

**TREMONTON CITY CORPORATION
PLANNING COMMISSION
FEBRUARY 8, 2022**

Members Present:

Micah Capener, Chairman—excused
Jordan Conrad, Commission Member
Penni Dennis, Commission Member—Via Zoom
Paul Fowler, Commission Member
Layne Sorensen, Commission Member
Bret Rohde, City Councilmember
Steve Bench, Zoning Administrator
Cynthia Nelson, Deputy Recorder

Co-Chairman Fowler called the Planning Commission Meeting to order at 5:30 p.m. The meeting was held February 8, 2022 in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Co-Chairman Fowler, Commission Members Conrad, Dennis, Sorensen, City Councilmember Rohde, Zoning Administrator Bench, and Deputy Recorder Nelson were in attendance. Chairman Capener was excused.

1. Approval of agenda:

Motion by Commission Member Sorensen to approve the February 8, 2022 agenda. Motion seconded by Commission Member Conrad. Vote: Co-Chairman Fowler – aye, Commission Member Conrad – aye, Commission Member Dennis – aye, Commission Member Sorensen – aye. Motion approved.

2. Declaration of Conflict of Interest: None.

3. Approval of minutes—December 14, 2021

Motion by Commission Member Sorensen to approve the December 14, 2021 minutes. Motion seconded by Commission Member Conrad. Vote: Co-Chairman Fowler – aye, Commission Member Conrad – aye, Commission Member Dennis – aye, Commission Member Sorensen – aye. Motion approved.

4. Training on General Plan—Shawn Warnke

Manager Warnke explained that the Planning Commission is required to receive so many hours of training each year, which is required by the State. Manager Warnke said we have a drafted General Plan for your review and then explained the difference between an administrative decision and a legislative decision. It is important to know what type of decision you are making in order to correctly approach and render decisions. For administrative decisions you are required to apply the ordinance. There is very little discretion involved. Administrative decisions are valid if they are supported by

substantial evidence. If you disapprove a preliminary plat you would have to say on record why it does not apply. Sometimes there is some discretion built into our ordinances. Legislative decisions are where we have more discretion. Those types of decisions are valid if they are reasonably debatable. Those are decisions that would promote or advance the general welfare. Co-Chairman Fowler said we are advisors, who provide advisement to the City Council. We would tell them if we recommend it or not. Manager Warnke said your standard of making that decision is different. It is an administrative decision and you are looking at the ordinance and weighing it to make sure it is in compliance. You as a Planning Commission have an advisory role. The City Council is a body that can make legislative decisions on behalf of the City.

Manager Warnke said the General Plan is a policy document and is a legislative decision that is adopted by resolution. Public clamor is an emotional argument that is usually based in reasoned arguments. Essentially you feel a lot of pressure based upon the public. Co-Chairman Fowler said there is a lot of confusion in that. For example, with the annexation if they meet the criteria then it should be an administrative decision, but the zoning of that comes to a recommendation and then goes to legislative. The input should have been about the zoning. Manager Warnke said annexations are a legislative decision. There are some guiding principles and standards. An annexation would be the decision of the City Council. Co-Chairman Fowler said that is my point. It is not really our decision in that instance. We were not sending the annexation to them. It was about the zoning with the land being annexed first. Manager Warnke said for those types of decision you can factor in these emotional arguments by the public, but we already made administrative decision and those issues do not apply. You are applying the law with the land use ordinance. Co-Chairman Fowler said why isn't the annexation decided and then the zoning decided? Why is this all tied in at the same time? That created confusion for the public and the Planning Commission. Manager Warnke said if you annex a piece of property and do not zone it then the surrounding uses are open ended. Councilmember Rohde said we learn from the past. It could have been presented to the Planning Commission as separate ordinances. The confusion came since it was all lumped together. Co-Chairman Fowler said I hope the Planning Commission is stronger and better educated from the process we have been through. I am grateful for the training. It makes us better. Manager Warnke said we are all better for it. There are a lot of moving parts, but we will try to do a better job of organizing and presenting the information.

5. Discussion of the review process for the Tremonton City Integrated Land Use Plan

Manager Warnke said the General Plan is a legislative decision that sets the vision and goals. When we adopt the development code that implements the vision and plan, those are broadly applied. When you look at a specific land use application, then it turns into an administrative decision where you are applying the ordinance. The State requires that the General Plan also have a Land Use Plan, a Transportation Plan, and a Moderate-Income Housing Plan. In the State code, there is an Annexation Policy Plan that needs to be adopted by the City in order to annex property. It is anticipated we will adopt the Land

Use Plan. We have done some of those things including the Main Street Economic Plan, trails, parks and open space. The Land Use Plan has quite a bit of content and planning related to parks and open space, and the Historic District. The General Plan is an advisory guide for land use decisions. Implementing the plan is done through ordinances. We would amend our development code or adopt ordinances that apply that vision and standards. The Integrated Land Use Plan's scope of work looks to integrate different elements of the General Plan. In 2018 we adopted the Transportation Plan, which directly correlates with our Land Use Plan.

Co-Chairman Fowler said our long-term plan is to have roads developed for the distribution of the traffic. Manager Warnke said through annexation we have acquired 80-foot right-of-way widths for future corridors. We have to get through Elwood and Elwood City has to have that same vision in corridor preservation. There are funds through the County for that. There are some constraints with what is already there. We have engaged a traffic engineer to do traffic counts and look at needed corridors and right-of-way widths. They are helping us determine what we need to do in future years to make that function at an acceptable level of service. This Land Use Plan and land use in general is so critical to a city because it shapes the physical form and appearance of a community. People presume the community based on land uses and it really shapes how it functions with different infrastructure, utilities, transportation, and parks.

