

**TREMONTON CITY CORPORATION
PLANNING COMMISSION
May 14, 2013**

Members Present:

Richard Seamons, Chairman
Rosa Gonzales, Commission Member
Robert Anderson, Commission Member
Brian Mickelson, 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 5:32 p.m. The meeting was held May 14, 2013, in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Chairman Richard Seamons, Commission Member Rosa Gonzales (left at 7:07 p.m.), Commission Member Robert Anderson, Commission Member Troy Forrest (left at 6:56 p.m.), Commission Member Brian Mickelson, Commission Member Micah Capener, City Councilmember David Deakin, Zoning Administrator Steve Bench, and Deputy Recorder Linsey Nessen were in attendance. Commission Member Jared Summers was excused.

1. Approval of agenda:

Motion by Commission Member Anderson to approve the May 14, 2013 agenda.

Motion seconded by Commission Member Mickelson. Vote: Chairman Seamons – aye, Commission Member Gonzales – aye, Commission Member Anderson – aye, Commission Member Mickelson – aye, Commission Member Forrest – aye, and Commission Member Capener – aye. Motion approved.

2. Approval of minutes: April 30, 2013

Motion by Commission Member Gonzales to approve the minutes of April 30, 2013.

Motion seconded by Commission Member Anderson. Vote: Chairman Seamons – aye, Commission Member Gonzales – aye, Commission Member Anderson – aye, Commission Member Mickelson – aye, Commission Member Forrest – aye, and Commission Member Capener – aye. Motion approved.

3. Public Hearing:

Chairman Seamons called a public hearing to order at 5:34 p.m. There were 14 people in attendance.

a. To receive public input on modifications, amendments, and changes to the Title II

– Subdivision Ordinance of Tremonton City.

Zoning Administrator Bench stated that Title II is the City's Subdivision Ordinance and that there are about 8 or so housekeeping type changes that must go before a public hearing. The first change is on page 9 Concept Plans. It talks about the submission of an application for a concept plan and it asks for 4 full size plats and that is kind of a waste of paper just for a review so it is proposed that it be cut down to 3 full size plats. The next change is on page 15 Final Plats. It is similar to the first change and talks about providing one regular size 8 ½ x 11 inch plat. If the City needs an 8 ½ x 11 inch copy, the City can make it so that language is proposed to be stricken from the text. Three full size plats and an 11 x 17 inch plat will still be required. The next change is on page 18 Final Plats under Public Notice. About halfway through paragraph B it reads "Notice posted on or near the street". The words "Notice posted on or near the street" are proposed to be stricken from the text. Those entities that would be affected will get something in the mail and it will still be posted in the newspaper and on the websites, 3 public places so it's not required anymore to post it near the street. The City has tried that and the rain and wind destroy it.

The next change is on page 22 Amendments to Recorded Plats. There have been some simple amendments that have come through and currently the Subdivision Ordinance calls for the City Council to approve them. State statute allows for the Land Use Authority Board or a Land Use Authority to approve those so it is proposed to strike out the City Council and give that to the Land Use Authority Board. If it is a vacation or if there is a street, easement, or right-of-way affected, it still has to go to the City Council so there are still some things that the City Council has to approve by statute. Item b has been added and it reads "The Land Use Authority Board is authorized to bring any proposed amendment, vacation, or alteration of a recorded subdivision plat before the City Council if, in their opinion, the general public interest will be better served by a review and approval by the City Council." So if an amendment comes in, the Land Use Authority can elevate it to the City Council if they desire.

The next change is on page 27 Fee in Lieu of Construction for Required Improvements. Item b has been added which reads, "The Developer shall pay a fee-in-lieu for Street Chip Seal and Fog Coat prior to recording the Final Plat. The Developer may pay a fee-in-lieu for Curb, Gutter, and Sidewalk where, due to circumstances as determined by the Land Use Authority Board, prevent the construction of the improvement." The City has had some trouble in the past with some of the subdivisions, due to the economy, getting those items done. These are the only fee-in-lieus at this point. The rest will still be done through an escrow bond.

The next change is in the Subdivision Improvement section on page 28 under 2.05.40 where it states that no building permit shall be issued until water, sewer,

and storm drain have been extended to the farthest lot line of any lot being developed in the subdivision plat and that the water and sewer line have been approved by the City unless the City Engineer waives it. For some reason, it also talks in this section about a Certificate of Occupancy being issued, which is in another section of the Code already so it is proposed that the Certificate of Occupancy language be stricken from this section.

The next change is on page 33, which talks about public and private utilities and states that contractors shall give written notice to utility companies a minimum of 10 days prior to the availability of access to open trenches. Zoning Administrator Bench stated that those are all of the changes for the Title II Subdivision Ordinance.

Chairman Seamons asked if there were any comments or questions about the proposed changes. There were no public comments.

Chairman Seamons closed the public hearing at 5:43 p.m.

Chairman Seamons called a public hearing to order at 5:44 p.m. There were 14 people in attendance.

- b. To receive public input on modifications, amendments, and changes to Title I – Zoning Code of Tremonton City.

Chairman Seamons stated that the Title I – Zoning Code Maps will be reviewed first. There have been a few changes to the maps but the majority of the maps have just been updated to reflect what is actually in the City and they can be found on the City's website. Zoning Administrator Bench stated that the first 3 or 4 maps are for information for planning for the City. The first map is the FEMA Flood Damage Prevention Overlay Zone District map. This map shows the Bear River, the Malad River, and the Salt Creek. The flood zone is shown on the map in blue. The City has been placed back on the flood map by FEMA a couple of years ago so the City made this map to put in the Zoning Code to use as a reference as development occurs. Zoning Administrator Bench asked if there were any questions or comments on this map. There were no public comments.

The next map is the Sexually Oriented Business Overlay Zone District map. Zoning Administrator Bench stated that this map has been in existence for 15 years at least and there have been no changes to it. The map was taken from the City's previous engineer and put on the City's new engineer's paper. The Sexually Oriented Business Zone is shown in red on the map and is located in the City's Industrial Zone and a little bit in the Commercial Highway Zone. The reason behind having a Sexually Oriented Business ordinance is because an area has to be provided for these types of businesses whether any come or not. If the ordinance and map were not in place, the State would have probably done it for

the City and who knows where it would have ended up. This map is more for a reference if that type of business ever came to the City. There are still other criteria this type of business would have to meet such as being 1,000 feet from gateways, schools, and parks but the City has complied with state statute. Chairman Seamons asked if there were any comments or questions.

Karlene Farley asked what types of businesses are considered Sexually Oriented businesses. Zoning Administrator Bench stated that it could be anything adult oriented such as adult bookstores, etc. Ms. Farley asked if the citizens of Tremonton could vote that out. Zoning Administrator Bench stated that they cannot because state statute requires that all cities have an ordinance designating zoning for these types of businesses. Ms. Farley asked if these maps are approved if any business of that nature could just come in. Zoning Administrator Bench stated that the map has already been approved. Since the map has been approved around 15 years ago, there has never been a business of this nature approach the City. The City complied with the state statute but a business would be hard pressed to find a spot that would meet all the criteria. Ms. Farley asked if there are other criteria a business of this nature would be required to meet. Chairman Seamons stated that there are other criteria. Zoning Administrator Bench stated that a business of this nature would have to go before the City Council to get approval also.

Scott Mason asked where exactly the highlighted area covered on the map. Chairman Seamons stated that it is in the Industrial Zone. Zoning Administrator Bench stated that it is from the old Lay-Z-Boy building all the way over to the freeway and then from Malt-O-Meal's boundary to 1000 North and then about 100 feet south of 1000 North.

