

**TREMONTON CITY CORPORATION
LAND USE AUTHORITY BOARD
June 10, 2009**

Members present:

Chairman/Building Inspector - Steve Bench
City Manager - Shawn Warnke
City Engineer - Chris Breinholt
City Attorney - Phillip Shaw
Public Works Director - Paul Fulgham
Recorder - Darlene Hess

Chairman Bench called the June 10, 2009 Land Use Authority Board Meeting to order at 9:08 a.m. The meeting was held in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Chairman Steve Bench, City Manager Shawn Warnke, City Engineer Chris Breinholt, City Attorney Phillip Shaw, Public Works Director Paul Fulgham, and Recorder Darlene Hess were in attendance.

1. Approval of Agenda

Chairman Bench asked if there were any changes or corrections to the June 10, 2009 agenda? No comments were made.

Motion by Director Fulgham to approve the June 10, 2009 agenda. Motion seconded by Manager Warnke. Vote: Chairman Bench - aye, Manager Warnke - aye, Engineer Breinholt - aye, Attorney Shaw - aye, and Director Fulgham - aye. Motion approved.

2. Approval of minutes

This item was deleted from the agenda.

3. Unfinished Business:

a. Mark Allred - Phase 5 Heritage Estates Final

Chairman Bench informed the Board that Phase 5 of the Heritage Estates Subdivision had previously been approved, however, since it had not been recorded in the time frame allotted by City Code it needs to come back to the Board for approval. Chairman Bench said the Planning Commission had approved the plat on May 22, 2007. It was brought to the Land Use Authority Board on June 6, 2007 where Phase 4 and 5 were approved. Phase 4 was recorded; Phase 5 was not recorded. According to City Code, the Land Use Authority Board is the only group that approves the final plat, therefore, Mr. Allred will not have to take the plat before the Planning Commission again.

Engineer Breinholt said he did not have any concerns with the Heritage Estates plat. Curb, gutter, and asphalt has been installed in the subdivision. Mr. Allred informed the Board that this Phase has 15 lots. Chairman Bench said Mr. Allred will need to provide escrow for a two-year period for the sidewalks. Engineer Breinholt will put together the escrow requirements for the Subdivision. Director Fulgham informed Mr. Allred of the City's sewer line clean-out requirements. The clean-out will need to be installed in the park strip. The clean-out has a locator device and must be purchased from the City at a cost of approximately \$20.00.

Motion by Director Fulgham to approve Phase 5 Heritage Estates Final upon condition of the set-up of the escrow and finishing the improvements according to City Code. Motion seconded by Engineer Breinholt. Vote: Chairman Bench - aye, Manager Warnke - aye, Engineer Breinholt - aye, Attorney Shaw - aye, and Director Fulgham - aye. Motion approved.

b. Subdivision - Chris Sorensen

Chris Sorensen said he had some concerns with the roads, curb, and gutter at his proposed subdivision and wanted to get clarification from the Board regarding the City's Zoning Ordinance requirements. Mr. Sorensen said they want to develop vacant lots between him and the home adjacent to the vacant lots. Chairman Bench said at present, Mr. Sorensen has one ten-acre lot with one house. When he is ready to subdivide the area, the one lot subdivision could be vacated and then he can decide what he wants to do with the second lot. The parcel line could be adjusted which would then require two parcel Tax ID Numbers.

At this time, the improvements will need to be installed along with the roadway. The Board discussed options with Mr. Sorensen for the private drive according to City requirements along with City Subdivision Requirements. The improvements must be finalized when the roadway is dedicated. Chairman Bench read from City Zoning Code Article 2-8C which states a private drive to a flag lot without a frontage shall have an access road no wider than a 30-foot minimum width with a 24-foot right-of way to be paved with either concrete or asphalt to a width of 12 feet for up to two lots. The width increases to 24 feet after two lots, but no more than four lots.

Director Fulgham said the water meters would need to be set out in the City's park strip and a fire hydrant will need to be installed at the end of the line. The meters will need to be relocated when the service is installed and the road is extended to this area. The City requires 400 feet between hydrants unless it comes to the end of a stub street where it changes to 250 feet. Manager Warnke asked if there was a sewer manhole in this area? Director Fulgham said there is a 12-inch sewer line across this area with manholes throughout.

Mr. Sorensen asked if he could install the curb, gutter, and sidewalk and a temporary gravel driveway until they are ready to develop the lots? Chairman Bench said current City Code requires a hard surface on the roadway, however, the options could be reviewed when he brings in his preliminary plat.

Chairman Bench told Mr. Sorensen he could get on the Land Use Authority Board Agenda when he is ready with his preliminary plat.

Recorder Hess informed the Board that the City has received an annexation petition from Jonathan Grover where he would like to annex a portion of his property at 2139 East Main Street that is not currently inside the City limits, and asked if this would create a peninsula? Attorney Shaw said he did not have the Code Book with him and he would need to get the exact requirements from the Code Book. Recorder Hess suggested Chairman Bench take a picture of the map for Attorney Shaw to take back to his office. The developers would like to bring this before the City Council on June 16, 2009 according to the engineer.

