prior written authorization, with a note on the subdivision plat identifying a proposed and recordable drainage easement, provided by the adjacent property owner, ditch or canal company.
 - a. ▪ Written approval of the proposed storm water drainage system shall be obtained from the Trenton Town Engineer, or applicable Storm Water Management Plan. No new or additional storm water drainage that results from the development of a site shall be allowed to flow from any portion of the subdivision site to any adjacent lots, properties, ditches, canals, or waterways without the prior written authorization from the affected parties, with a note on the subdivision plat identifying a proposed and recordable drainage easement, provided by the adjacent property owner, ditch or canal company. The town shall approve the subdivision's storm water management plan prior to recordation of the final plat. These requirements have not been satisfied. This information has been required since the 2018 version of the Subdivision Ordinance.

Furthermore, the Trenton Town Zoning Ordinance 13.04.07- Suitability of the Area for a Subdivision Requirements must be satisfied:

- (L) • (A) Soils Suitability Requirement. A letter or soils report from the local Soil Conservation District identifying the susceptibility of the proposed subdivision site for soil erosion. This requirement has not been satisfied. This has been required since the 2018 version of the Subdivision Ordinance.
- (M) • (B) Fire Control Requirement. A review provided by the Trenton Town Fire District identifying any items related to providing the proposed subdivision with adequate fire protection and suppression services. This requirement has not been satisfied. This has been required since the 2018 version of the Subdivision Ordinance.
- (N) • (C) School Bus Service Requirement. A review provided by the Cache County School District, identifying any items related to the provision of School Bus Services. This requirement has not been satisfied. This information has been required since the 2018 version of the Subdivision Ordinance.
- (O) • (D) Town Road Department or Utah Department of Transportation Review and Clearance Requirement. A Town Road Department Clearance identifying any items related to providing adequate access to the proposed subdivision. If the proposed subdivision will be accessed directly from a State or Federal Highway, an appropriate access permit as required by the State of Utah Department of Transportation shall be provided with the application materials. For subdivisions located adjacent to a substandard Town road(s) the owner of the site proposed for the subdivision shall provide, as part of the Multiple Lot Subdivision application dedication documents for the additional road right of way, as required by the Town and shall, as a condition of Multiple Lot Subdivision approval, make improvements to the adjacent Town road determined necessary, and reasonably related, to the needs of the proposed subdivision, to the road standards of the Town as applicable. All lots created must have frontage, as required by the zone, on an existing class "C" road, or better and each lot must have individual access on said class "C" road. This requirement has not been satisfied. This has been required since the 2018 version of the Subdivision Ordinance. The requirements of the Trenton Town Zoning Ordinance

13.04.09- Required Coordination with Other Service Providers must also be satisfied:

- (P) • Requirements: If the proposed subdivision is located within the boundaries of an Irrigation Company or Canal Company, or easements of any canals or irrigation ditches exist on the proposed subdivision site, a letter from the governing board of the applicable Canal or Irrigation Company, acknowledging the proposed subdivision. This letter may identify any potential impacts resulting from the proposed subdivision. These requirements have not been satisfied. This has been required since the 2018 version of the Subdivision Ordinance.

Based on this specific, objective ordinance-based review, we find that the Lapray Subdivision Application is deficient and incomplete under the Trenton Town ordinances, including its subdivision ordinances and requirements. The application shall be supplemented with the specific information and requirements identified in this Finding before it can be processed and considered.

Discussion and decision regarding Grandfathered status of Weeks/ Keen property line adjustment

Kent Weeks and Bonnie Keen explained that the current property line jogs between the two owners, their lots are currently a grandfathered legal non-compliant lot. They would like to do a lot line adjustment and straighten the line. They are asking for the commission to give an approval that would allow them to

maintain their legal non-compliant status. The Commission read from the Zoning Ordinance which states:

Section 3.6 NONCONFORMING USES, SUBSTITUTION, EXTENSION

A nonconforming use shall not be enlarged, extended, or changed unless the use is changed to a use permitted in the district in which it is located, and a nonconforming building shall not be reconstructed or structurally altered unless such alteration results in removing those conditions of the building which render it nonconforming, except as follows:

- i. More desirable. When authorized by the Town Council in consideration of the prior recommendation of the Planning Commission, and in accordance with this ordinance, a nonconforming use that is determined to be of a more desirable nature may be substituted for another nonconforming use.

