

**TREMONTON CITY CORPORATION  
PLANNING COMMISSION  
September 25, 2012**

Members Present:

Richard Seamons, Chairman  
Rosa Gonzales, Commission Member  
Jared Summers, Commission Member  
Troy Forrest, 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 September 25, 2012, in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Chairman Richard Seamons, Commission Member Rosa Gonzales, Commission Member Jared Summers, Commission Member Troy Forrest, City Councilmember David Deakin, Zoning Administrator Steve Bench, and Deputy Recorder Linsey Nessen were in attendance. Also in attendance were Grant Martin, Jay Stocking, and Lyle Holmgren. Commission Member Brian Mickelson and Commission Member Micah Capener were excused.

1. Approval of agenda:

**Motion by Commission Member Forrest to approve the September 25, 2012 agenda.** Motion seconded by Commission Member Gonzales. Vote: Chairman Seamons – aye, Commission Member Gonzales – aye, Commission Member Summers – aye, and Commission Member Forrest – aye. Motion approved.

2. Approval of minutes: September 11, 2012

**Motion by Commission Member Gonzales to approve the minutes of September 11, 2012.** Motion seconded by Commission Member Forrest. Vote: Chairman Seamons – aye, Commission Member Gonzales – aye, Commission Member Summers – aye, and Commission Member Forrest – aye. Motion approved.

3. New Business:

a. Discussion of zoning concern – Grant Martin.

Mr. Grant Martin stated that there have been a few issues with the neighborhood he lives in on 580 North 2650 West. There are several apartment buildings being built and Mr. Martin stated that he had just been out to measure the lot and the building is too tall and the parking is right against the curb and asked if the City reviews these projects before they are started. Chairman Seamons stated that developments are reviewed and approved by the Land Use Authority Board prior to anything being built, as that is part of the process for getting a building permit. Mr. Martin asked who enforces the building

codes. Chairman Seamons stated that it is the Land Use Authority Board, which meets every Wednesday morning if there are agenda items.

Mr. Martin read from the City Subdivision Code that “multi-family housing areas shall be fully landscaped and include lawn areas, foundation plantings, street trees, and shade trees” and stated that there are currently four or five apartment buildings that have no landscaping and no fencing. Zoning Administrator Bench stated that some of the apartment buildings are not in the Neighborhood Mixed-Use Zone but are instead in the Commercial Highway Zone. These original apartment buildings are six or seven years old and are in the Commercial Highway Zone. Mr. Martin asked who developed the property. Zoning Administrator Bench stated that Jay Stocking was the original developer and then sold it to Blake Parkinson who is the current owner. Mr. Stocking stated that he did not build the apartments, Mr. Parkinson did.

Mr. Martin asked how they can get those apartments cleaned up because there is garbage up against the fences and maybe having them cleaned up would help stop the crime rate from rising. Commission Member Forrest stated that there is some enforcement the City can do in regards to cleaning up the garbage. Chairman Seamons stated that would be enforced by the City’s Code Enforcement Officer along with vacant lots having weeds mowed down, which is the owner’s responsibility, but that Mr. Martin would need to call the Code Enforcement Officer because the Planning Commission is not responsible for someone’s yard. Mr. Martin stated that the Planning Commission is responsible for making the rules of how these apartments are built and that those rules are not being followed. Chairman Seamons stated that if the rules are not being followed that Mr. Martin would need to speak with Zoning Administrator Bench and bring it to his attention.

Mr. Martin stated that his home is only three years old and isn’t up to code and that there are endless things wrong with it and that is the problem because these houses aren’t being tracked as they’re being built. Mr. Martin also stated that houses that are built from here on out need to be up to code and there needs to be tighter enforcement on builders. Chairman Seamons stated that the Planning Commission is not responsible for regulating builders that is the Land Use Authority Board. Mr. Martin asked who is on the Land Use Authority Board. Chairman Seamons stated that Zoning Administrator Bench, the City Engineer, Chris Breinholt, the City Manager, Shawn Warnke, and the City’s Public Works Director, Paul Fulgham are members of the Land Use Authority Board.

