

**TREMONTON CITY CORPORATION
LAND USE AUTHORITY BOARD
January 20, 2010**

Members Present:

Steve Bench, Chairman/Zoning Administrator
Chris Breinholt, City Engineer
Shawn Warnke, City Manager/Deputy Recorder
Paul Fulgham, Public Works Director
Marc Christensen, Recreation Director

Chairman Bench called the Land Use Authority Board Meeting to order at 9:00 a.m. The meeting was held January 20, 2010, in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Chairman Steve Bench, Engineer Chris Breinholt, Manager Shawn Warnke, Director Paul Fulgham, and Director Marc Christensen were in attendance.

1. Approval of agenda:

Chairman Bench said Item 3a should read "Discussion and consideration of approving final for River Valley Phase 1, Amendment 3 changing apartments to townhomes – Mike Hugie". Chairman Bench then asked if there were any other changes to the agenda. No comments were made.

Motion by Engineer Breinholt to approve the January 20, 2010 agenda with Item 3a reading "Discussion and consideration of approving final for River Valley Phase 1, Amendment 3 changing apartments to townhomes – Mike Hugie". Motion seconded by Director Christensen. Vote: Chairman Bench - aye, Engineer Breinholt - aye, Manager/Deputy Recorder Warnke - aye, Director Fulgham - aye, and Director Christensen - aye. Motion approved.

2. Approval of minutes: December 30, 2009.

Chairman Bench asked if there were any changes or corrections to the minutes. Manager/Deputy Recorder Warnke said Item 3a paragraph 1 should read "Mr. Hugie is in the process of amending the plat of his development to subdivide apartments to townhomes." Also Item 3a paragraph 2 to read "Notices will need to be given to the adjacent property owners stating the changes he plans to make and giving them ten days to send in any written objections. If the Planning Commission receives any objections, then a Public Hearing will need to be scheduled and posted."

Motion by Manager/Deputy Recorder Warnke to approve the minutes of December 30, 2009 with changing Item 3a, paragraph 1 to read "Mr. Hugie is in the process of amending the plat of his development to subdivide apartments

to townhomes” and paragraph 2 to read “Notices will need to be given to the adjacent property owners stating the changes he plans to make and giving them ten days to send in any written objections. If the Planning Commission receives any objections, then a Public Hearing will need to be scheduled and posted.” Motion seconded by Engineer Breinholt. Vote: Chairman Bench - aye, Engineer Breinholt - aye, Manager/Deputy Recorder Warnke - aye, Director Fulgham - aye and Director Christensen - aye. Motion approved.

3. New Business:

- a. Discussion and consideration of approving final for River Valley Phase 1, Amendment 3 changing apartments to townhomes - Mike Hugie.

Mr. Hugie provided a copy of title insurance and a copy of the covenants, conditions, and restrictions which the board informed Mr. Hugie they are still waiting to hear back from the city attorney on. They also informed Mr. Hugie that there are a couple of corrections on the plat dealing with surveying errors. As long as the city attorney likes the covenants, conditions, and restrictions they can go forward.

Manager/Deputy Recorder Warnke asked Mr. Hugie whether there was any document that created the Home Owners Association (HOA). Mr. Hugie stated he was told that he did not have to put that in place until he starts selling units because he currently owns all the units. Right now the apartments are under Mehi LLC. Mr. Hugie stated he had planned on using the LLC for the Homeowners. Chairman Bench told Mr. Hugie that what the board is concerned about is having a copy of the documents creating the HOA, not that it will be recorded at this time, but to show that they have approved it. Chairman Bench requested a copy of Mr. Hugie’s plan to have on file. Engineer Breinholt stated that it would be wise to have everything in place since the board will be approving it. Manager/Deputy Recorder Warnke stated that they should be reviewed and approved by the city attorney and recorded with the plat amendment.

Chairman Bench informed Mr. Hugie that the board needs the CC&R’s and the document creating the HOA, which states all of the declarations. Then the work is done when he starts to sell the units and everything is ready to go. Chairman Bench also informed Mr. Hugie that the board would not officially sign and record the plat until they receive these items.

Chairman Bench stated the board can do a final approval so that Mr. Hugie can continue to move forward until the plat is signed and recorded. The board requested that Mr. Hugie submit the documents creating the HOA for the city attorney to look over. As soon as the board hears back from the city

attorney and Engineer Breinholt gets the final plat for final review, then it's just a matter of getting signatures and having it recorded.

Motion by Director Fulgham to approve the final for River Valley Phase 1, amendment 3. Motion seconded by Engineer Breinholt. Vote: Chairman Bench - aye, Engineer Breinholt - aye, Manager/Deputy Recorder Warnke - aye, Director Fulgham - aye and Director Christensen - aye. Motion approved.

- b. Discussion and consideration of approving the Concept Plan for the Elliott Estates Subdivision and rezoning of the Johnston Subdivision – Sally Simmons and Greg Hansen

Chairman Bench excused Sally Simmons from the meeting due to bad weather and discussed her property so the board is aware of her plans. She wants to re-subdivide her property but it has already been subdivided once. The subdivision will need to be vacated. She wants to do a mix of townhomes and 1,500 to 1,600 square foot patio retirement homes.

Chairman Bench stated that she wouldn't have to rezone but that the board would want to look for what would fit her plans best. Chairman Bench stated it would probably be better in the long run to rezone then she could do neighborhood mixed use if she wanted. Chairman Bench also stated there is a two-story white house sitting on the property that Sally is aware will need to come down.

Chairman Bench stated that her average lot size will be 12,000 square feet. She originally talked about having 10,000 square foot lots but Chairman Bench informed her that people will have plans for homes that will not fit due to the minimum 80 foot frontage.

- c. Walk ins*

No walk-ins.

4. Comments/Reports:

- a. Chairman/Building Inspector - Steve Bench

No comments.

- b. City Engineer - Chris Breinholt

No comments.

- c. Recreation Director - Marc Christensen

No comments.

- d. Public Works Director - Paul Fulgham

No comments.

- e. City Manager - Shawn Warnke

- 6. Public comments: Comments limited to five minutes.

No public comments.

- 7. Adjournment:

Motion by Engineer Breinholt to adjourn the meeting. Motion seconded by consensus of the Board. The meeting adjourned at 9:27 a.m.

The undersigned duly acting and appointed Deputy 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.

Dated this ____ day of _____, 2010

Shawn Warnke, Deputy 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.