Mr. Weeks stated that his appraiser has stated that straightening the line will make the property more desirable. COMMISSIONER KINGSTON MOVED TO RECOMMEND TO THE TOWN COUNCIL THAT THE LOT LINE ADJUSTMENT BE APPROVED WHILE ALSO ALLOWING THE PROPERTY OWNERS TO MAINTAIN THEIR LEGAL NON-CONFORMING STATUS BASED ON SECTION 3.6 OF THE ZONING ORDINANCE. COMMISSIONER SPACKMAN SECONDED THE MOTION WITH ALL COMMISSIONERS IN ATTENDANCE VOTING AYE,

Determination of application completeness- Haviland Minor Subdivision

The Commission review the materials documents provided by Mr. Haviland. The Commission went through the town application form line by line to determine if the required items had been provided. Commissioner Kingston stated we, the Planning Commission of Trenton Town, have carefully reviewed for completeness the Subdivision Application of Mr. Haviland based on the specific, objective ordinance-based criterion set forth below. Based on that review we find that the Subdivision Application of Mr. Haviland is deficient and incomplete for the following reasons based on the specific objective, ordinance-based applications requirements set forth in the Trenton Town Ordinances, specified below. For a Subdivision application to be complete, all of the Trenton Town Subdivision Section 13.03.3- Preliminary Subdivision Plan Requirements must be satisfied. They are not satisfied by your Subdivision Application in the following particulars:

PRELIMINARY SUBDIVISION PLAN REQUIREMENTS

- (A) (A) Requirement: a completed Multiple Lot Preliminary Plat Application must be submitted to the Town. While the application form was submitted, a complete Subdivision Application package and required information have not been submitted.
- (B) • (C- 3a) Requirement: a title block placed on the lower right-hand corner of the plat showing: Name and address of owner(s) of record. This information needs to be corrected.
- (C) • (C- 4) Requirement: signature block for the dated signatures of the Mayor, attested to by the Town Clerk/Recorder. This information has not been provided.
- (D) • (C-7) Requirement: a vicinity map of the site at a minimum scale of 1"=2,000 feet, the provided map shows a scale of 1"= 5,000 feet. This information has not been provided. • (C-8) Requirement: Surveyed boundary of the proposed subdivision; accurate in scale, dimension and bearing, giving the location of and ties to the nearest existing two (2) government control monuments, all lots created need to be included in plat.
- (E) • (C-11) Requirement: identification of known natural features including, but not limited to, wetlands as identified by the U.S. Army Corps of Engineers, areas which would be covered in the event of 100 year floods, all water bodies, flood ways and drainage ways, slopes exceeding 25%, and any other natural features as required by the, Planning and Zoning Commission or Town Council for the entire subdivision site, including a tabulation of the acres in each. This

information has not been provided.

- (F) • (C-12) Requirement: identification of known man-made features including, but not limited to, high voltage power lines, high pressure gas lines, hard surfaced roads, road easements, road rights-of-way, bridges, culverts and drainage channels, field drains, existing water and sewer trunk lines, all utility easements, railroads and railroad easements, irrigation ditches, canals and canal easements within and adjacent to the subdivision site. This information has not been provided.
- (G) • (C-15) Requirement: the location with name and parcel number of any existing platted lots within or contiguous to the subdivision site. This information has not been provided.
- (H) • (C-16) Requirement: all lots, rights-of-way, and easements created by the subdivision with their boundary, bearings, lengths, widths, name, number, or purpose shall be given all lots must be given a unique identifying number and such number shall be shown. This information has not been provided.
- (I) • (C-20) Requirement: proposed storm drainage system for both surface and flood water, including any drainage easement. This information has not been provided.
- (J) • (C-23) Requirement: endorsement on the plat by every person having a security interest in the subdivision property that they are subordinating their liens to all covenants, servitudes and easements imposed on the property. This information has not been provided.
- (K) • (C-25) Requirement: other applicable subdivision notes, as required by the Planning and Zoning Commission or Town Council- Providing information regarding the Canal right of way. This information has not been provided.
- (L) • (E) Requirement: a Title Report for the property proposed to be subdivided provided by a Title Company within 30 days of the date of subdivision application
- (M) • (G) Requirement: the addresses of all owners of record of real property within 1000 feet of the parcel of land proposed for subdivision, including the names and addresses of the holders of any known valid mineral leases. This information has not provided.
- (N) • (H) Requirement: a \$50 Multiple Lot Preliminary Plat fee must be paid with the application. That fee has not been paid to the Town.
- (O) • (H) Requirement: a \$50 Multiple Lot Preliminary application fee must be paid with the application. That fee has not been paid to the Town.
- (P) • (H) Requirement: a \$300 + \$250 per lot Minor Subdivision fee must be paid with the application. That fee has not been paid to the Town