Mr. Martin asked how the City can put a stop to this so that no other home owners have to deal with what he has had to deal with. Commission Member Summers told Mr. Martin that he has great concerns but that he brought them to the wrong Board because the Planning Commission does the zoning, not the upkeep of properties. Mr. Martin stated that when he purchased his home he was unaware that the surrounding area was zoned for apartments. No one in his neighborhood knew that either. Chairman Seamons stated that the zoning of areas is public knowledge and that they could have come in to the City to find out what zone there house is in. Public Meetings are advertised and held

any time there is a zoning change that the public can attend and voice their concerns. Mr. Martin stated that the zoning for his neighborhood has already been set and there is nothing he can do about it.

City Councilmember Deakin stated to Mr. Martin that the enforcement of codes is taken very seriously by the City and if that's not happening it needs to be addressed. The enforcement of codes happens before the City approves the development and before anyone can occupy a home but City Councilmember Deakin asked what Mr. Martin wants the Planning Commission to look at moving forward. Mr. Martin stated that he wants the Planning Commission to make the community better. He understands that apartments need to be built, but there are so many and he doesn't know what can be done to keep the crime from going up. Commission Member Forrest stated that City's are federally mandated to have so much low income housing available and the Planning Commission is faced with the decision of where to zone for it. Mr. Martin stated that he understands that but none of his neighbors or him were aware of that when they bought their homes.

Mr. Martin stated that he was told that the Planning Commission was the Board that he needed to come before and now he's being told that he came to the wrong place. Zoning Administrator Bench stated that if he wants the City to look at changing zoning or some of the building specifications that the Planning Commission is the place to do that. Mr. Martin stated that he was told that they couldn't be changed now anyway. Zoning Administrator Bench stated that there is land all around this neighborhood that hasn't been plated and that there are no apartments planned to the north of them. There are things that can possibly be done such as regulating the R1-10 zoning more though and the Planning Commission would be the board to bring that to. Mr. Martin stated that the zones are already set in writing on the zoning map. Commission Member Forrest stated that the zoning map is changed all of the time, that's part of why the Planning Commission meets. Zoning Administrator Bench stated that if Mr. Martin wants to change some of these items he can bring it before the Planning Commission and they will discuss it to length and decide what is best for the City.

Mr. Stocking stated that they would like to do what is best for the neighborhood. All of the lots were zoned before the houses were built and the apartments were built to act as a buffer between the commercial and residential zones. The design was there to help everybody in the beginning. Chairman Seamons stated that the Planning Commission can take a good look at the zoning again and figure out what can be done to help mitigate the situation in the future. Mr. Martin asked if the apartments that are currently being built will have fences and landscaping. Mr. Stocking stated that they will. Zoning Administrator Bench stated that he will try to contact Blake Parkinson about cleaning up the lots and thinks that the City's Code Enforcement Officer, Greg Horspool, is also trying to contact him. Chairman Bench also invited Mr. Martin to come to his office and review the Building Code with him. Mr. Martin thanked the Planning Commission for meeting with him.

- b. Approval and recommendation to the City Council of amending and extending lots 26,

29, and 40 of Holmgren Estates East Phase 2 – Lyle Holmgren.

Mr. Lyle Holmgren stated that lots 26, 29, and 40 will be amended and extended to the Malad River. Commission Member Forrest asked if there will be a right-of-way for the Malad River Trail Corridor. Mr. Holmgren stated that there is a right-of-way for the Malad River Trail Corridor. Chairman Seamons asked the Board if there were any questions or concerns about the proposed amend and extend. There were no questions or concerns.

**Motion by Commission Member Forrest to recommend to the City Council the approval of amending and extending lots 26, 29, and 40 of Holmgren Estates East Phase 2.** Motion seconded by Commission Member Gonzales. Vote: Chairman Seamons – aye, Commission Member Gonzales – aye, Commission Member Summers – aye, and Commission Member Forrest – aye. Motion approved.

- c. Discussion and review of the Tremonton RDA Moderate Income Housing Plan.

Several of the Commission members were not at the last meeting when the Tremonton RDA Moderate Income Housing Plan was handed out. Chairman Seamons stated that this item will be tabled so the Board can review the plan and discuss it at the next meeting.

4. Unfinished Business:

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

Chairman Seamons also stated that this item will be tabled until next meeting.

5. Adjournment:

**Motion by Commission Member Forrest to adjourn the meeting.** Motion seconded by consensus of the Board. The meeting adjourned at 6:25 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 23 day of October, 2012



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.