The next map is the Water Source Protection Overlay Zone District map, which is in the northwest part of the City where the City has some water tanks and some water sources. This map is just as a reference for any development up in that area and for planning purposes. Chairman Seamons asked for any comments or questions. There were no public comments.

The next map is the Road Master Plan. Zoning Administrator Bench stated that the heavy blue lines showing on the map are the freeways, the purple lines are the major/minor arterials, the green lines are collector roads, and the red dashed lines are roads that the Planning Commission and City Council have deemed as potential future roads. There are no changes to this map either. It will just be added to the Zoning Code as reference. City Councilmember Deakin asked about the potential future road at the fairgrounds that is still showing on the map that needs to be removed. Zoning Administrator Bench stated that there was going to be a future road that wrapped around the fairgrounds that the City Council vacated because of the County's buildings and additions going on out there. That road will be removed on the final copy. Chairman Seamons asked for any

comments or questions. There were no public comments.

The next map is the Agriculture Protection Overlay Zone District. This map is also just for reference. The green areas shown on the map is from the County Recorder's office showing which areas land owners have put in Agriculture Protection. If a developer came in, the Planning Commission or City Council could advise them if they are next to an Agriculture Protection area for their benefit of knowing. Chairman Seamons asked for any comments or questions. There were no public comments.

The last map is the Zoning Map. Zoning Administrator Bench stated that there have been some small changes to this map. Starting on the west side of the map, out by the McDonald's area, there was a zoning code designation of Neighborhood Mixed Use (NMU) that designation will be eliminated and changed to Mixed Use (MU). So the blue area on the map by McDonald's will change from Neighborhood Mixed Use to Mixed Use and a small portion of that blue area, just west of the Chevron gas station, is proposed to change to Commercial Highway. There has been more interest in that area for commercial use rather than residential.

Staying on the north side of Main Street, the next proposed change is on 1650 West, the Fairview apartments and Fairview Subdivision that is north of Butters Tractors, a portion of it is in the Commercial Highway Zone that is recommended to change to RM-16. East of that is the street that goes into Fairview Subdivision, 125 North, that also falls into the Commercial Highway Zone, which is single family residential, so it is recommended to be changed to R1-10.

The fairgrounds portion of the map shows a small piece being changed to Commercial Highway. Public Buildings such as the Treatment Plant, Fairgrounds, City Hall, the Library, etc. have previously been designated as Public Buildings and it is recommended that zone be changed to Public Facilities. There is also a Zoning chapter on Public Facilities now. There is also a note on the Zoning Map to remove the proposed future road that looped through the Fairgrounds at 600 North as mentioned previously. Farther to the east on 600 North, there is a subdivision that has been overlaid on the map that doesn't exist, which will be removed and the area will be rezoned to R1-10. The Catholic Church is in that zone, but churches are permitted to be in residential zones. Farther to the east on 600 North, where the new Health Department, Utah State University, Animal Hospital, and Rocky Mountain Power buildings are, it is recommended that area be designated as the Commercial District Zone. The Rocky Mountain Power building was zoned as RM-15 and the Health Department was zoned as RM-7, which is a residential multi-family zone, so the Commercial District Zone would be a better fit for those businesses. There is already a Commercial District Zone across the street from these businesses where the dentist and eye doctor's offices are.

The next change is in the Industrial Area located near the City's Senior Center, which has been designated as a Public Facility. City Councilmember Deakin stated that one item that needs to be addressed when the City Engineer is making the changes to the Zoning Map is the rail spur that goes to Malt-O-Meal that is not currently showing on the map. Zoning Administrator Bench made note of that. There is an address change in Holmgren Estates Subdivision. The map is showing 450 East and it should be 470 East.

The next change is in Town and Country Manufactured Home Park. They are currently zoned as RM-7 and it's proposed they be changed to RM-8. Moving east from Town and Country there is a zone that was Neighborhood Mixed Use that is proposed to be designated as Mixed Use. Farther east on Main across the Malad River there is a strip on East Main also changed from Neighborhood Mixed Use to Mixed Use. Mixed Use zone allows for single family dwellings, multi-family dwellings, small commercial, etc. Another change is east of Crossroads there is a small section that is proposed to be designated as R1-20.

The next change is on the south of Main by MB Meats, there is a section where the boundary shows almost to Tremont Street and it should be with the boundary of the river so it will be changed to show the recorded boundary. There are a couple of homes just south of there that are in the Commercial Highway Zone. It's not a fact that these houses can't stay there; it is more of a hassle for financing because they would need to have an explanation as to why they are in a Commercial Zone. So it is proposed that area be changed back to an R1-8 zone and MB Meats be changed to the Commercial District Zone.

The next change is where the Public Works Building is that will be changed from Public Buildings to Public Facilities. Another change is farther south where Palmer Pack is, which is proposed to change from Commercial Highway to Commercial District. Another change is west of there changing several zones from RM-7 to RM-8. Just north of that there is a zone change from RM-15 to RM-16 and the City Office and Police and Fire Departments complex is proposed to change from Public Buildings to Public Facilities.

There is another address change in Heritage Estates. The map shows 475 South and the actual street number is 460 South. The next change is south of the freeway that is zoned as Neighborhood Mixed Use, which is also proposed to change to Mixed Use. Just above that there is a subdivision that was vacated several years ago, it just hasn't been removed from the Zoning Map. A new subdivision, Pheasant Run, has been put in instead that shows 4 lots that will be overlaid and the zoning was changed several years ago from Commercial Highway to R1-10. The address shows 250 South and it should be 275 South. Chairman Seamons asked for any questions or comments. Commission Member Capener stated that he has spoke with the owner of the piece of property by McDonald's that is proposed to be changed to Commercial Highway, and he doesn't feel that would

be the best use of the property as it doesn't really have access to the highway currently. He would like to leave it in Mixed Use. Commission Member Capener asked if there was a reason behind changing that to Commercial Highway. Zoning Administrator Bench stated that it was proposed to square up that area and because there was talk of potential expansion and a rezone there that has since been tabled, but it can be left as Mixed Use. Commission Member Capener stated that piece would have to be accessed back by the apartment areas. Zoning Administrator Bench stated that if it was Commercial, the City certainly wouldn't want trucks going through the residential area.

John Losee reminded the Planning Commission that the reason that piece of property was proposed to be changed to the Commercial Highway was because Great Basin was going to buy it, but now that they are not, it may not make sense to change it.

The Planning Commission then moved on to reviewing the Title I – Zoning Ordinance. Zoning Administrator Bench stated that a lot of it stays the same. There are a few changes. The biggest thing is it gets reformatted and split out into different chapters. The first 5 chapters are general information, the next 10 chapters are the Zoning Districts, the next 5 are the general applicable regulations, the next 9 are the permitting process and administrative decision, and the 4 after that are the approvals that are legislative decisions, meaning the City Council. There are a total of 34 chapters, but there are a few chapters that are reserved for anything in the future and some that haven't changed. Zoning Administrator Bench stated that he will go through each chapter, not in its entirety, but has highlighted some talking points in each chapter that are applicable to this meeting.

Chapter 1 General Provisions basically cites this book is the zoning ordinance of Tremonton, Utah. It talks about interpretation, things that conflict, and states that the “Land Use Authority is to ensure compliance with the ordinance. All Land Use Authorities shall issue no permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this title or any such permit or license if issued in conflict with the provisions of this title shall be null and void.”