In addition, the Trenton Town Subdivision Ordinance Section 13.04.5- Evidence and Availability of Required Services Requirements must be satisfied:

- (Q) (A) Water Requirements. No Subdivisions shall be allowed whose creation would require installing new culinary water lines. Trenton Town Water Ordinance Number 2021-01-01, amended January 5, 2021 3-01-13, states ...all homes built within Trenton Town limits shall be connected to the Trenton Town water system. A letter provided by the Trenton Town Watermaster stating the availability of water to all lots created in the subdivision. These requirements have not been satisfied.
- (R) • (C) Storm Drainage Requirements. No increased level of storm water drainage shall be allowed to flow from any portion of either lot to any adjacent properties, ditches, canals, or waterways without the prior written authorization, with a note on the subdivision plat identifying a proposed and recordable drainage easement, provided by the adjacent property owner, ditch or canal company.
 - (A) Written approval of the proposed storm water drainage system shall be obtained from the Trenton Town Engineer, or applicable Storm Water Management Plan. No new or additional storm water drainage that results from the development of a site shall be

allowed to flow from any portion of the subdivision site to any adjacent lots, properties, ditches, canals, or waterways without the prior written authorization from the affected parties, with a note on the subdivision plat identifying a proposed and recordable drainage easement, provided by the adjacent property owner, ditch or canal company. The town shall approve the subdivision's storm water management plan prior to recordation of the final plat. These requirements have not been satisfied.

Furthermore, the Trenton Town Zoning Ordinance 13.04.07- Suitability of the Area for a Subdivision Requirements must be satisfied:

- (S) • (A) Soils Suitability Requirement. A letter or soils report from the local Soil Conservation District identifying the susceptibility of the proposed subdivision site for soil erosion. This requirement has not been satisfied.

Based on this specific, objective ordinance-based review, we find that the Haviland Subdivision Application is deficient and incomplete under the Trenton Town ordinances, including its subdivision ordinances and requirements. The application shall be supplemented with the specific information and requirements identified in this Finding before it can be processed and considered.

Review of Zoning Ordinance for additional updates

The Commission discussed some updates to the flow chart, including what to call the notice to adjacent property owners. The Commission discussed requiring developers to bring water with them prior to allowing subdivisions to happen. They also discussed limiting developments to lot splits along with requiring utilities to be installed underground, and having a more specific requirement when it comes to storm drain requirements. They asked Commissioner Spackman to draft some flood plain wording, storm water drain-off using similar language to Hyde Park City. They asked Clerk Smith to post a notice of a public hearing to add these to the Subdivision Ordinance. Councilmember Wangsgard wondered about allowing only lot splits for the next 5 years while the town looks into getting more water. They also discussed requiring a lot line adjustment to come before the Planning Commission. The Commission was in favor of changing the subdivision ordinance to have only lot splits as the subdivision options.

Lot Split Application update

The Commission tabled this item

Final Plat Application update

The Commission tabled this item.

Adjournment

There being no further business to come before the Commission, COMMISSIONER KINGSTON MOVED TO ADJOURN THE REGULARLY SCHEDULED MEETING AT 9:41PM WITH COMMISSIONER SPACKMAN SECONDING THE MOTION AND ALL COMMISSIONERS IN ATTENDANCE VOTING AYE.