

**TREMONTON CITY CORPORATION
PLANNING COMMISSION
April 23, 2013**

Members Present:

Richard Seamons, Chairman
Robert Anderson, Commission Member
Troy Forrest, Commission Member
Micah Capener, Commission Member
David Deakin, City Councilmember
Linsey Nessen, Deputy Recorder

Chairman Richard Seamons called the Planning Commission Meeting to order at 5:30 p.m. The meeting was held April 23, 2013, in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Chairman Richard Seamons, Commission Member Robert Anderson, Commission Member Troy Forrest, Commission Member Micah Capener, City Councilmember David Deakin, Zoning Administrator Steve Bench, and Deputy Recorder Linsey Nessen were in attendance. Commission Member Rosa Gonzales, Commission Member Jared Summers, and Commission Member Brian Mickelson were excused.

1. Approval of agenda:

Motion by Commission Member Anderson to approve the April 23, 2013 agenda. Motion seconded by Commission Member Forrest. Vote: Chairman Seamons – aye, Commission Member Anderson – aye, Commission Member Forrest – aye, and Commission Member Capener – aye. Motion approved.

2. Approval of minutes: March 26, 2013

Motion by Commission Member Forrest to approve the minutes of March 26, 2013. Motion seconded by Commission Member Capener. Vote: Chairman Seamons – aye, Commission Member Anderson – aye, Commission Member Forrest – aye, and Commission Member Capener – aye. Motion approved.

3. New Business:

a. Nominate Planning Commission Chairperson.

Motion by Commission Member Forrest to nominate Commission Member Seamons as the Planning Commission Chairperson with Commission Member Robert Anderson as Chairperson Pro Tem. Motion seconded by Commission Member Capener. Vote: Chairman Seamons – aye, Commission Member Anderson – aye, Commission Member Forrest – aye, and Commission Member – Capener – aye. Motion approved.

- b. Review and approval of proposed changes to the Title II Subdivision Ordinance.

Zoning Administrator Bench stated that the proposed changes are as follows: on page 9 of the Subdivision Ordinance it speaks about submission of application for preliminary plats and originally called for 4 copies, but that is proposed to change to 3 copies being required. Commission Member Capener asked if an electronic copy of the preliminary plat is required. Zoning Administrator Bench stated that an electronic copy of the final plat is required.

Another proposed change on page 21 Amendments to Recorded Plats, states that the Land Use Authority Board shall consider approving or disapproving an amendment after holding a public hearing rather than recommending the amendment to the City Council. The City Council will still handle vacations, alterations, or amendments to streets, alleys, or easements. It also states that the Land Use Authority Board will be authorized to bring a proposed amendment, vacation, or alteration of a recorded subdivision plat before the City Council if, within their opinion, the general public interest would be better served by a review of the City Council.

Another proposed change on page 27 has to do with when the economy fell at the end of 2007, the City made an ordinance that gave the developers more time to finish their subdivisions, which became a problem. It is now being proposed to require a developer to pay a fee-in-lieu for chip seal and fog coat prior to recording the final plat and the developer may also pay a fee-in-lieu for curb, gutter, and sidewalk if it is determined by the Land Use Authority Board that circumstances prevent the construction of improvements. City Councilmember Deakin stated that this ordinance will save the City a lot of problems.

On page 28 it talks about what things must be completed in a subdivision before a building permit can be issued for a new home and it states that no building permit shall be issued until all water, sewer, and storm drain lines have been extended to the farthest lot line of any lot being developed in the subdivision and the water and sewer lines have been approved by the City unless the City Engineer waives the requirement in writing. Curb and gutter is also required to be in before a building permit will be issued but the requirement for having sidewalk in has been struck out and will not be required until the home goes in.

Another change on page 33 under Public and Private Utilities states that developers and contractors shall give written notice to utility companies a minimum of 10 days prior to the availability of access to open trenches.

Motion by Commission Member Capener to approve the proposed changes to the Title II Subdivision Ordinance and set for a public hearing. Motion seconded by Commission Member Forrest. Vote: Chairman Seamons – aye,

Commission Member Anderson – aye, Commission Member Forrest – aye, and Commission Member Capener – aye. Motion approved.

4. Unfinished Business:

a. Review and approval of Title I Maps.

The Planning Commission reviewed Map 2 Flood Damage Prevention Overlay Zone District. Zoning Administrator Bench stated that FEMA placed Tremonton City back in a flood zone so the City was required to add this map in to the Title I maps. Commission Member Capener asked if there is a map that shows where houses with basements would be allowed or disallowed or if that is up to the contractor. Zoning Administrator Bench stated that the City Engineer is still working on Map 4, which will be the High Water Table Restriction Overlay map that will address this issue. City Councilmember Deakin asked where the City Engineer is getting the information for this map. Zoning Administration Bench stated that he will be working with historical data.

The Planning Commission then reviewed Map 3 Sexually Oriented Business Overlay Zone District. Zoning Administrator Bench stated that nothing has changed with this map. State statute requires all cities and towns to have an area designated for sexually oriented businesses and the City Council designated the Industrial Park area for this purpose.

The Planning Commission then reviewed Map 5 Water Source Protection Overlay Zone District. Zoning Administrator Bench stated that this map concerns the City's public water sources, not personal wells.

The Planning Commission then reviewed Map 6 Road Master Plan. Zoning Administrator Bench stated that there are no changes to this map. City Councilmember Deakin asked about the proposed road by the golf course and the fairgrounds, which the City just deeded that property to the County. Zoning Administrator Bench stated that proposed road will be removed from the map and the zoning map.