There were no changes to Chapter 2 Non-Conforming Structures, Uses, and Signs. The next chapter reviewed was Chapter 3 Definitions. There were a lot of definitions that didn't apply so they are proposed to be removed and a few definitions have been added. The first definition added was Affected Entity, which was taken from the State's definition. Affected Entity means “a county, municipality, local district, special service district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified public utility, a property owner, a property owners association, or the Utah Department of Transportation, if the entity's services or facilities are likely to

require expansion or significant modification because of an intended use of land; or the entity has filed with the municipality a copy of the entity's general or long-range plan or the entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed under Title 10 Chapter 9a Utah State Code.” The next definition that was added was Animal Unit. The reason this definition was added was because in the Water Source Protection zone, there is a limit on the number of animals that you can have in that area that won't affect the water sources. An animal unit is defined as a mature (1,000-pound) cow or the equivalent. The next definition is an addition to the Agricultural Industry (Agricultural Business) definition. The definition reads “the processing of raw food products and packaging. Agricultural Industry includes, but is not limited to, food packaging and/or processing plant, commercial greenhouses, and similar uses as determined by the Planning Commission, however, such uses shall not include rendering facilities, animal by-products or similar uses.” The next definition that was added was Alcohol or Tobacco Specialty Store, which is defined as “an establishment providing retail sales and services, which exclusively or primarily involve the sale of alcohol or tobacco products and related goods.” Another definition added was Bulk Plant, which is defined as “a bulk motor fuel storage and distribution facility that is not a terminal within the bulk transfer system and from which motor fuel may be removed by truck.”

City Councilmember Byron Wood asked the Planning Commission, concerning the definition of Agricultural Industry, why they did not want to add commercial slaughterhouses to the definition along with rendering plants. Commission Member Capener asked if there is a reason they should put it in the definition. City Councilmember Wood stated that he thinks there is because of the torment the City has gone through that has placed a wedge through the City Council and put a wedge through the whole community and the City surely doesn't want to go through it again. It has been shown that the citizens do not want this in the City limits and it would be wise to add that wording in to it. City Councilmember Deakin stated that the question is, why this wasn't in the definition already, and stated that the Planning Commission has restricted it more than it was. It was more open before what the Planning Commission is suggesting. City Councilmember Wood stated that the City never had to deal with it in the past. City Councilmember Deakin stated that the issue never came up. City Councilmember Wood stated that was right.

Commission Member Capener stated that the biggest issue that the City has to address is the underlying reason of what the upsetting piece is. If it's the smell that's the big concern, then the City would need to list every company that smells and make sure they ban every company. Obviously that's going to be a difficult task because, depending upon what kind of company and what they manufacture or produce or can, it's going to be pretty hard to just eliminate everybody who stinks. So the process was to change it to be a conditional use, which would then

allow the Land Use Authority to go through any particular company and make them mitigate any potential damage to neighbors and treat them like any other business would be treated. If they can mitigate the issues, that's great. City Councilmember Wood stated that the issue with conditional uses is that they can actually get that through without coming to the City Council for a vote. City Councilmember Wood asked Zoning Administrator Bench if he understood that correctly as he has made it clear from the get-go that as the ordinances are passed, they are trying to take a little responsibility away from the City Council and he agrees with most of it because if it can be handled in-house without coming to the City Council, that's great but there's some things that need to and a conditional use, as he understands it, could be passed without the City Council approval or voting on it. Zoning Administrator Bench stated that was correct, but that portion could also be amended to state that those conditional uses that the Land Use Authority felt that the public would have an interest in would go to the City Council. City Councilmember Wood stated that he would still suggest the Planning Commission reconsider and put some kind of language in the definition because a commercial slaughterhouse inside our City limits should be listed.

Zoning Administrator Bench stated that the only other issue the Planning Commission can see with that is that there are 2 other small slaughterhouses in the City. City Councilmember Wood suggested putting some numbers on it and suggested the Planning Commission look into it and discuss it because the 2 others in town only kill around ½ dozen cows and he is talking about a major commercial slaughterhouse and was hoping the Planning Commission would talk about it and come up with some numbers and language. Chairman Seamons stated that the Planning Commission has been going over it and feels that they have come up with something they want to present to the City Council and then the City Council can decide how they want it to be worded or if they want to kick it back or whatever they want to do with it. City Councilmember Deakin stated that the Planning Commission can certainly make a recommendation though. City Councilmember Wood stated that was his recommendation and if the Planning Commission doesn't do it, he will probably make a motion with that language in the City Council meeting. Zoning Administrator Bench stated that he doesn't know how quick it would go to a vote in the City Council. They will be given the ordinance in the next meeting and let will study it for a month or so, which would give the Planning Commission another couple of months of discussing it. City Councilmember Wood stated that if the Planning Commission could come up with some language or numbers or something that works and expressed his appreciation to the Planning Commission for all their work.

City Councilmember Deakin asked City Councilmember Wood if there is a number of animals per day at a slaughterhouse that he would be comfortable with. City Councilmember Wood stated that he didn't have a number, but the majority of residents have shown that they don't want a slaughtering process facility. It's a ton of water going to the City's sewer plant, which would cause stink on both

ends. Chairman Seamons stated that can be mitigated. As far as cost wise, their impacting the City's facility, make them pay for it. City Councilmember Wood stated that you still can't make it go away. In Idaho Falls, they tried to put a slaughter plant up there and a dairy by Rigby that they didn't want and the City made them go way out west, so we're not the only town that thinks it's not a good situation and wanted to present that to the Planning Commission.

Commission Member Capener stated that there are two pieces here and they've got all sorts of research that they'd be glad to have him review, but as part of the research, they've identified that the smell from a slaughterhouse can be controlled. The Church facility currently owns one in Spanish Fork right next to Costco that if you put the money into the facility to mitigate it that you're good to go. As part of that research, they've identified that a rendering facility is difficult to control. City Councilmember Wood stated that he agreed that it's impossible. Commission Member Capener stated that's why the Planning Commission felt like if it's controllable, then the City should give them, just like any other company, the opportunity to mitigate the issues just like we would with any other company. If they can mitigate it and make it so it doesn't smell, it doesn't impact the neighbors, it doesn't impact traffic, whatever the issues are, then why are we going to ban them specifically and disallow them. City Councilmember Wood stated that it does impact neighbors and all of that and no matter where you put it inside of our City limits, it would do that, so he doesn't know why they would even want the option. Chairman Seamons asked if there were any other comments from the public on this issue.

Deloy Mecham stated that what was proposed to begin with was correct. The people that were willing to do it, were willing to do whatever it took to make sure there were no smells. We probably don't have to worry about it anymore because now they've been insulted to the point that they wouldn't come here no matter what. They couldn't be begged to come back now. But the City shouldn't close up its options like that. That was going to be a \$20 million remodel to start with and it was a 3 year thing before it was ever going to basically open. It was going to be a pretty major thing. Mr. Mecham stated that he is on both ends of the deal so at this point they have realized that it's probably not going to happen. It could happen, but what would happen now is that the County is now showing them some places but the company is probably going to give up on the whole county and go somewhere else and take their money with them. Mr. Mecham stated that what was proposed to begin with sounded really good. The City can't take and ruin all their options. They can put in any rules you want and a lot of these people will comply with them. In our own community, we need the jobs and we need the money to come here. We are going to lose our town if we keep messing around. Mr. Mecham stated that he was born in this town in the old hospital, but it's still here and the City is still doing something with it. It would have been terrible to see that thing go to waste. Mr. Mecham asked the Planning Commission to consider doing what was said at the beginning because it sounded like a pretty

good thing to him, but they will go along with whatever the City does.

