

**TREMONTON CITY CORPORATION  
PLANNING COMMISSION  
JUNE 14, 2022**

Members Present:

Micah Capener, Chairman—excused  
Jordan Conrad, Commission Member—excused  
Penni Dennis, Commission Member  
Paul Fowler, Commission Member  
Layne Sorensen, Commission Member  
Bret Rohde, City Councilmember—excused  
Steve Bench, Zoning Administrator  
Shawn Warnke, City Manager  
Lyle Holmgren, Mayor  
Cynthia Nelson, Deputy Recorder

Co-Chairman Fowler called the Planning Commission Meeting to order at 5:30 p.m. The meeting was held June 14, 2022 in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Co-Chairman Fowler, Commission Members Dennis and Sorensen, Zoning Administrator Bench, City Manager Warnke, Mayor Holmgren, and Deputy Recorder Nelson were in attendance. Chairman Capener, Commission Member Conrad, and City Councilmember Rohde were excused.

1. Approval of agenda:

**Motion by Commission Member Sorensen to approve the June 14, 2022 agenda.** Motion seconded by Commission Member Dennis. Vote: Chairman Capener – absent, Commission Member Conrad – absent, Commission Member Dennis – aye, Co-Chairman/Commission Member Fowler – aye, Commission Member Sorensen – aye. Motion approved.

2. Declaration of Conflict of Interest: None

3. Approval of minutes—April 12, 2022 & April 26, 2022

**Motion by Commission Member Dennis to approve the minutes stated above with the correction to her name, change Douglas to Dennis, in portions of the minutes.** Motion seconded by Commission Member Sorensen. Vote: Chairman Capener – absent, Commission Member Conrad – absent, Commission Member Dennis – aye, Co-Chairman/Commission Member Fowler – aye, Commission Member Sorensen – aye. Motion approved.

4. New Business:

a. Discussion and consideration of preliminary review for Bear River Meadows—

Kurt Larsen and Nick Wilcox

Mr. Larsen said we are bringing the plat to you with minor changes. There is a pipe on the south end of the property so we moved the road to compensate that. Administrator Bench said there is a road connecting to the property on the south. The Development Review Committee made them rework it a couple dozen times to get the road network favorable. Manager Warnke said we discussed driveways encroaching into that intersection so that is where houses got rearranged and they lost five units as a result (105 instead of 110). There is a Garland drainage line on the south end of the development. That is where they put the basins instead of lots. That did change the layout slightly, but they rearranged it to make that work. The streets are private. There will be a recordable cross access easement between Aspen Ridge and this project. That has been drafted and reviewed by our City Attorney. All the utilities within this development are public. The City upsized the secondary water line through Aspen Ridge and will do the same here.

Commission Member Sorensen said I like the way it lays out. What else would you put in this situation? It is a good fit for that location. Manager Warnke said through rezoning and granting more density there was consideration by the developer to improve City facilities in addition to impact fees. They are paying a contribution above what the impact fees would generate, dedicating water shares, and doing amenities to improve the City's park system. They will also pay a fee in lieu for the amount of trail that will be constructed along their common property line. They are adding a playground and benches, but there are not a lot of onsite amenities. Their option was to partner with the City in improving our parks so everyone could benefit and it lowers their HOA fees.

Co-Chairman Fowler said we have hashed this out and covered our concerns. This is the product that has taken those into account. Manager Warnke said this is the preliminary plat so you need to confirm it complies with the development code and zoning. We believe it will be based on all the comments and requirements we have listed. Commission Member Dennis said I do like the reduction of the five units so it is not so tight around the first bend. Last time I voted no. I am ready to slow down and bring back the reins, but I do like that they have invested and met all the requirements. I am still not sold that 600 South needs more cars coming out of it, but they did make 200 West a bit wider. Co-Chairman Fowler said because the zoning is already done it is just a matter of do they comply. The time to say I do not want this here has passed.

**Motion by Commission Member Sorensen to approve the plat layout and send it back to the DRC.** Motion seconded by Commission Member Dennis. Vote: Chairman Capener – absent, Commission Member Conrad – absent, Commission Member Dennis – aye, Co-Chairman/Commission Member Fowler –

aye, Commission Member Sorensen – aye. Motion approved.

b. Discussion of possible rezone for Menlove-Harris Townhomes

This item was removed from the agenda and will be discussed at a future date.

5. Future Business:

a. Discussion of amending Affordable Housing Plan according to HB462

Manager Warnke said affordable housing continues to be a hot topic not only in Tremonton, but throughout the State. The State sets requirements and codes we need to comply with. They have revisited affordable housing and made some changes so we need to update our plan. It was approved a short time ago, but is out of date because of how much housing costs have increased in a short time. We have until October 1 to get everything in order. We will be hard pressed to meet the timeline given everything that is going on, but will be diligent. We could do a phased approach where we updated our plan quickly to comply and then take a deeper dive as we go. They are asking for strategies, which is in a training link I can forward to the Commission. State code requires us to pick three or more strategies on how we would provide affordable housing.