The Planning Commission then reviewed Map 7 Agriculture Protection Overlay Zone District. Zoning Administrator Bench stated that nothing has changed with this map and that there aren't many Agriculture Protection Zones within the City limits, most are in the County.

The Planning Commission then reviewed Map 1 Tremonton City Zone Map. Zoning Administrator Bench stated that there have been a few changes to this map. The Neighborhood Mixed Use zone (NMU) is proposed to be changed to the Mixed Use zone (MU). The area behind Buttars Tractors on Main Street consists of apartments and single family dwellings. The apartments are currently in the

Commercial Highway Zone and it is proposed to change that area to RM-16. All of the City's buildings are currently shown on the zoning map as Public Buildings and are proposed to be changed to Public Facilities. The area that incorporates the Care Center, the Bear River Health Department, the USU building, and the animal hospital on 6th North, and the Rocky Mountain Power building on 4th West will be rezoned to the Commercial District.

Commission Member Capener asked about the property across the street from the Murdock building on Main Street and suggested that the City should keep that area in the Commercial District rather than rezone it to Mixed Use. Zoning Administrator Bench stated that the Mixed Use zone allows for commercial use and that a buffer was needed between the multi-family units that are already there and the commercial units that could be there. Commission Member Capener stated that he feels it is critical to keep as much of Main Street in the Commercial District as possible. The commission members agreed.

Zoning Administrator Bench stated that on the east end of Main Street before the Crossroads, it is proposed to change the zone from Neighborhood Mixed Use (NMU) to Mixed Use (MU) except for one small portion is proposed to change to the R1-10 zone as there are already houses in that area. Commission Member Capener suggested keeping the area all Mixed Use instead since there are homes and commercial buildings. The commission members agreed. Zoning Administrator Bench asked about the Crossroads area that is currently in the Commercial Highway zone and whether it should be the Mixed Use zone. Commission Member Capener stated that his opinion is that area should be left as Commercial Highway.

Motion by Commission Member Anderson to approve the Title I Maps and set for a public hearing. Motion seconded by Commission Member Forrest. Vote: Chairman Seamons – aye, Commission Member Anderson – aye, Commission Member Forrest – aye, and Commission Member Capener – aye. Motion approved.

b. Continued discussion and review of Title I Zoning Ordinance.

Zoning Administrator Bench stated that in Chapter 8 Commercial and Industrial Zone Districts the first proposed change concerns check cashing and payday loan companies. There are two of these businesses in town. Currently, these businesses are conditional in the Commercial and Commercial Highway zones. Other cities and towns have ordinances in place that restrict the number of these businesses based on their population. Commission Member Capener stated that these businesses have a need in the community and suggested limiting them based on the population size. Chairman Seamons suggested 2 of these businesses per every 5,000 residents.

Another change in Chapter 8 would only allow for smoke shops to be located in the Commercial Highway zone. The other change concerns tattoo parlors. There are no tattoo parlors in the City and the current code allows for them in the Commercial zone by conditional use. Zoning Administrator Bench stated that there are currently no laws concerning the distance a tattoo parlor would be required to be away from schools, churches, etc. Commission Member Forrest suggested that they propose not allowing tattoo parlors in the City and taking that change to the public hearing. The commission members agreed.

Zoning Administrator Bench stated that the City currently has a temporary ordinance in place that would prohibit the agricultural industry of the slaughtering of animals and the Planning Commission is charged with putting a permanent ordinance in place to address this issue. Currently, the proposed change goes the way of the City Council's temporary ordinance, which states as the definition of Agricultural Industry: the processing of raw foods, which includes, but is not limited to, food packaging or processing plant, commercial greenhouses, and similar uses as determined by the Planning Commission however, such use shall not include the following: the operation and maintenance of commercial stock yards and feed yards, slaughterhouses, or rendering facilities. Commission Member Forrest stated that this wording would prohibit citizens from processing their own animals in their backyard. Commission Member Capener stated that it comes down to figuring out what the underlying issues are. The problem isn't necessarily with a particular company but an odor issue instead. Commission Member Capener suggested that the City bring in professionals to discuss whether these types of businesses can come into the City's commercial area without causing problems with smell and other things and if they can, they shouldn't be prohibited, they should be conditionally approved based on their meeting the conditions the City has set up. Zoning Administrator Bench stated that the Planning Commission could table this issue until a further date if they wanted to do more research. City Councilmember Deakin asked if the Planning Commission tables this item, what process will be used to get the information that is needed. Zoning Administrator Bench stated that there will be a public hearing held on this issue on May 14th where the commission members can hear comments from the public to help form the language for the ordinance. The City Attorney will also be in attendance at this meeting. City Councilmember Deakin asked whether the Planning Commission is going to propose no language or the language currently proposed at the public hearing. Commission Member Forrest suggested that they table the item and come up with an odor ordinance and traffic ordinance and listen to the public at the public hearing to come up with the parameters. City Councilmember Deakin suggested holding a Planning Commission meeting on April 30, 2013. Commission Member Forrest agreed and suggested having some draft language in place for people to look at for the public hearing.

5. Adjournment:

Motion by Commission Member Capener to adjourn the meeting. Motion seconded by consensus of the Board. The meeting adjourned at 7:52 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 Linsey Nessen.

Dated this 30th day of April, 2013



Darlene S. Hess, 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.