Chairman Seamons asked the public in attendance what their concerns are. Ms. Cheryl Stander stated that she lives across the street from the Lay-Z-Boy building and does not want it across the street from her; the smell, the environment and everything. Ms. Stander stated that she doesn't understand all the talk about needing jobs because down the street about a block is a huge sign advertising jobs and she wonders why they aren't getting filled. Chairman Seamons stated that if you call on those jobs he doesn't think they are really all there. Ms. Stander stated that the sign is and it has been there for over a year. Her neighbors feel the same way as her. Commission Member Capener asked Ms. Stander what business she would be okay with there. Ms. Stander asked what other options there are and stated that she didn't care when Lay-Z-Boy was there and there was tons of traffic and there will be that. Commission Member Capener asked if there were smells when Lay-Z-Boy was there. Ms. Stander stated there were not and asked why there would be. Commission Member Capener stated he didn't know and that he was just wondering. Mr. Mecham asked if they would just like to turn it into a bedroom community. Ms. Stander stated that's not what she was saying and that's not what it is. Mr. Mecham stated that it's not like they've had a lot of offers. This is the only one. Ms. Stander asked why they are taking the only one they've had offered. City Councilmember Deakin stated they can be pretty comfortable that one is done and dead. The City is just trying to come up with some process for the next round so they know what to do the next time something like this comes up.

The definitions for Culinary Water Authority and Culinary Water Facilities were added, which include the City's facilities, water lines, pumps, springs, wells, tanks, etc. The definition of Administrative Decision was added, which is defined as "when the City Council, Planning Commission, Land Use Authority Board, Appeal Authority, Zoning Administrator, City staff, or other land use authorities administer and enforces an adopted plan, Ordinance, rule, or standard of the Tremonton City Council. Administrative decisions shall be supported by Findings of Facts included in a formal record of the decision and are valid if supported by substantial evidence in the record." The next definition added is Legislative Decision and is defined as "made by a public vote of the Tremonton City Council that result in an Ordinance, amendment to an Ordinance, adoption of a Plan, an amendment to a Plan, or creation of an official policy, rule or code. Legislative Decisions are valid if it is reasonably debatable that the action could promote the general welfare of the City."

The next definition added is Elderly Persons, which is defined as "a person who is sixty (60) years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently." That definition was taken out of the State's definitions chapter. Another definition added is Findings of Fact, which is defined as "itemized reasons based upon written and adopted plans, Ordinances, and policies by which a Land Use

Authority shall articulate for the record or minutes of the meeting when making an Administrative Decision.” Another definition added is Hardship, which comes with the Zoning Variance and is defined as “Zoning Variances of these regulations, unusual physical circumstances peculiar to the subject property and not to the neighborhood in general which would result in a deprivation of all permitted uses or conditional uses under its zoning to which it can reasonably be put, and therefore all reasonable economic return from the property if zoning is strictly enforced. That which causes the hardship must be exceptional and undue, relate to an extraordinary and exceptional situation or condition of the property, and not resulting from any affirmative action of the property owner is “self-imposed or economic.” Since all zoning imposes some degree of hardship; “mere” hardship does not justify a variance.”

The next definition added is the Landscape definition, which is defined as “to improve the appearance of an area of land, a roadway, etc., by planting trees, shrubs, or grass, etc. or altering the contours of the ground.” The definition for Landscaping was also added, which includes and spells out the installation of plants, ground cover, grass, trees, brick pavers, and that kind of thing. Commission Member Forrest asked if the Landscaping definition doesn’t allow for Zero-Scaping as it states that only 10% can be covered in gravel or wood chips long term of the area that is supposed to be landscaped. Commission Member Forrest stated that if it doesn’t allow for Zero-Scaping, the Planning Commission should take a closer look at it. City Councilmember Wood stated that was a good catch because the City needs Zero-Scaping as we go forward to save water. Zoning Administrator Bench stated that he will strike that language from the text.

At one time in the ordinance, Large Animal and Small Animal was defined as it pertains to which can be kept in certain zoning areas in the City. They have since been changed to Large Livestock and Small Livestock. Livestock is defined as “animals kept for husbandry or for family food production, including the following: “Large Livestock” means horses, mules, burros, donkeys, cattle, sheep, goats, llamas, swine and other similarly sized farm, hooved domesticated animals, excluding domestic dogs and cats and “Small Livestock” means chickens, turkeys, ducks, geese, pigeons, pheasants, rabbits and other similarly sized fowl or animals, excluding domestic dogs and cats.”

The next definitions added are Manufacturing Assembly, Heavy Manufacturing, and Light Manufacturing. They are all about the same definition with a slight tweak on what their meaning is. Assembly Manufacturing means “the assembly, fabrication or processing of goods and materials using processes that create no noise, smoke, fumes, odors, glare, or health or safety hazards inside or outside of the building or lot where such assembly, fabrication or processing takes place.” Heavy Manufacturing means “the assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than average impacts on

the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare, or health and safety hazards, or that otherwise do not constitute "light manufacturing." Light Manufacturing means "the assembly, fabrication or processing of goods and materials using processes that ordinarily create minimal noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication or processing takes place or where such processes are housed entirely within a building."

The next definition added is Protection Strip, which has been in the ordinance, but there have been some problems with them so the Planning Commission recommends that Protection Strips are not permitted within Tremonton City. A Protection Strip is used when a developer builds a road and his property is only on one side of the road, yet he's required to build the whole road, and someone else owns the property on the other side of the road, the developer can put a protection strip along that parcel of property, which in turn, if that property owner decided to develop, that person would have to pay their fair share of the road. There have been too many problems with this code.

The rendering definition that was put in has been struck out and placed as a footnote in Chapter 8. The next definition added is Retail, Big Box Store, which is defined as "a large retail store consisting of fifty-thousand (50,000) square feet or more whose physical layout resembles a large square or box when seen from above." In the Sign section of the definitions a couple have been added including Snipe/Bandit signs, which are defined as "signs made of any material when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects, and the advertising matter appearing thereon is not applicable to the use of the premise upon which such sign is located." Snipe/Bandit signs are prohibited. Another sign added is the Wind Sign, which is defined as "a sign consisting of one (1) or more banners, flags, pennants, ribbons, spinners, streamers or captive balloons, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind or breeze."

The next definition added is Small Wind Energy System, which is defined as "a wind system that it is used to generate electricity; has a capacity of one-hundred (100) kilowatts output or less." There is also a chapter on Small Wind Energy, Chapter 23. Another definition added is Tower, which is defined as "a freestanding monopole structure, no guyed structures shall be allowed." The last definition added to the chapter is Neighborhood Utilities, which is defined as "utilities that include but are not limited to electrical utilities, natural gas utilities, water utilities, canals, sewer utilities, sewer lift stations, storm water retention and detention ponds, storm water utilities, public parks, and public safety facilities. Utility infrastructure may be constructed overhead, surface or underground services. Neighborhood Utilities exclude any, electrical sub-station, or transmission power lines of fifty (50) kv or greater capacity or facility or

infrastructure defined in.” Zoning Administrator Bench asked if there were any questions or comments. There were no other public comments.