Chairman Bench telephoned Tom Mannschreck from Thomas Development Company (TDC) to discuss a sewer located inside the UDOT right-of-way on the north side of 2400 West Main Street. Mr. Max Pierce from Skyline Engineering had discussed a new location for the sewer with Engineer Breinholt. TDC needs a letter from the City for the sewer laterals. There were no issues involving water lines. The City only needs approval from UDOT for installation of the sewer line. Rupp's Trucking is ready to begin work on Subdivision #6 and wanted to know if all approvals had been given? Engineer Breinholt said the City is holding the plat until the sewer issue is resolved. No other issues exist. Mr. Pierce said he would review the sewer issues with Tommy Vigil.

Chairman Bench asked who would be handling the escrow for the improvements? Mr. Mannschreck said Jay Stocking would be responsible for the escrow. Chairman Bench said he had not received the estimate figures on the escrow yet, however, he will get with Mr. Stocking regarding the escrow. The escrow is based on Mr. Pierce's calculations and Engineer Breinholt's approval. Mr. Mannschreck asked to have the escrow figures sent to him as soon as possible. Mr. Pierce said he would try to get the figures later today or tomorrow. Mr. Pierce asked if they could use Rupp's bid? Engineer Breinholt said he could use Rupp's bid as long as all requirements were included. Mr. Mannschreck agreed to using Rupp's bid. Mr. Pierce asked Mr. Mannschreck when the fill dirt will be brought in for the Ashfield Development? Mr. Mannschreck said it would be two to three weeks, and Wells Fargo Bank will need assurance from Tremonton City regarding the sewer installment.

4. New Business:

- a. Walk-ins. Concept review only.

Ms. Lilly Rayback, owner of the Golden Spike Strip Mall Plaza at 20 North Tremont

Street behind Bank of Utah, requested a change of use for the ground level portion of the building. The upper level has been changed into two, two bedroom apartments which have already been rented out. Tenants in the commercial part of the building are leaving. Each unit has a 3/4 bath. Ms. Rayback would like to turn these commercial units into small rental living areas. Existing parking for commercial use is very undesirable. There are currently 13 parking stalls in front of the building. There will be two stalls for each unit if the building is converted into a residential facility.

Chairman Bench said City Code allowed the conversion of living units on the upper level of the building under the Conditional Use Permit. The current request is for living units on the ground level, something the City has never had to address until now. The City requires two parking stalls per each living unit. Chairman Bench asked when the ground level units will be ready to be rented out. Ms. Rayback said she still has one commercial tenant and is ready to remodel another unit into a living space. There is a total of eight units. Ms. Rayback said she is asking \$280.00 and \$550.00 for rent per unit depending upon the rooms per unit. Director Fulgham informed Ms. Rayback that her utility billing will now change from Commercial to Residential where each unit will be billed separately for City Utility Services. Ms. Rayback said she is currently paying the City for utilities this way, and the utility fee is already being charged to her residential tenants as part of their rental charges. A trash collection dumpster is shared with an adjoining business. Director Fulgham said there is only one water meter at this location.

Chairman Bench said City Code 1.16.050 permits single family dwellings. Manager Warnke asked if City Code allows for change of use and occupancy, and would fire sprinklers be required? Chairman Bench said they had looked into this issue when the upper units were converted and made requirements then for window egress and compliance with Fire Codes. The building is not big enough to require fire sprinklers.

Manager Warnke asked about ownership of the buildings. Ms. Rayback owns the Golden Spike Strip Mall Plaza and shares parking in front of her building with Bank of Utah. She also shares an access easement with the Bank of Utah. Ms. Rayback said this easement agreement has been recorded with the County. Chairman Bench said the City would need to have a copy of the recorded easement agreement before approval could be granted. Manager Warnke asked her to provide the City with proof of ownership as well. Ms. Rayback was informed that she will need to have one parking stall marked for handicap use. Ms. Rayback was informed that she will not need to return to the Land Use Authority Board. The documents requested from Ms. Rayback may be given to Chairman Bench.

5. Comments/Reports:

- a. Chairman/Building Inspector Steve Bench said road classification changes will be made

on the City maps. The Board reviewed the City maps.

- b. City Engineer Chris Breinholt asked if the sewer clean-out at park strips need to be buried? Director Fulgham said that it does need to be buried. The clean-out disc assembly must be purchased from the City.
- c. City Attorney Phillip Shaw - No comments.
- d. Public Works Director Paul Fulgham informed the Board that the City had met to discuss the purchase of a well. An unofficial agreement has been made for the purchase of the well. Engineer Breinholt said the Source Protection is due on the well this year. Director Fulgham said the water quality at the well has always passed all requirements.
- e. City Manager Shawn Warnke - No comments.

7. Adjournment

Motion by Director Fulgham to adjourn the meeting. Motion seconded by consensus. Vote: Chairman Bench - aye, Manager Warnke - aye, Engineer Breinholt - aye, Attorney Shaw - aye, and Director Fulgham - aye. Motion approved. The meeting adjourned at 10:30 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 Land Use Authority Board Meeting held on the above referenced date. Minutes compiled by Shirley Colvin.

Dated this ____ day of _____, 2009

Darlene Hess, Recorder