Co-Chairman Fowler said as a businessman it is about inventory. If there are no single-family homes the price will continue to go up. We also do not have water so why are we building anyway? The smaller we make homes and the tighter we build them the more expensive they are going to be. We are exasperating the problem as a society that we are supposedly correcting. Manager Warnke said it is very complex. Co-Chairman Fowler said our job is to listen to our neighbors and people in the community. How do we abide by those issues and listen to the State legislature, as well as other pressures? Let us not rush. If it takes all summer to look at this the best way then so be it. Commission Member Dennis said with affordable housing also comes cheaply built and cheaply made. This week a local plumber said one affordable subdivision would allow him to hire one employee to take over that subdivision with repairs alone. It might be affordable upfront, but at what cost to the owner and attendants? Co-Chairman Fowler said the question that is never asked is about the quality of life. Cramming people in these smaller and smaller places is not a quality of life. The irony is people are moving here from high dense areas because they want the space, but we are filling the space with density. I feel like we are having a knee jerk, panic reaction that we need all these homes so we cram them in. In 20 to 30 years we are going to say what did we do? Manager Warnke said those issues are what makes it so complex. I do not disagree with you, but the building codes are there to make sure housing meets the code. You might have fixtures and finishes that are cheaper, but the basic finish of the home is the same between low and high income. Fixtures and square

footage are the things that are going to be affected. Co-Chairman Fowler said I feel like we hear a lot about how many can we pack in and we do not hear much about quality. Parks are big on my mind. The opportunity that comes with growth is to amplify the parks and open spaces that we have. That is one way we can offset density.

This discussion would be continued in future meetings.

b. Possible code amendment for Chapter 1.08 Commercial and Industrial Zone Districts – Height Restrictions

Manager Warnke said I stumbled on this code section, which kind of alarmed me. I thought this would be good to discuss with the Planning Commission. Administrator Bench said there is concern from the public and Planning Commission that there is allowance for a 75 foot or seven story building in our Commercial Industrial areas. In 30 years, I have not seen anything over three stories. The height of a story is not specified. An example of a high one-story building is Intertape (90-feet). They got a variance on that since it was what they needed. That fits in that area. Is there a need for a reduction in feet or stories? We also need to consider what the fire department could handle. The ladder truck goes 104 feet, which is seven stories. Manager Warnke said we have discussed it over some of our reviews. There was concern relative to River's Edge where we discussed reducing the maximum height to 36 feet. Now is the time to address it. Co-Chairman Fowler said mixed-use has homes so we should restrict that to the 36 feet. If the area is full on commercial that is different. We are not overly concerned with height in industrial unless it interferes with something. Manager Warnke said the Commercial District zone has a permitted use for housing, up to 75 feet. Co-Chairman Fowler said that area needs to be limited to the 36 feet that needs to be capped for housing. We agree with what you have brought up. City staff would draft something to help resolve the concerns.

6. Training:

a. Required annual training on land use issues, Impact Fees – Shawn Warnke

Manager Warnke provided a presentation on impact fees. He showed what Tremonton is charging compared to surrounding areas. Impact fees are meant to be a one-time payment imposed on development activity as a condition of approval of a permit. It is meant to mitigate the impacts of new development on infrastructure. It does not take care of all the needs, but offsets some. The City has to demonstrate that the fees are roughly proportionate. Impact fees are only collected for public facilities, not operations and maintenance. He then explained the difference between project and system improvements. Project improvements are specific to serve the development and do not benefit the community. System

improvements are designed to service areas outside of that development or the community at large. You cannot cure your deficiencies or charge new development more because you have a deficiency in your system. We cannot raise the level of service. Through the Impact Fee Facility Plan we have to identify what our level of service is and what we want it to be. If it is different than the existing, then we need to pay the difference.

Manager Warnke said the City is required to estimate an Impact Fee Facility Plan, which is done by our engineer. An Impact Fee Analysis is done by a financial advisor. The Impact Fee Facility Plan looks at what our existing level of service is for a facility, as well as the proposed level of service. We identify excess capacity to accommodate future growth at that proposed level of service (buy in). We also identify the demands placed on existing facilities based on new development and means to meet that demand. The City can only impose an impact fee on development if we say that they are necessary to establish or as a financing system to continue the proposed level of service. The Impact Fee Analysis looks at the consumption of any existing capacity within the new public facility and does a calculation to identify what those costs are. It looks at the anticipated impact of new development to maintain the established level of service.

Manager Warnke said we have talked about upsizing and impact fee credits. If a development is creating a system improvement, then they are entitled to an impact fee credit. We can exact the proportionate share of that development's impact on the City, but we cannot require them to do anything beyond their share. That is why we get into the credits or reimbursements. If we increase our level of service, the City has to create that independent of impact fees. The City implements and maintains the means to increase the existing level of service for existing demands within six years. The City would have to find alternative means to meet that new level of services. The bottom line is how will the City pay for that increased level of service when we cannot use impact fees.

Co-Chairman Fowler said I have a hard time with saying you can never go up on your service. I have a hard time accepting that we cannot improve. I understand the trickiness of what it is saying. We cannot just burden all the new people with everything we want to do or if we are deficient and all of a sudden make them pay for a higher level of service because we have not managed it right. I agree and understand that, but I have a hard time accepting we cannot go from four acres to five in our parks. My understanding was if we had a plan and were implementing that we could begin to charge because you are now expecting and taking things to that level. Manager Warnke said you can, but the time period we have is six years. Our engineering plan identifies the existing levels of service. In order to implement an impact fee, we have to adopt an ordinance. The state tells us what needs to be included in that. We estimate what growth is going to be so we know

how much to charge each ERU. That is based on historical trends. We will continue to monitor those and see if we need to adjust our projections.

7. Planning Commission Comments/Reports: None.
8. Adjournment

**Motion by Commission Member Sorensen to adjourn the meeting.** Motion seconded by consensus of the Board. The meeting adjourned at 6:51 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 30<sup>th</sup> day of August, 2022.

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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.