The next chapter discussed was Chapter 4 Land Use and Appeal Authorities. It breaks down the duties of the Zoning Administrator such as enforcing these titles, to advise the Building Official on issuing building permits related to these titles, inspect buildings, issue violations and inform the City Council of significant title violations and recommend specific courses of action, maintain files, interpret the codes, and serves as staff to the Planning Commission and is authorized to set Planning Commission agendas and set dates for public hearings on the Planning Commission agenda. It then discusses the Planning Commission as being an 8 member Planning Commission, 7 of which are appointed by the City Council from the general public and the eighth being an appointed City Councilperson who is an ongoing member. It talks about the term in office being 3 years. These items haven't changed. At least 4 members have to be present to constitute a quorum to vote. It then discusses vacancies and removals. If there is something the City Council may not like or something happened, they can certainly remove a member. The Planning Commission will elect a chairperson every year. The Planning Commission's duties include making recommendations to the City Council on the General Plan or administering the General Plan, make recommendation to the City Council on Land Use ordinances, zoning maps, official maps, and amendments, make recommendation on the appropriate delegation of power to a Land Use Authority to hear and act on a Land Use application, make recommendation on the appropriate delegation of power to the Appeal Authority to hear and act on an appeal from a decision of the Land Use Authority, make recommendations on application processes that may include a designation of routine land use matters that, upon application and proper notice, shall receive informal streamlined review and action if the application is uncontested, acts as the Land Use Authority, acts as the Appeal Authority in some cases, and acts as the Traffic Advisory Board.

The next section discusses the Land Use Authority Board, which is a 5 member board. Their terms are unlimited unless they retire or move or whatever the situation may be. Three members have to be present to vote. The Land Use Authority Board consists of the City's Public Works Director, City Engineer, Zoning Administrator, City Manager, and Parks and Recreation Director. The City Attorney and Building Official serve as alternate members. The Chairperson may decide when to use an alternate member in the place of a regular member. The Land Use Authority Board's duties are to act upon Land Use and Development as prescribed in Title I and Title II and act as the Appeal Authority as prescribed in Title I and Title II.

Appeal Authority was discussed next. Instead of having one body as an Appeal Authority, which the City had at one time called the Board of Adjustments, it has been broken out and depends on the situation which Appeal Authority they would

go to. The Appeal Authorities are the City Council, Planning Commission, Land Use Authority Board, the Zoning Administrator, and any other public bodies or individuals specifically prescribed in Title I or Title II. Within some of the chapters, it goes through the appeals process and who that Appeal Authority would be. Each such body has submission of an application and certain things are required to be submitted with the application.

The next chapter discussed was Chapter 5 Constitutional Takings. This would be left strictly up to the City Council to do. As an example, if there was property need for a street or sewer treatment plant or something like that, if perhaps the land owner wasn't complying, it's tricky and there are lots of legalities, but the City Council could go through the process. It's called Constitutional Takings, but the City wouldn't just take it, they would pay fair market value for the price of the property. It's rare that the City would have to do that.

The next chapter discussed was Chapter 6 Zoning District Establishment. This is just a two page list of what the zoning districts are all about. It goes through residential, commercial, and manufacturing districts, the other zoning districts discussed on the Zoning Map such as Public Facilities, Mixed Use, and Sensitive Area, which is the Malad River, and then there is the overlay districts, which are the flood map, sexually oriented business map, etc. The High Water Table Restriction Overlay is listed in this chapter but there is not a map yet so it will be struck from the text. The other one is the Water Source Protection. If you look on the Zoning Map in the upper west side of the City, that 1,000 acres is Country View Estates, which is a planned district, and it's overlay with compatible zoning to what is in the City, but perhaps a little different. If any development is done in Country View Estates, the City would look at the Development Agreement between Country View Estates and Tremonton City. There is some general commercial in Country View Estates and a zone named Transition, which would transition between commercial and residential to make a smooth transition. They have a High Density Zone, which is 8,000 to 12,000 square foot lots, Moderate Density Zone, which is a quarter to a third acre, Low Density Zone, which is a third acre to a half acre, and a Very Low Density Zone, which is a half acre. Nothing changed as far as that is concerned.

The next chapter discussed was Chapter 7 Residential District Zones. RM-7 was changed to RM-8 and RM-15 was changed to RM-16. Footnotes were added to the chapter. Most everything that was in the chapter before is still in the chapter, such as what is permitted and what is conditional in a residential zone. Some footnotes were added to take you to a conditional use permit, parking regulations, the landscape chapter, accessory buildings, definitions chapter, or the number of livestock, etc. The one addition was combining windmills and solar panels into Chapter 23 called Renewable Energy Systems, which is a conditional use in a residential zone.

Commission Member Capener stated that one of the footnotes in the chapter states that no dwelling shall be less than 400 square feet and asked what the reason is for that. Zoning Administrator Bench stated that this is a new addition to the chapter and that there is a rave going across country now about small homes that are around 200 square feet and it was thought that those homes might be great in some areas and if someone came in with that, the City would look at it. Zoning Administrator Bench stated that he didn't know if the City would be totally against that as there are probably appropriate places for those to go. There isn't currently zoning for it so it was best that something was put in so people would have a size to begin with. The City would certainly look at it and find an appropriate place for them. Essentially, if you add up what's required by the building code as far as the size of the kitchen and size of an open room in a home, it doesn't specify the size of bedrooms, and the bathroom has to be a certain size to fit all the fixtures, it adds up to about 400 square feet. That is where the 400 square foot number was derived from.

Zoning Administrator Bench stated that there have been some issues in the past, so Public Dedication was added to Chapter 7. It states that "setback restrictions in this chapter shall not apply to existing structures whose setback is reduced by a public dedication." A public dedication is a street, alley, etc. Those will be looked at on an individual basis.

Livestock is mentioned in Chapter 7 and only the name has been changed. The number of animals or the zoning where livestock is allowed, ½ acre zoning and the 1 acre zoning, have not been changed. There is an exception to some of the Commercial areas by conditional use, through the Planning Commission, that some livestock could be allowed, but otherwise the number and locations of animals did not change.

The next chapter reviewed was Chapter 8 Commercial and Industrial Zones. Zoning Administrator Bench stated that MD, MDB, and MG are the only districts that would allow the agricultural industrial. None of the other Commercial districts would allow for agricultural industrial. They are all by conditional use. The next change was concerning check cashing, payday lender, and title loan businesses and similar uses, which are proposed to be limited to the downtown Commercial district and there is a footnote that has been added stating that only 2 of these locations per 5,000 population will be allowed. There are currently 2 locations in the City. A lot of cities and towns regulate these types of businesses. The Planning Commission decided to place a limit on these types of businesses and only allow them in the Commercial district, which is essentially the downtown area from the river to the railroad tracks. The next change is the tattoo and body piercing establishments. They were listed as a conditional use in the Commercial General and Commercial Highway zones, but they are proposed to be struck out of the text.

Footnote 10 on the Agricultural Industry Business is a definition that was originally proposed to be put in the definitions chapter but has been moved to a footnote in this chapter. It states “rendering or rendering of animals, animal byproducts, by treating, extracting, melting, or other methods to convert or produce fats, oils, fuels, fertilizer, or similar products, whether for human or non-human consumption or use shall be prohibited.”

The next chapter reviewed was Chapter 9 Mixed Use. Zoning Administrator Bench stated that some of the uses in the Mixed Use Zone are banks, barber shops, bookstores, candy stores, churches, clothing stores, convenience stores, daycares, dwellings, florists, home occupations, hotel/motel, ice cream shop, locksmiths, laundries, etc. The Mixed Use Zone basically includes the smaller neighborhood style commercial businesses, which are either permitted or by conditional use in zone. Zoning Administrator Bench asked if there were any questions. Commission Member Capener asked what the definition of Multi-Family Stacked is. Zoning Administrator Bench stated that it is anything above a 2-story FourPlex. A third story would be Multi-Family Stacked. Commission Member Capener suggested adding the definition for Multi-Family Stacked to the definitions chapter. Zoning Administrator Bench stated that he will add it to the definitions chapter. Commission Member Capener asked why it’s not permitted in the Mixed Use Zone. Zoning Administrator Bench stated that the City is looking at a 2-story maximum in this zone so it remains a walkable neighborhood type area.