Co-Chairman Fowler said we do not all share the same vision of what we think the City should look like and how it should be developed. One of the things I hoped would come out of those conversations is to let us have a vision of what Main Street will look like in the future. If we had a vision of the style and type, it would help in the planning process and help developers to develop the area. There is debate and a difference of opinion, but I hope we can develop a common vision of what that might look like. I hope the City is going through that. I think the general consensus is people want to keep that small town feel whether we grow or not. Manager Warnke said we have done several Main Street planning efforts that focus mostly on land use and streetscape for the historic portion of town, which also included gateway entries. That information is on our website as well. There was public outreach and public input was provided in three different ways. I feel like public engagement online has been more successful than anything we have done in person. Public comments were focused on small town and rural, but people can use the same words and have different meanings. We need to dig deeper and really define what small town and rural mean. We should try our best to understand what that is and put that in plain language. Councilmember Rohde said when we come up with a General Plan and have that in place, I worry that people will all of a sudden start holding you to it. We need to make sure people know this is a concept plan that will have variation and change. Manager Warnke said yes, it is an advisory guide, but to your point people will try to elevate it more than the ordinance. The ordinance will rule at the end of the day. The General Plan has goals and policies, along with recommendations on how you would implement the plan in an ordinance.

Manager Warnke said each city shall prepare a General Plan for present and future use for growth and development of land within the municipality. There is another section that says you can plan for land outside the city. There is some broad discretion given and there is a lot that can be included in the General Plan. The Transportation Plan is an element of that. It is its own plan, but collectively when put together it is the General Plan. Co-Chairman Fowler said there was a map supplied to me by the City that showed future land uses where Rivers Edge is proposing to build. It was residential, medium density. Part of the debate that came out was that our planning means nothing. Why do we plan for the future if it is not even worth the debate when something new comes up? I realize it is not an ordinance and things change, but I made assumptions based on that map. Manager Warnke said that is a good point, but that plan was never adopted by the Council. City staff created the plan and after going through that exercise internally I did not feel it was something we could approve. Administrator Bench said there were several versions of that and those plans are ever changing. We need to throw those old versions away so we know what is the most updated plan. Co-Chairman Fowler said those things need to be stamped as a concept and not official. It did play into the confusion. Councilmember Rohde said that is my point, this new plan cannot feed this type of confusion. It needs to be understood it is a guideline. There will be changes, but we should hold to the concept.

Manager Warnke said the Planning Commission has given some recommendation on the Transportation Plan. You can bring these plans up at any time and review them. If you feel the plan is out of date or need to apply some corrective hindsight that is within your purview. The Moderate-Income Housing Plan is another required element of the City's plan and we are supposed to be planning five years of affordable housing at different income levels. The plans and adoption process you will have a chance to review. At some point you will provide notice and conduct a public hearing. You would then make a recommendation to the City Council. They can accept or reject your recommendation, or send it back and reconsider specific things. We will have a joint meeting with the City Council while the consultant gives an overview of the plan. From there they would recommend Zoom meetings to save money. Through the discussion they will answer questions and keep an updated list of proposed changes. They will then forward that plan with the recommendations to the City Council. We will hold the draft constant through the review process so there is no confusion about what version of the plan is right.

Manager Warnke said the Planning Commissioners help prepare for the planning process by identifying issues you want to see worked on and then assist in determining the scope of work. Determining the scope of work is one of the best ways to influence and shape the planning process. We would then engage a professional because there is a lot of technical analysis and tools they use in drafting these plans. Once the plan is drafted the Planning Commission would review and make a recommendation. The consultant does not know the City like you do. That is why your role is important in the process to shape into its final form. The Planning Commission will need to review and discuss an Annexation Plan after we finish the Land Use Plan, then we will review an Affordable

Housing Plan.

6. New Business:

- a. Discussion and consideration of a proposed zoning map amendment on one (1) acre parcel of property located at 2495 West 1000 North, the proposed rezone would be from current R1-20 half-acre zoning to R1-10 quarter acre zoning – Jesus Pena

Co-Chairman Fowler said it would be nice not to recommend action on these until we have had a chance to review the public comments when we are talking about zoning changes and that is the part we should consider. I want to read through those comments before I make a recommendation. Councilmember Rohde encouraged the Commission to go and look at the property if they had not already done so. Commission Member Dennis said there was a lot of good public comments. I would prefer we do not discuss this more. Commission Member Sorensen said I felt comfortable with it and it is consistent to the south. I think it is a good plan. It is better planned than a lot of the properties that are there now as far as expanding the road. Commission Member Dennis said I do not think the intersection has anything to do with his property. The rose bushes are horrible, but have nothing to do with his. There was concern with lining up the streets, which he did.

Motion by Commission Member Dennis to approve a zone change from R1-20 to R1-10 and recommend this to the City Council. Motion seconded by Commission Member Sorensen. Vote: Co-Chairman Fowler – aye, Commission Member Conrad – aye, Commission Member Dennis – aye, Commission Member Sorensen – aye. Motion approved.

7. Adjournment

Motion by Commission Member Sorensen to adjourn the meeting. Motion seconded by consensus of the Board. The meeting adjourned at 6:40 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 22 day of March, 2022.

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.