

**TREMONTON CITY CORPORATION  
PLANNING COMMISSION  
April 30, 2013**

Members Present:

Richard Seamons, Chairman  
Robert Anderson, Commission Member  
Brian Mickelson, 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 5:31 p.m. The meeting was held April 30, 2013, in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Chairman Richard Seamons, Commission Member Robert Anderson, Commission Member Brian Mickelson, Commission Member Micah Capener, City Councilmember David Deakin, Zoning Administrator Steve Bench, City Attorney Dustin Ericson, and Deputy Recorder Linsey Nessen were in attendance. Commission Member Rosa Gonzales, Commission Member Jared Summers, and Commission Member Troy Forrest were excused.

1. Approval of agenda:

**Motion by Commission Member Anderson to approve the April 30, 2013 agenda.** Motion seconded by Commission Member Mickelson. Vote: Chairman Seamons – aye, Commission Member Anderson – aye, Commission Member Mickelson – aye, and Commission Member Capener – aye. Motion approved.

2. Approval of minutes: April 23, 2013

**Motion by Commission Member Capener to approve the minutes of April 23, 2013.** Motion seconded by Commission Member Anderson. Vote: Chairman Seamons – aye, Commission Member Anderson – aye, Commission Member Mickelson – aye, and Commission Member Capener – aye. Motion approved.

3. Unfinished Business:

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

City Councilmember Deakin asked City Attorney Ericson if the City has any legal exposure because of the temporary ordinance that was created by the City Council prohibiting slaughter houses from doing business in the City. City Attorney Ericson stated that the City Council enacted the temporary ordinance pursuant to State Code. The temporary ordinance has a sunset clause of 6 months. The temporary nature of the ordinance granted the City the ability to put something into affect quickly recognizing that the general public will have an opportunity to give its

input before anything is done on a permanent level as the Planning Commission and City Council take the necessary steps to make a permanent ordinance. City Councilmember Deakin stated that the Planning Commission is trying to come up with language to propose to the public at the public hearing on May 14<sup>th</sup> and asked City Attorney Ericson if Lay-Z-Boy could argue that the permanent ordinance that will be put in place would somehow minimize their value or their ability to sell the property. City Attorney Ericson stated that all the City can do is follow the code as to adopting a new zoning ordinance and put the public on notice of the forthcoming public hearing and that gives the public a chance to give their input on the ordinance being proposed. If the Planning Commission and subsequently the City Council adopts a permanent ordinance, it will supersede the temporary ordinance that was put in place. City Attorney Ericson stated that there is a time when a property owner has a vested interest, meaning that the owner comes to the City and states that they want to do something and then the City puts in a permanent ordinance, there is an argument for the property owner because of having a vested right in keeping with the old zoning ordinance. However, the City has received a letter from the entity potentially looking at the site, withdrawing their interest so the vesting portion of their interest has now been withdrawn. Commission Member Capener asked if the company was ever vested as someone becomes vested when they make application with the City. City Attorney Ericson agreed, but they could have potentially made an argument, because they made an inquiry to the City, that they had been vesting, but they have since withdrawn any interest via letter.

Commission Member Capener asked City Attorney Ericson if changing the agricultural business area to a conditional use rather than a permitted use would solve this problem. City Attorney Ericson stated that it depends what the City deems as the problem because the Planning Commission and the City Council have the right to allow it to be a conditional use or to prohibit the use entirely. City Attorney Ericson suggested that the City first look at what the end goal is, whether it is to eliminate this type of business from coming in to that zone in the City, then the City would not want to use any conditional use language and instead use language that mirrors the language in the temporary ordinance. If the Planning Commission and subsequently the City Council has the desire to make this a potential use in this zone then they would want to look at some conditional use permit language. Commission Member Capener stated that there is a myriad of various potential problems with companies of this nature but the City could require a company to meet specific odor and traffic standards among other standards, all of which could be addressed in the conditional use permit process. City Attorney Ericson stated that was correct and that the City has the ability to put mitigation standards in place that would require any business to mitigate their damages, whether that be odor, noise, aesthetics, etc., via the conditional use permit process, and set forth what the business or property owner needs to do to mitigate those damages. If the business or property owner meets those standards, then they would be issued the conditional use permit. Commission Member Capener suggested that if the City is to allow slaughterhouse activities within City limits that the City

needs a specific slaughterhouse ordinance. City Attorney Ericson stated that an issue to keep in mind is that odor is difficult to measure and is therefore difficult to rely on a conditional use permit to mitigate. City Councilmember Deakin stated that in research that Commission Member Capener has done, there are ways to measure odor but the difficulty is that odor is subjective. Commission Member Capener stated that the language that he found in his research was all based upon complaints, but that it is clear that odor can be controlled. City Councilmember Deakin stated that it shouldn't be up to the City to regulate it, just oversee it. City Attorney Ericson stated that there isn't currently an odor measurement in the ordinance and suggested that the City should put a measurement in to make it as objective as possible. City Councilmember Deakin stated that some examples found in Commission Member Capener's research were basing it on complaints, annoyance, frequency, or requiring a company to use the highest and best technology that is available to control the odor. City Attorney Ericson stated that the City could take a look at the regulating authority on odor and what threshold they use and reference that standard in our ordinance so as technology changes and improves, the City can remain up-to-date.

Commission Member Capener stated that he didn't believe there would be any condition where the City would want a rendering or animal byproduct facility in the City and stated that he supports the language of prohibiting those businesses. Chairman Seamons suggested the Planning Commission look at the agricultural business definition in Chapter 1.03. City Councilmember Deakin suggested taking out the language prohibiting feed lots and slaughterhouses and just prohibiting rendering and animal byproduct facilities and leaving everything else as a conditional use. Chairman Seamons agreed and also suggested adding definitions for rendering and animal byproduct facilities in the ordinance.

4. Adjournment:

**Motion by Commission Member Capener to adjourn the meeting.** Motion seconded by consensus of the Board. The meeting adjourned at 7:05 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 14<sup>th</sup> day of May, 2013

Darlene S. Hess  
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.