The next chapter reviewed was Chapter 10 Public Facilities. Zoning Administrator Bench stated that the chapter talks about the purpose, permitted uses, etc. Basically, the Public Facilities are sewer, water, electrical, the equestrian uses the County Fairgrounds has, trails and parks, accessory buildings to what is existing, library, office space, wastewater treatment, recycling collection areas, animal shelters, warehouse, cemetery, etc. As far as conditional uses, there are none. As far as lot regulations, there are none. Basically, these already exist.

Chapter 11 is the Sensitive Area Zone, which has not been changed. Chapter 12 is the Flood Damage Prevention Overlay Zone, which encases the river bottoms. This chapter was mandated by FEMA to be copied verbatim as to how they have it. It was done and approved by the City Council quite a while ago. There are no changes to that chapter.

The next chapter reviewed was Chapter 13 Sexually Oriented Businesses. This chapter is new to the book. In the City’s Revised Ordinance book there are 50 or so pages of regulations for Sexually Oriented Businesses. This chapter just gives potential businesses an idea of what they’re up against. It states that a Sexually Oriented Business must be 1,000 feet away from schools, public parks, public buildings, libraries, religious institution, and any residential use no matter what

the zoning district is. They must also be 600 feet away from other Sexually Oriented Businesses and any gateways, which are the freeway exits.

Chapter 14 is a reserved chapter for the High Water Table Restriction Overlay. The next chapter reviewed was Chapter 15 Water Source Protection Overlay, which is where animal units are discussed. It states in the chapter that in order to protect the water sources, prohibited uses are “storage facilities that store liquid forms of hazardous substances, septic tank and septic tank drain fills, Class 5 underground injection wells, landfills, open dumps, land filling of sludge and septage, manure piles, salt piles, pit privies, drain lines, and animal feeding operations with more than ten animal units. Additional and specific prohibited land uses are contained in the Drinking Water Source Protection Rules of the Drinking Water Division of the State of Utah.”

The next chapter reviewed was Chapter 17 Parking Regulations. There weren't a whole lot of changes to this chapter. There was an illustration added on the size of parking spaces. The next chapter reviewed was Chapter 18 Landscaping, Buffering, and Fencing Regulations. This chapter talks about what's required for commercial, industrial, institutional, multi-family dwellings, etc. concerning trees and grass per square foot of open space. The next chapter reviewed was Chapter 19 Supplementary Regulations. Daycare, Child Care, and Preschool were moved out of the definitions chapter and into this chapter. Also added to this chapter were Trash Enclosures around complexes. Residential Facilities for Elderly Persons and Residential Facilities for Persons with a Disability were also added to this chapter. Also added was Residential Architectural Standards. Besides a dwelling being a minimum of 400 square feet, it must also have a minimum width of 25 feet along the street frontage. Exterior Covering Materials requires exterior and trim materials shall consist of durable, weather resilient, approved for dwelling construction, etc.

There were no changes to Chapter 20 Noise Regulations. There were also no changes to Chapter 22 Communication Facilities, which are cell towers and communication towers. The next chapter reviewed was Chapter 23 Renewable Energy. Windmills and solar panels were added to this chapter. This chapter discusses what needs to be submitted and how to get a permit. It also discusses how tall they can be and where they can be placed. There were no changes to Chapter 24 Home Occupation Permit.

The next chapter reviewed was Chapter 25 Conditional Use Permit. Zoning Administrator Bench stated that these last chapters discussed, the administrative sections, all have the same content in them such as permit required, what's to be submitted, form and contents of required documents, any public notice requirements, whether the Land Use Authority approves it, review and approval procedures, factors to be considered, approval standards, no presumption of approval, reasonable conditions imposed, revoking, and the appeals process.

Commission Member Capener stated that the way the City has structured the Conditional Use Permit, basically a company would have to meet the mitigation standards of the Land Use Authority Board and if they don't, the permit can be denied. City Councilmember Jeff Reese asked if the Land Use Authority Board is willing to take the heat of that decision. Commission Member Capener stated that it's not really a decision. It is whether a company can prove that they can mitigate the issues. City Councilmember Reese stated that proof and doing are two different things and asked again if the Land Use Authority Board is willing to take that load. Commission Member Capener stated that it is structured so that if a company was permitted to come in and they do not adhere to the mitigation that they define, the Planning Commission can pull the Conditional Use Permit. City Councilmember Reese stated that they could be put on temporary repair and that could go on for years. Commission Member Capener stated that it specifically says that the Conditional Use Permit can be pulled and they would be required to shut down. City Councilmember Deakin stated that there is some risk. Zoning Administrator Bench stated that it talks in the chapter about the Zoning Administrator doing some Conditional Use Permits but it is limited to communications facilities, wind energy, home occupations, small commercial, fireworks stands, that type of thing. The Zoning Administrator is authorized to bring any Conditional Use Permit application before the Land Use Authority Board or Planning Commission if, in their opinion, the general public interest will be better served by review of those two boards. The same goes for the Land Use Authority Board to elevate that permit to the Planning Commission and it could be written into the chapter that the Planning Commission can also elevate a permit to the City Council. Chairman Seamons stated that he thought that language should be added.

The next chapter reviewed was Chapter 26 Site Plan Permit. This chapter discusses developments bringing their site plan in before something is built to look at parking, roads, infrastructure, landscaping, zoning issues, and those types of things for approval. Those that have a development agreement are approved through the City Council so most of the Site Plan items would go to the City Council. The next chapter discussed was Chapter 27 Signs. The biggest difference in this chapter was eliminating freeway style billboards. A sign company came and talked to the Planning Commission and wanted to reason with them and stated that they would send information to discuss and work on and the Planning Commission never heard back from them. One thing that was added to this chapter was sidewalk signs. They will be permitted; one per business, the square footage is 8 square feet, professional style signs, and that the signs are only out when they are open and taken in when they are closed. Another change was eliminating off-premise signs.

The next chapter reviewed was Chapter 28 Building Permit. This chapter outlines how to get a building permit in the City such as what to submit, who to submit it to, what to submit with it, etc. The next chapter reviewed was Chapter 29

Variance Permit. It discusses the submission of application, what's required to be submitted, what public notice if any, review and approval, etc. The City Attorney will most likely handle the majority of Variance Permit applications as it has been structured. The next chapter discussed was Chapter 31 Rezoning of Property. If someone wants to rezone their property, it discusses what they will need to submit, the application and public notice process, and the public notice procedures. It starts with the Zoning Administrator, goes to the Planning Commission, and then to the City Council. It discusses the guidelines on what to approve, if their denied it discusses resubmitting the application, and the appeal authority. The next chapter discussed was Chapter 32 Title Amendments. The same items are included in this chapter; submission of application, form and content of what to submit, public notice process, and the review and approval process, which is the Zoning Administrator, Planning Commission, and then the City Council. It also discusses what to do if they are denied and who to appeal to. Chapter 33 is reserved for a Planned Unit Development chapter. The next chapter discussed was Chapter 34 Annexations. This chapter also discusses the application, what to submit, who to submit it to, public noticing, and annexations are handled by the City Council.

City Councilmember Reese asked the Planning Commission how long they have been working on reviewing this ordinance. City Councilmember Deakin stated that they have been working on it for 3 years. Zoning Administrator Bench stated that they biggest item was creating the permit chapters and lining it out in the new format to make it easier for everybody. Zoning Administrator Bench stated that he would recommend that if there is controversy with the slaughterhouse issue to not hold up the approval of the rest of the ordinance. City Councilmember Reese thanked the Planning Commission for their hard work. There are some volatile things going on in the City and he is trying to get all of the information that he can. City Councilmember Deakin stated that the slaughterhouse issue is dead. City Councilmember Reese stated that a couple members of the City Council don't think it is because of the wording in Chapter 8. Chairman Seamons stated that the stance that the Planning Commission has taken is that the main issues with the slaughterhouse were noise and traffic, which can be mitigated. With the rendering plants and bi-product plants, they feel those items can't be mitigated, so that's why they were prohibited. The thing the Planning Commission is afraid of the City doing is boxing itself in and bringing liability to the City where there is basically a land owner and he can't do anything with his property. Commission Member Capener has done a lot of research and that was the Planning Commission's biggest concern and that's what they hoped to address and look at. Any company, that isn't a slaughterhouse, that comes in could stink just as bad and what is the City going to do about that. City Councilmember Reese stated that City Councilmember Deakin tried to explain that to the City Council. Chairman Seamons stated that there are issues there and the Planning Commission looked at it to find what wasn't wanted, which was smell so if a company can mitigate that, why shouldn't the City let them. Commission Member Capener stated that an

important thing to note in this particular situation is that Lay-Z-Boy in the MG zoning currently has a permitted use to operate animal facilities and other uses that are potentially concerning. The main issue that is the biggest concern has been changed to a Conditional Use, which would require mitigation standards and they would have to adhere to all of these that have been discussed whether it be sewer issues, traffic issues, neighborhood issues, smell issues, etc. Commission Member Capener stated that in his mind it is a simple question. If a company can mitigate these issues, would the City allow them? It's not up to the City Council to make sure these items are mitigated, that's why the City has a City Engineer, Attorney, Zoning Administrator etc. City Councilmember Reese stated that he understood Commission Member Capener's statements but also stated that there is still a ton of volatility, which is the bad part.

Zoning Administrator Bench stated that the elected officials can take public comments and concerns more than the public appointed officials. Chairman Seamons stated that is why he thinks it would be good to add the language to the Conditional Use Permit to elevate it up to the City Council if the Planning Commission feels so inclined because they are the elected officials. Hopefully the City Council gets the facts from everyone down below, the Engineers, Attorneys, and everybody else, and they can make a rational decision on it.

City Councilmember Deakin stated that what the Planning Commission has spent much time looking at, thinking about, and talking about and finally submitted to the City Council, almost without exception, everything the Planning Commission has spent time on, the City Council has been very supportive and have supported them in their actions. This might be another one, it might not. City Councilmember Reese stated that if this doesn't go, it's going to be because of this one issue. City Councilmember Deakin stated that he didn't think any of the Commission Members would be offended if that's the way it goes. City Councilmember Deakin also stated that his way of thinking was adjusted a little bit on this issue by having the discussions with the Planning Commission. Initially his thought was we should look at everything and then when public comment said they weren't interested, his thought changed to not looking into it. As he has sat and listened to the discussions, the places that the City can set up to come in on this issue are to prohibit it, permit it, or they can look very carefully and closely when situations come up. There are some things that the Planning Commission just wanted to prohibit and those have been specified.

Commission Member Capener stated that if everyone understood how it all played together, it would be an easy decision. Commission Member Mickelson stated that it would be less of an emotional decision and more of a factual decision. City Councilmember Deakin stated that as he sat and listened to the discussions of the Planning Commission, to prohibit something from now until forever is a pretty serious thing. We are an agricultural community, why would we prohibit something in the future. City Councilmember Reese asked City

Councilmember Deakin to explain that at the City Council Meeting. City Councilmember Reese stated that he doesn't disagree with what is being said, it's the emotions. The emotions are trumping everything else. Commission Member Mickelson stated that as he's watched comments on Facebook, almost none of them had to do with facts. They were based on gut emotion. Then City Councilmember Holmgren wrote up an article in the paper and he was watching everyone's reactions and was making his own decision and after reading the article, there were things that he wished he knew before he made his emotional decision. There is now reasoning behind his decision and he feels less argumentative and more thoughtful about the issue but most people don't have the data.

City Councilmember Reese asked if the Planning Commission is for it, against it, or split. Commission Member Anderson stated that he lives across the street from the Lay-Z-Boy building and stated that his first impression and thought was that he didn't want anything like that here because it was unknown what would happen to his property value. But after listening to what's been said here in the Planning Commission meetings, he's been convinced that the smell could be taken care of. Now as far as the traffic, the traffic has actually gotten worse on that street since Lay-Z-Boy left because of Malt-O-Meal and the hospital and it is now a major access to the freeway. If a business was put in Lay-Z-Boy that has 100 trucks per day, it probably wouldn't make that much difference. City Councilmember Deakin added that there are only 6 people who live closer than Commission Member Anderson. City Councilmember Deakin stated that he thinks that Commission Member Summers is generally for it and he's not sure where Commission Member Gonzales stands. Chairman Seamons stated that when he first heard about it, he was like Commission Member Anderson and didn't want it. He was worried about saying yes that he'd like to have it because he didn't think a decision could be made on what information he had and what he knew. He was a fence sitter, but now he knows that the smell can be mitigated. You would never know it was even there, but people are too afraid. Commission Member Anderson stated that another concern was about the company using the City's sewer system and that would be a problem, but maybe it would be a benefit to the City. City Councilmember Reese stated that he takes the words of Public Works Director, Paul Fulgham, that he didn't think that would be an issue because by doing that, we could charge them to the point that we could get rid of the smell problem that we have now. Chairman Seamons stated that they discussed with Commission Member Forrest before he left and he is good with the wording that is in there, as is Commission Member Capener. Commission Member Mickelson stated that there are two questions; whether he wants that exact plant or is he okay with a company like that coming in. He did not want that plant there under current circumstances because he didn't want the High School to smell bad and be a distraction to the youth. That was his biggest concern. He doesn't believe a rendering plant can mitigate the smell, but he does believe a slaughtering plant can and if they could, is there another reason that someone

wouldn't want them here and it would bother him if it were going to be a nuisance in any way. He is open to any other thing if they can put the money into to mitigating those things and it benefits the community.

Commission Member Capener stated that in his opinion, the way they have structured it, they're not for a slaughterhouse and they're not against a slaughterhouse. City Councilmember Deakin stated that they are detached because this is not talking about hogs. Commission Member Mickelson stated that they can't make a decision about a hog rendering plant because it is too specific. Commission Member Capener stated that he didn't understand City Councilmember Deakin's statement. City Councilmember Deakin stated that we're not discussing hogs; we are discussing in the future if someone came in and stated that they would like to slaughter 50 cows per day, if the City has made that prohibited, they can't talk to the company, but the City could make that work. What the City is doing now is saying it's not the hog issue, what we're looking at is the future and what City Councilmember Wood suggested is setting a number of animals per day. What the Planning Commission is trying to say is not to write in the City's code that you have to slaughter less than a certain number of animals so a company will come in and do one less. We're not going to be that specific. In the end, the smartest thing to do is for the City to say that if you have something, we'll look at it. It can't be a nuisance but if you can mitigate it to make it work, we'll look at you. It's not prohibited, but it's not permitted. City Councilmember Reese stated that is what an open-minded City should do. Commission Member Mickelson stated that there is a standard that we're open to allow you to try to meet that standard. If the company can't meet that standard, the City doesn't have to make a decision, the company made the decision. City Councilmember Deakin stated that they have been convinced through research that just as you can measure the Biochemical Oxygen Demand (BOD) going to the treatment plant, just as the ozone can be measured to know if it is a red burn day or green burn day, there are ways that you can measure odor coming out of plants.

Chairman Seamons asked if there were any more comments or questions from the public. There were not comments or questions.

Chairman Seamons closed the public hearing at 7:47 p.m.

4. New Business:

- a. Discussion and consideration of approving a preliminary plat for a one-lot subdivision at 2425 West 600 North – Ryan and Christyn Kendrick.

Zoning Administrator Bench stated that on 600 North by the River Valley Subdivision, they desire to do a one-lot subdivision, which is shown on the plat as Sorensen Subdivision Phase 2. Phase 1 is down where the future road 2450 West would be. There are two lots on the south end just off 500 North. The zoning is

R1-10. This lot is 17,481 square feet, which meets the zoning. It has been to the Land Use Authority Board and ordinance requires it to come to the Planning Commission for a preliminary approval and then back to the Land Use Authority Board for final approval.

Chairman Seamons asked if there were any questions or comments. Commission Member Capener asked if there will be sidewalk on the northwest side. Mr. Chris Sorensen stated that there won't be at this time. Not until the road is developed. Commission Member Capener asked if that would be the developer or the City's responsibility. Zoning Administrator Bench stated it would be the developer that would put it in. Commission Member Capener asked about the setback as he thought it was 30 feet and 30 feet. Zoning Administrator Bench stated that in the R1-10 zone it is 30 feet and 25 feet setbacks. Chairman Seamons asked if this plat needs to go to the City Council for approval. Zoning Administrator Bench stated that it goes back to the Land Use Authority Board.

Motion by Commission Member Anderson to approve a preliminary plat for a one-lot subdivision at 2425 West 600 North. 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.

- b. Discussion and consideration of approving a preliminary plat for Tremonton Pines Subdivision – Kirt Sadler.

Zoning Administrator Bench stated that Tremonton Pines already exists. It went into default and is now owned by Kirt Sadler. Phase 1, that was already approved and recorded, had 2 buildings already approved; a SixPlex and a FourPlex. Phase 1 needs to be amended, as Mr. Sadler is doing Fourplexes instead and will be replatted showing 44 units in Phase 1. There will be a street that will bridge across the canal and tie into Chadaz estates as part of Phase 2. The amenities will be put in with Phase 2. Commission Member Capener asked if these will be rentals or condominiums. Zoning Administrator Bench stated that they will be rentals. The perimeter will be fenced and the road will be private. Chairman Seamons asked if Mr. Sadler will maintain it through the bridge. Zoning Administrator Bench stated that he will be required to maintain the bridge.

Motion by Commission Member Anderson to recommend to the City Council the Tremonton Pines Phase 1 amend and extend and approve a preliminary for Tremonton Pines Subdivision Phase 1. 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.

- c. Discussion and consideration of approving a preliminary plat and zone change for

Spring Hollow Legends – Jay Christensen.

Zoning Administrator Bench stated that the current zoning is R1-12. There are two subdivisions being proposed; Lots 1-16 will meet the current zoning. Lots 17-45 are what will be called the Spring Hollow Legends, a retirement community, which will be closer to 6,000 plus square feet lots. Mr. Jay Christensen stated that these size lots are common for these types of planned communities throughout the state. Commission Member Mickelson asked where a nearby community like this is. Mr. Christensen stated that there are about 4 in Logan and none in the Tremonton area.

Zoning Administrator Bench stated that this development will be a hybrid private community as the street will be a public street where the City will plow snow, garbage trucks will collect garbage, etc. It will be a 55+ adult community. The issue is what to do with the zoning. The Spring Hollow Legends portion is prohibited under the current zoning. There is not currently anything in the zoning code smaller than R1-8. The Planning Commission can do an overlay zone as a PUD and call it Legends PUD, which is how it would show up on the zoning map or they could put something in the code for R1-6. Commission Member Capener stated that a PUD makes sense in this situation.

Commission Member Mickelson asked if there will be a fence around the entire development. Mr. Christensen stated that there is a 30 foot area for a walking path and that area will all be fenced. City Councilmember Deakin asked if the houses will be attached. Mr. Christensen stated that they will be single, unattached homes. There will be space in between the homes with some fencing. City Councilmember Deakin asked about the size of the homes. Mr. Christensen stated that it varies between 1,200 to 1,500 square foot homes with small yards. Commission Member Mickelson asked if they will have garages attached to the homes. Mr. Christensen stated that there will be attached garages. Commission Member Capener asked about yard upkeep. Mr. Christensen stated that there will be a Home Owner's Association (HOA) to do the yard upkeep.

Motion by Commission Member Capener to approve a preliminary for Spring Hollow Subdivision Phase 1 and Spring Hollow Legends Phase 1 and recommending Spring Hollow Legends as a zone change for a public hearing. 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.

- d. Discussion and recommendation to the City Council of the Title II – Subdivision Ordinance of Tremonton City.

City Councilmember Deakin stated that items discussed during the public hearing were: the zoning by McDonald's, the zero-scaping language, possible 400 square

feet language, possible language per City Councilmember Wood's recommendation in the definitions, stacked multi family definition, and elevating Conditional Use Permits to the City Council.

Chairman Seamons asked if there were any comments or questions. The wording that the Planning Commission has come up with will be submitted to the City Council. Commission Member Capener asked Zoning Administrator Bench to read the definition of rendering again. Zoning Administrator Bench read "render or rendering of animals, animal byproducts, be treating, extracting, melting, or other methods to convert or produce fats, oils, fuels, fertilizers, or similar products whether for human or non-human consumption or use shall be prohibited." The definition has been added to chapter 8 as a footnote. Commission Member Capener stated that is a better place to have it than the definitions chapter.

Commission Member Mickelson asked if there was a way to get the research Commission Member Capener had to the City Council. Zoning Administrator Bench asked Commission Member Capener if he could gather the information so it could be given to the City Council soon for their review.

Motion by Commission Member Anderson to recommend to the City Council the Title II – Subdivision Ordinance. 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.

- e. Discussion and recommendation to the City Council of the Title I – Zoning Ordinance of Tremonton City.

City Councilmember Deakin reiterated the changes mentioned during the public hearing. The zoning behind McDonalds that is shown on the map as being changed to Commercial Highway (CH) remaining Mixed Use (MU). Zero-scaping language to allow zero-scaping. Chairman Seamons stated that the 10% zero-scaping would be struck out. Adding the definition of Stacked Multi-Family and the ability for the Planning Commission to elevate a Conditional Use Permit to the City Council if it is overly sensitive.

Commission Member Capener stated that he is concerned about Heavy Industry that is permitted in the same zone and wondered about changing it to a Conditional Use Permit as it has high impacts on the environment. Light, Heavy, and Assembly Manufacturing are all currently a permitted use. The City needs the ability to impose conditions upon these businesses based on what they do. Zoning Administrator Bench stated that he agrees with the Heavy Manufacturing being a Conditional Use but not the Light or Assembly Manufacturing because the Industrial Park is the Industrial Park. Commission Member Capener asked if the ordinances are sufficient to handle that sort of a scenario. Zoning Administrator

Bench stated that they are through the Site Plan Review process. Chairman Seamons stated that Heavy Manufacturing should be changed to a Conditional Use.

Motion by Commission Member Mickelson to recommend to the City Council the Title I – Zoning Ordinance with the five noted changes. 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.

5. Adjournment:

Motion by Commission Member Mickelson to adjourn the meeting. Motion seconded by consensus of the Board. The meeting adjourned at 8:45 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 9th day of July, 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.